



**REPORT ON THE CONSULTATION OF
THE SUBSIDIARITY MONITORING NETWORK ON THE
REVIEW OF EU AIR QUALITY AND EMISSIONS POLICY**

Rapporteur: Mr Cor Lamers (NL/EPP)



<http://subsidiarity.cor.europa.eu>

Disclaimer:

This report does not seek to reproduce all the contributions to the Subsidiarity Monitoring Network, but rather to summarise the main points. The information it contains is purely for illustrative purposes. The report is not binding on the CoR administration and does not prejudice the final content of the relevant CoR opinion.

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This document consists of 20 pages.

1. Introduction

A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement¹.

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions (CoR) to prepare an outlook opinion on this issue.

Mr Cor Lamers, rapporteur for this outlook opinion, asked for a targeted consultation of the Subsidiarity Monitoring Network (SMN): a questionnaire, touching on subsidiarity-related issues and other aspects relevant to local and regional authorities², was therefore submitted to the SMN members. The consultation ran from 18 October to 2 December 2011.

The aim of the consultation was to gain an understanding of the administrative, financial and legal implications of existing EU air quality and emissions legislation at local and regional level as well as the resulting requirements for a review of this legislation, as perceived by the SMN partners.

Furthermore, the outcome of the consultation should provide input for the preparation of the above-mentioned outlook opinion, to be adopted by the CoR's ENVE commission during its meeting on 7 February 2012.

In total, **23 replies** (22 to the consultation's questionnaire and one other contribution³) were submitted by local and regional stakeholders from nine Member States: 18 from SMN partners, one from a member of the CoR's EUROPE2020 Monitoring Platform, and four from other stakeholders⁴.

In terms of administrative level, six replies were from municipalities or associations of local authorities, two from provincial authorities⁵ and 15 from regional authorities.

In terms of geographical source, seven replies were received from Austria, five from Spain⁶, three from Germany, two from the United Kingdom and one each from Belgium, Italy, Lithuania, Sweden and the Netherlands. One contribution came from a European association of local authorities.

1 For further information see http://ec.europa.eu/environment/air/review_air_policy.htm.

2 See Appendix I.

3 Contribution from Eurocities to the European Commission's stakeholder consultation, which was taken into account for this consultation report as it also touches on issues that are included in the CoR's questionnaire.

4 See Appendix II: List of contributions. The contributions themselves can be found in Appendix III.

5 Including a grouping of provincial authorities.

6 Two contributions from Spanish respondents and one from an Austrian respondent were received on 12 and 13 December 2011 only and could therefore not be taken into account for this report. They were forwarded as such to the rapporteur and can also be found in Appendix III.

2. Synthesis of contributions

2.1 Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe⁷(question 1)

2.1.1 Compliance with limit/target values

Thirteen respondents report that their local/regional authority does not comply with the limit/target values set in the Air Quality Directive. Most of these cases relate to the values for PM₁₀ and NO₂⁸.

Two respondents (from Spain and Sweden) report that their respective authorities do comply with the values without exception.

Three other respondents state that there is compliance in most the cases.

The association of Lithuanian municipalities indicates that with certain exceptions, depending on meteorology and season, most values are not exceeded. Another Spanish respondent reports that the values for PM_{2.5}, PM₁₀ and NO₂ have always been respected and that only the target value for ozone has been exceeded. One respondent from the United Kingdom replies that there is compliance and only "*in a small number of urban areas*" are the limit values for NO₂ not met.

2.1.2 National air quality/short term action plans

The answers to this and the following question depend on the division of competences for the drafting of such plans within the individual Member States.

Nine respondents (from Austria, Belgium, Germany, Spain, the United Kingdom⁹, and the Netherlands) reply that their respective national governments did develop such plan(s). Six respondents (from Austria, Germany, Lithuania, Italy and Sweden) answer the relevant question in the negative.¹⁰ Four Austrian respondents are unaware of any such national plan(s).

2.1.3 Local/regional air quality/short term action plans

Fourteen respondents (from Austria, Belgium, Germany, Italy, Lithuania, Spain, the United Kingdom and the Netherlands) reply that their relevant authority has developed plans.

The respondent from Sweden indicates that the values are not exceeded within its authority (see point 2.1.1) and answers this question consistently in the negative. One Spanish respondent, also reporting full compliance, replies that such plans were nevertheless developed.

⁷ Hereafter referred to as the Air Quality Directive.

⁸ Some respondents do not specify the values concerned.

⁹ In the United Kingdom, the devolved administrations of Scotland, Wales and Northern Ireland were involved in the development of the national plans.

¹⁰ It should thus be noted that Austrian and German respondents provide different information about the existence of such plans in their respective Member States.

The other Spanish respondent, reporting that only the target value for ozone has been exceeded, points out that no such plans were developed in the relevant regional authority because the high level of ozone is due to the high temperatures and solar radiation in summer.

2.1.4 Postponement of attainment deadlines/exemptions from the obligation to apply certain limit values

Fourteen respondents report that requests concerning exemptions for PM₁₀¹¹ were made. In 12 of these cases as well as in two additional cases, the postponement of attainment deadlines for NO₂¹² was also requested¹³. Regarding PM₁₀, these exemptions were in most cases granted by the European Commission. As far as NO₂ is concerned, the Commission's decision is still pending in 13 cases, in only one case has the deadline already been postponed.

Logically, there was no such request from the above-mentioned respondent from Sweden indicating full compliance with the values and the Spanish respondent reporting problems only with regard to ozone. The other Spanish respondent also reporting compliance replies nevertheless that such postponement/exemption was requested. Finally, the Lithuanian respondent has no information concerning this issue.

2.2 Compliance with air quality standards (question 2)

2.2.1 Reasons for many municipalities and regions having difficulties meeting the limit values for PM₁₀, and NO₂ /target values for PM_{2,5}

Regarding PM₁₀, respondents mention the following main aspects:

- Main sources of pollution: road traffic (high proportion of diesel vehicles) and the burning of solid fuels.
- Significant influence of climate (frequent inversion conditions, little wind, rainfall, etc.); the resulting regional differences are not taken into account by the Air Quality Directive.
- Importance of transboundary pollution over which the respective local authority has no control: only a part of the concentration of PM₁₀ can be attributed to local sources. A large part of it comes from the broader background including sources from outside¹⁴ (for example long-distance haulage), which means that specific local reduction measures have a limited scope.

¹¹ Exemptions could be granted until 11 June 2011.

¹² Deadline can be postponed until 31 December 2014.

¹³ The other respondent from the United Kingdom indicates that no such postponement was requested for its local authority as compliance with NO₂ limit values would not be achieved until 2020 – 2025. The Italian respondent gives information only about PM₁₀.

¹⁴ The figures provided by respondents vary between 50 and 80 %.

- Increased use of biomass (for example wood for domestic heating).
- Significant influence of particular topographical conditions (basins, deep valleys – aspect mentioned by respondents from Austria and Italy).

NO₂: Most of the respondents highlight the following issues:

- The main source of pollution: road traffic, in particular diesel vehicles.
- Rising emissions from diesel vehicles because of EURO standards failing to deliver the expected NO_x reductions: according to several respondents (from Austria, Belgium, Germany, Spain, the United Kingdom and the Netherlands, aspect stressed also by Eurocities), compliance with the values is hindered in particular by the fact that diesel vehicles, in real urban traffic conditions, have in fact increased direct emissions of NO₂. Respondents believe that the EURO standards do not reflect real driving conditions and they stress the deficiency of the NEDC cycle, which serves as a basis for these standards.
- The increasing number of diesel vehicles ("fleet dieselisation"): respondents from Austria, Spain and the United Kingdom stress the high proportion of diesel vehicles in their respective countries, due to financial incentives and the diesel technology's positive image as being environment-friendly.
- The delayed introduction of the EURO 5/V (2009) and the 6/VI standard (2013 for trucks and 2014 for passenger cars) aiming at reducing NO_x emissions, whereas NO₂ limit values have been binding since 2010.

2.2.2 Suggestions as regards dealing with these difficulties and related needs

Respondents outline the importance of the following main EU policies/actions/financial means:

- the need to set ambitious EURO emission standards, valid in real driving conditions;
- the need to review the EURO 6/VI standard as initial exhaust emission measurements show that even these diesel cars fall far short of expectations in terms of NO₂ emissions;
- the fact that giving municipalities and regions more time to comply with limit/target values as the EURO 5 (V) standard did not achieve the expected reduction in emissions;
- the need for enhanced measures to move the vehicle fleet towards low-emissions vehicles (e.g. electric or hydrogen-fuelled cars);
- the need for a common European system of vehicle labelling, indicating the pollution level, at least of PM₁₀ and NO₂, as already existing for CO₂ emissions;
- the need for greater support for specific infrastructure projects to improve air quality, such as enclosing/creating tunnels for central arterial routes, constructing bypasses;
- the need for greater support for projects to improve mobility in municipalities with air quality problems, such as smart traffic management and major local public transport projects.

.../...

National financial means

- the need to review (wood) heating systems and expand public transport;

Other measures

- the need to make public transport more attractive (e.g. by means of awareness-raising campaigns);
- the need to develop rail/transfer lorry traffic to rail.

2.3 **Approach taken by the Air Quality Directive and subsidiarity** (question 3)

Sixteen respondents believe that the Directive's approach, with Member States being required to take appropriate air quality measures, is in principle correct. They stress that the Member States, e.g. their central, local and regional levels, are best suited to take account of specific local and regional conditions in this context. This position is shared by Eurocities.

However, the majority of respondents consider that existing EU legislation is not sufficient to achieve full compliance with air quality standards. They stress that there are aspects that cannot be regulated by Member States acting alone, but have to be dealt with by EU legislation.

These aspects requiring EU legislation include:

- the long-distance/transboundary transportation of air pollutants;
- the need for ambitious EURO exhaust fume standards for vehicles, taking account of current technology and real driving conditions (see points 2.2.1 and 2.2.2);
- the need for EU emission standards for large and small combustion plants;
- the need for coherence between different EU policies as there is a conflict of objectives at EU level: the EU gives preference to agriculture, transport and the rights of the internal market without regard for air pollution requirements;
- the particular need for more coherence between climate change and air quality policies: some efforts to reduce greenhouse gas emissions can have adverse effects on air pollution (for example increased use of biomass causing more emissions of PM and of black/ elemental carbon);
- the need to assess compliance with air quality standards: methodologies of compliance need to take account of the specific circumstances, e.g. local/regional geographic and meteorological conditions. The failure of EURO standards, being outside the control of national authorities, must also be considered in this context.

Three respondents consider that the above-mentioned approach of the Air Quality Directive is not correct. One Spanish respondent stresses in this context that it is *"necessary to understand the distribution of competences in each country before requiring that appropriate measures be taken."*

Finally, the respondent from the Netherlands believes that *"EU measures are more effective than local and regional measures."*

2.4 The EU approach to combating emissions (question 4)

2.4.1 Coherence between immission- and emission-related EU legislation

All respondents consider that there is no sufficient coherence between the immission-related EU legislation¹⁵ on the one hand and the legislation concerning emissions from specific sectors on the other hand.

They highlight the following aspects in the main:

- the discrepancy between ambitious immission-related air quality standards and the inefficient EURO standards in practice increasing direct NO₂ emissions (see also replies to questions 2.2 and 2.3);
- the lack of coordination between the implementation of air quality standards and the introduction of emission standards: the NO₂ limit values had to be met by 2010, but the EURO 6 standards will not become mandatory until 2013/2014, the conversion of the vehicle fleet to Euro 6/VI will take six to eight years. Either the stricter emissions standards for vehicles are being imposed too late, or the NO₂ limit value has been implemented far too early;
- the IPPC Directive¹⁶ and EU legislation concerning pollutants from maritime transport are not achieving the reductions expected by the Air Quality Directive and during the planning process. In transport, especially, there are considerable discrepancies in this regard;
- the pollutants addressed in sectoral legislation are not the same as those covered by the Air Quality Directive: EURO standards for road vehicles are for particulate matter and oxides of nitrogen, whereas the limit values in the Directive are for fine particulate matter and nitrogen dioxide.

2.4.2 An Effective EU approach for reducing air pollution and improving health conditions

According to respondents, an effective EU approach would require the following main actions:

- the setting of ambitious EURO vehicle emission standards valid in real driving conditions along with further measures for a clear reduction in NO_x emissions for diesel engines (Euro 7) and the prompt implementation of these (see points 2.2. and 2.3);
- the setting of air quality standards that take account of the effectiveness of vehicle emission standards;
- on the timing of air quality standards: consideration the time it takes for vehicle emission standards to lead to real-world improvements;

¹⁵ Air Quality Directive and the Fourth Daughter Directive 2004/107/EC.

¹⁶ Directive 2008/1/EC concerning integrated pollution prevention and control (Codified version).

- the alignment of the various target dates, which differ between the Directives and between pollutants;
- the need for stricter EU emission standards in general, covering all relevant sectors;
- the need to review health evidence. Any resulting legislation (NECD or sectoral limits) should focus on the pollutants that are shown to have the greatest impact on health.

2.5 **Limit and target values** (question 5)

2.5.1 Modification of limit/target values

The modifications considered necessary by respondents include the following main aspects:

- Simplification of PM values: the current multitude of different standards/criteria (for PM₁₀, six different criteria must be currently met¹⁷) makes it difficult for authorities to target their resources where they are most needed and to communicate the risks to the public.
- Modification of the assessment of compliance with limit values to take account of changing meteorological circumstances by using the average values over several years in order to get the complete picture.
- Modification of the assessment of the daily average value for PM₁₀: the current provisions only specify the number of times the daily PM₁₀ limit values (50 µg/m³) can be exceeded, ignoring the extent of exceedance¹⁸ which is also relevant to the accurate reflection of the risk to human health. Comparable rules already in force for ozone could be laid down (AOT - accumulated over threshold limit value): an "AOT50" could thus be created for PM₁₀.
- A review of the daily and annual average values for PM₁₀ in order to achieve more coherence: whilst the daily average value (50 µg/m³, 35 days) is very strict, it is relatively easy to comply with the annual average value (40 µg/m³).
- A review of NO₂ limit values: there is a need to consider the emerging evidence of the health effects of NO₂, as there are indications that the short term may be more significant than the long term effects.
- The revision of ozone limit values upwards for regions that experience high levels of solar radiation and high temperatures.

Eight respondents believe that the values should not be modified.

17 One respondent stresses in this context that the average exposure indicator (AEI) is a limit value criterion that even experts find difficult to understand.

18 A daily value of 51 µg/m³ is considered just the same as one of 100 µg/m³.

2.5.2 Limit value for PM_{2.5}

Ten respondents believe that the PM_{2.5} limit value should be kept at its present level. One German respondent calls for a binding value of 20 µg/m³ from 2020. One Spanish respondent calls for the modification of "stage 2" of the limit value for PM_{2.5}.

One respondent from the United Kingdom considers *"that there is scope for assessing whether the current limit value (...) could be tightened"*. Five respondents do not give a definite answer to this question, one of them stating that it depends *"on a review of health evidence."*

Finally, two respondents (from Germany as well as Eurocities) stress that it is not yet possible to determine whether compliance with the values is feasible for 2015 and 2020; a postponement of these deadlines could thus be necessary.

2.5.3 PM_{2.5} and PM₁₀

In the view of eight respondents (from Austria, Italy, Spain, Sweden, the United Kingdom and the Netherlands), the value for PM_{2.5} should not replace PM₁₀.

Seven respondents (from Austria and Germany) deem such a replacement appropriate as they consider PM_{2.5} more relevant to human health.

The majority of respondents monitor both values (at least partially) within their local/regional authorities, as required by the Air Quality Directive, generally pointing out that this does not normally entail practical problems, but does involve a greater investment of time and money.

Three respondents (from Italy, Lithuania and the Netherlands) report that the relevant authorities do not yet monitor this.

Two respondents (from Belgium and the United Kingdom) do not provide an answer to this question.

2.5.4 Other pollutants relevant to health

Five respondents (from Belgium, Spain, Sweden, the United Kingdom as well as Eurocities) see the need to give special consideration to elemental and/or black carbon and refer to the *"emerging evidence on health impacts"*. Four respondents (from Austria as well as Eurocities) believe that the particle number concentration should be taken into account too. Furthermore, two respondents mention ultrafine particles in this context. The other respondents do not provide answers to this question or refer to the competences of the WHO in this context.

2.5.5 Flexibility introduced by the Air Quality Directive

Ten respondents consider this flexibility to be insufficient and most of them refer in this context to specific meteorological and/or topographical circumstances that cannot be influenced by local and regional authorities. According to them, flexibility must go beyond the postponement of deadlines. Two respondents call explicitly for derogations for rarely occurring unfavourable weather conditions. One respondent stresses the particular situation of locations affected by transboundary air pollution where coordinated air quality plans should be prepared and where the Member State concerned has no legal means of *"forcing the emitting Member State to take appropriate measures"*; this would need more room for manoeuvre too.

2.6 Assessment of air quality (question 6)

All but one respondent consider that the number, location and performance of sampling points measuring the level of pollutants in their respective authority are adequate for assessing air quality. Only the Belgian respondent does not answer the question clearly in the affirmative, stressing that *"the spatial representativeness of a single monitoring station is hard to determine and the minimal number of monitoring stations per air quality zone is generally insufficient to calculate the exposure of the population to air pollution within an air quality zone with any reasonable accuracy."* Furthermore, one respondent (from the United Kingdom) points out that, *"due to the current economic circumstances, an increasing number of monitoring sites are being closed."* In contrast to this, a Spanish and the Italian respondent reply that there are too many sampling points in their authorities.

2.7 Financial and administrative burden (question 7)

2.7.1 Extent of burden

Most of the respondents report that the financial and administrative burden imposed by the transposition of the Air Quality Directive in their respective authorities is heavy, although only a few of them provide concrete figures¹⁹.

They mention the following factors as being the most burdensome:

- the operation and maintenance of sampling points measuring air quality (high standards of measurement required in terms of quality and scale);
- data processing;
- ongoing reporting to the EU (detailed and complicated requirements);
- the implementation of modelling systems;
- the submission of applications for postponement of deadlines to the EU.

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These figures vary between ongoing costs of EUR 400 000 and 3 million per annum, not including the costs for the development and implementation of air quality/short-term action plans.

As far as the development and implementation of air quality plans are concerned, several respondents (from Austria, Germany and Spain) stress that the cost of implementing measures is considerable, one of them stressing that this pushes the organisation to the limits *"especially in times of severe budget pressures and financial constraints."* Other respondents point out that the implementation costs cannot be quantified as several levels of governance as well as citizens and business are concerned by the relevant measures.

2.7.2 Appropriateness of burden

Seven respondents (from Austria, Spain and the Netherlands) believe that these costs are commensurate with the Air Quality Directive's intended objectives (protection of human health and the environment as a whole).

Three respondents answer the question in the negative. One German respondent points out in this context that the *"costs should (...) be adapted to the situation in terms of pollution sources. In cases where pollution is broadly caused by a single source and exceedances are restricted to small areas (...), the labour-intensive requirement to draw up air quality plans should be dropped in favour of measures independent of a plan. (...) plans should really only be drawn up in places (...) where limit values are exceeded over wide areas, due to pollution from a variety of sources ."*

The other respondents provide no clear answers or no answers at all. The following main aspects are highlighted in this context:

- The current review of EU Air Quality policy provides an opportunity to consider whether simplification and streamlining of procedures is possible, which would help to free up resources for additional action.
- Regions and Member States should not be faced with impossible tasks, which lead first to massive concerns over the very high use of funds and then to sanctions because the inflexible requirements of EU law have not been met.
- It is important that limit values are focussed on the pollutants which have the greatest impact on human health.
- Since it is increasingly clear that PM₁₀ is not the best health-related indicator the cost for some measures might not be effective in terms of health protection.
- In reality, the question is not whether the costs are commensurate with the objectives, but rather whether the actions are commensurate with the costs, since all measures to be taken are restricted by the limited financial resources of the bodies implementing them.

3. Conclusion

Despite varying geographical and meteorological situations, the majority of the respondents report problems regarding compliance with the limit values for PM₁₀ and NO₂.

Although only one respondent mentions the word "subsidiarity" explicitly, most of the replies refer to subsidiarity principle-related criteria, by highlighting the need for EU action on air quality matters involving transnational aspects that cannot be regulated by Member States acting alone. The prevailing view is that local and regional authorities are faced with problems in this context that cannot be solved by them or the central level of Member States. The issue of inefficient vehicle emission standards and the need for adequate EU action are the common thread running through the answers to several questions. Transboundary air pollution calls also for EU action. Likewise, the challenges resulting from the need for greater coherence between air quality/emissions policy and other EU policies can be tackled only by the EU.

Finally, it is clear from the replies that the transposition of the relevant EU legislation is costly and that the current economic situation has an impact in this regard within local and regional authorities. Several respondents believe that revised EU legislation taking account of the latest technical developments and offering the necessary degree of flexibility would significantly reduce the costs at local and regional level and thus increase the efficiency of actions taken.

Appendix I: Questionnaire

*COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission*



**Questionnaire on the
Review of EU Air Quality and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network**

Please complete and submit by **2 December 2011**. You can upload the completed questionnaire directly onto the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to log in). Alternatively, you can send it by email to subsidiarity@cor.europa.eu.

Name of the authority:	
Contact person:	
Contact details (telephone, email):	

A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.

(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by **Mr Cor Lamers**, rapporteur for this outlook opinion.

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe²⁰

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀, PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

*When limit values or target values²¹ are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values.*

*When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.*

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines²² and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

Ia:

Does your local/regional authority comply with the limit/target values?

Ib:

Has your national government developed a national air quality/short-term action plan?

Ic:

Has your local/regional authority developed any such plans?

Id:

Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

(insert answers)

²⁰ Hereafter referred to as *Air Quality Directive*.

²¹ Plus any temporary margins of tolerance, where applicable.

²² Concerning the limit values for nitrogen dioxide or benzene.

2. Compliance with air quality standards

In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2,5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a:

What are the main reasons for this?

2b:

Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

(insert answers)

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

Please explain your answer(s)

(insert answers)

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions (Directive 2001/81/EC on National Emission Ceilings for certain pollutants - NEC Directive²³) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture²⁴.

4a:

Is there sufficient coherence and synergy between the immission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC²⁵ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

4b:

What EU approach would be the most effective for reducing air pollution and improving health conditions?

Please explain your answers.

(insert answers)

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

5a:

In your opinion, should any of the limit and target values be modified?

5b:

Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

5c:

Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

5d:

²³ This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia).

²⁴ For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

²⁵ Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e:

Is the flexibility introduced by the Air Quality Directive necessary / sufficient or should the new directive contain more flexibility?

Please explain your answers.

(insert answers)

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

(insert answer)

7. Financial and administrative burdens

7a:

What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b:

Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

(insert answers)

Privacy disclaimer: The follow-up to your contribution requires the processing of your personal data (name, contact details, etc.) in a file. Should you require further information, or wish to exercise your rights under Regulation (EC) 45/2001 (e.g. to access or rectify data), please contact the data controller (Acting Head of Unit – Directorate for Horizontal Policies and Networks, Unit 2) at subsidiarity@cor.europa.eu. If necessary, you can also contact the CoR Data Protection Officer (data.protection@cor.europa.eu). You have the right of recourse to the European Data Protection Supervisor at any time (www.edps.europa.eu).

Appendix II: List of contributions (in alphabetical order by country)

#	Country	Authority	Administrative Level	Network
1.	Austria	Regional Government of Carinthia	R	Other stakeholder
2.	Austria	Regional Government of Salzburg	R	SMN
3.	Austria	Regional Government of Styria	R	SMN
4.	Austria	Regional Government of Vorarlberg	R	SMN
5.	Austria	Magistrate of the City of Vienna	R	SMN
6.	Austria	Regional Government of Tyrol	R	Other stakeholder
7.	Austria	Regional Government of Upper Austria <i>(contribution received only on 13 December 2011)</i>	R	SMN
8.	Belgium	Flemish Government	R	SMN
9.	Germany	Bavarian State Government	R	SMN
10.	Germany	City of Augsburg	L	SMN
11.	Germany	Regional Government of Baden-Württemberg	R	SMN
12.	Great Britain	Greater London Authority	L	Other stakeholder
13.	Great Britain	Scottish Government	R	SMN
14.	Italy	Province of Alessandria	P	SMN
15.	Lithuania	Association of Local Authorities in Lithuania	AL	SMN
16.	Spain	Extremadura Regional Assembly	R	SMN
17.	Spain	Regional Government of Andalusia	R	SMN
18.	Spain	Parliament of Catalonia	R	SMN
19.	Spain	Community of Madrid <i>(contribution received only on 12 December 2011)</i>	L	SMN
20.	Spain	Regional government of the Basque Country	R	SMN

.../...

#	Country	Authority	Administrative Level	Network
		<i>(contribution received only on 12 December 2011)</i>		
21.	Sweden	City of Malmö	L	Europe 2020 MP
22.	The Netherlands	Regio Randstad, (cooperation of the Provinces North Holland, South Holland, Utrecht and Flevoland)	P	Other stakeholder
23.	European association	Eurocities	AL	SMN

R=Regional / P=Provincial / L=Local / AL=Association of Local Authorities

Appendix III: Contributions – in a separate document

Appendix III: Contributions (translated into English, the contributions in their original language can be found here: <http://portal.cor.europa.eu/subsidiarity/Pages/Targetedconsultations.aspx>).

1. Regional Government of Carinthia (Austria)

**COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Work, ENVE Commission**



**Questionnaire on the
Review of EU Air Quality and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network**

Please complete and submit by **2 December 2011**. You can upload the completed questionnaires directly on the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to be logged in). Alternatively, you can send them by email to subsidiarity@cor.europa.eu.

Name of the authority:	Office of the Kärnten Land government, Department 8 Environment, 9020 Klagenfurt
Contact person:	Harald Tschabuschnig, Silke Jabornig
Contact details (telephone, email):	harald.tschabuschnig@ktn.gv.at silke.jabornig@ktn.gv.at

A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.

(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by Mr **Cor Lamers**, rapporteur for this outlook opinion.

.../...

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe¹

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀, PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

When limit values or target values² are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values.

When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines³ and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a: Does your local/regional authority comply with the limit/target values?

1b: Has your national government developed a national air quality/short-term action plan?

1c: Has your local/regional authority developed any such plans?

1d: Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

1a) No, it does not. The daily average PM10 value, in particular, is exceeded in several regions.

¹ hereafter referred to as *Air Quality Directive*.

² plus any temporary margins of tolerance, where applicable.

³ concerning the limit values for nitrogen dioxide or benzene.

1b) No, we know of no such plan.

1c) Yes, several plans were developed.

1d) Yes, it has. Postponement was requested regarding PM10 and granted by the Commission. With regard to NO₂, postponement was requested in late September 2011 and the Commission requested additional documentation, which will be provided shortly.

2. Compliance with air quality standards

In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2,5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a: What are the main reasons for this?

2b: Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

(insert answers)

2a) In terms of PM₁₀, the particular topography of Kärnten (basin) and meteorological conditions (frequent inversion conditions, little wind, etc.) make things more difficult. The main sources are domestic fires and transport. Measures aimed at domestic fires end up being very cost-intensive; in transport the high proportion of diesel vehicles is extremely problematic; in practice, moreover, the exhaust fume values estimated in the EURO standards are either not kept to or clearly exceeded.

2b) With regard to the issue of EURO standards, what is needed is ambitious European legislation; the necessary financial means for renovation of heating systems are partly lacking. Public transport must be made more attractive (development of rail - lorry traffic transferred to rail). Sufficient expertise is available; studies and models are currently being carried out and updated.

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

Please explain your answer(s)

3) The national/regional approach is generally correct. In many places, however, the long-distance transportation of air pollutants causes problems. Here responsibility would lie at the EU level. Moreover, the urgently required ambitious legislation on EURO exhaust fume standards can only happen at the EU level; there should be a prompt review of EURO 5+6 in the light of current knowledge.

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions ([Directive 2001/81/EC](#) on National Emission Ceilings for certain pollutants - NEC Directive⁴) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture⁵.

4a: Is there sufficient coherence and synergy between the emission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC⁶ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

4b: What EU approach would be the most effective for reducing air pollution and improving health conditions?

Please explain your answers.

4a) No, there is not. As already demonstrated, the ambitious limit values set for ambient air quality stand in stark contrast with the exhaust emission standards set for diesel-run motor vehicles.

4b) Ambitious exhaust emission standards for diesel-run motor vehicles.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

5a: In your opinion, should any of the limit and target values be modified?

5b: Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

⁴ This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia).

⁵ For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

⁶ Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

- 5c: Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?**
- 5d: Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?**
- 5e: Is the flexibility introduced by the Air Quality Directive necessary/sufficient or should the new directive contain more flexibility?**

Please explain your answers.

5a) Yes, they should. The rules for assessing whether the daily average PM₁₀ value exceeds the limit should be modified. The extent of any breach is not currently taken into account; both a value of 51 µg and a value of 120 µg count equally as breaches, whereas a value of 49 µg does not. Breaches should be weighted. For example, the daily value could be multiplied by the number of days on which the limit has been exceeded, which would also provide a more accurate reflection of the health risk.

5b) The limit value for PM_{2.5} should be kept at its present level.

5c) At the moment measurement of both values is required, which entails greater investment of time and money. This requirement will remain, as a PM₁₀ measurement is needed to calculate the share that comes from winter gritting or salting of roads and to categorise the source. But it is worth considering whether in future the limit value for PM₁₀ could serve merely as a voluntary benchmark, and be replaced as a limit value by PM_{2.5}. Focusing on a limit value for particulate matter would also make things easier to understand for the public.

5d) No suggestions.

5e) Adhering to the limit values is a particular challenge for regions with difficult topographical and meteorological conditions. These complicating conditions should be taken into account in the Directive.

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

6) Yes, measurements are taken with a very high level of accuracy and supplemented with modelling where necessary.

7. Financial and administrative burdens

7a: What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b: Do you believe that these costs are commensurate to the Air Quality Directive's intended

objectives (protection of human health and the environment as a whole)?

7a) For Kärnten, expenditure amounts to approximately EUR 1 million each year (for an area of around 10 000 km²). The requirements for the quality and scale of the measurements as well as for ongoing reporting (e.g. monthly and annual reports) are high. This also necessitates considerable investment of manpower. In addition to the ongoing costs, there are costs involved in developing and implementing air quality plans, which amount to approximately EUR 100 000 annually.

7b) Yes, we do. Support from the EU would be desirable, however.

Privacy disclaimer: The follow-up to your contribution requires the processing of your personal data (name, contact details, etc.) in a file. Should you require further information, or wish to exercise your rights under Regulation (EC) 45/2001 (e.g. to access or rectify data), please contact the data controller (Acting Head of Unit – Directorate for Horizontal Policies and Networks, Unit 2) at subsidiarity@cor.europa.eu. If necessary, you can also contact the CoR Data Protection Officer (data.protection@cor.europa.eu). You have the right of recourse to the European Data Protection Supervisor at any time (www.edps.europa.eu).

2. Regional Government of Salzburg (Austria)

**COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission**



**Questionnaire on the
Review of EU Air Quality and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network**

Please complete and submit by **2 December 2011**. You can upload the completed questionnaires directly on the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to be logged in). Alternatively, you can send them by email to subsidiarity@cor.europa.eu.

Name of the authority:	(Salzburg Province) Amt der Salzburger Landesregierung, Abt.5 – Umweltschutz, 5020 Salzburg, Michael-Pacherstr.36
Primary contact person:	Dr. Othmar Glaeser Dipl.-Ing. Alexander Kranabetter
Contact details (telephone, email):	othmar.glaeser@salzburg.gv.at alexander.kranabetter@salzburg.gv.at

A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.

(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by Mr **Cor Lamers**, rapporteur for this outlook opinion.

.../...

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe⁷

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀, PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

When limit values or target values⁸ are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values.

When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines⁹ and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a: Does your local/regional authority comply with the limit/target values?

1b: Has your national government developed a national air quality/short-term action plan?

1c: Has your local/regional authority developed any such plans?

1d: Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

1 a) **No:** The annual limit value for nitrogen dioxide (NO₂), in particular, is exceeded at measurement locations near traffic.

1 b) None known.

1 c) **Yes:** <http://www.salzburg.gv.at/ig-l-luftreinhalteprogramm>

1 d) **Yes:** A postponement has been requested for fine particles and nitrogen dioxide.

Fine particles: the postponement was not granted, since limit values for fine particles were not exceeded in Salzburg in the postponement year. The Commission took the view, therefore, that there were no grounds for granting a postponement.

Nitrogen dioxide: A request for postponement was sent to the Commission (via the federal level) at the end of September 2011. A decision is pending.

⁷ hereafter referred to as *Air Quality Directive*.

⁸ plus any temporary margins of tolerance, where applicable.

⁹ concerning the limit values for nitrogen dioxide or benzene.

2. Compliance with air quality standards

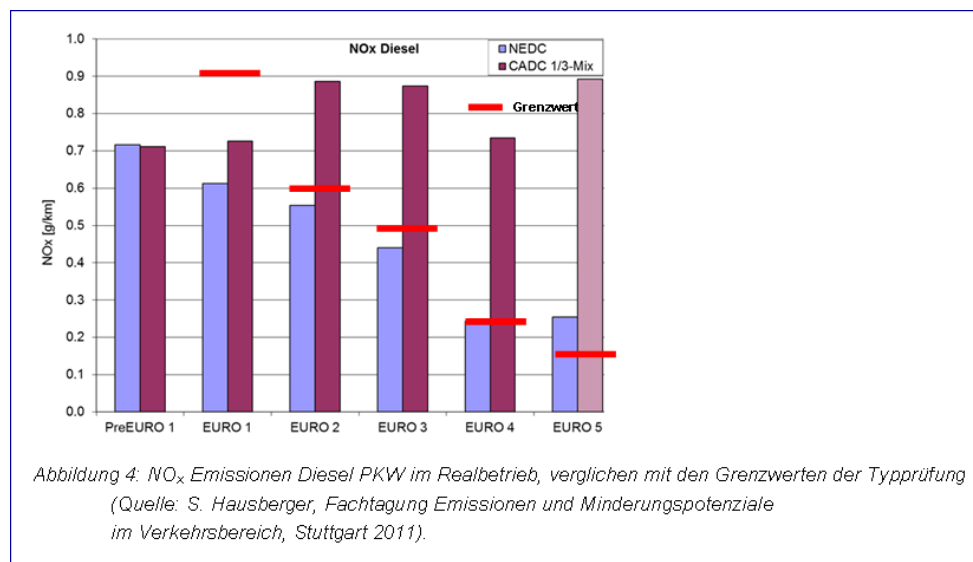
In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2,5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a: What are the main reasons for this?

2b: Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

2 a) **Nitrogen dioxide:** NO_x emissions from diesel-fuelled cars are far too high. The legal provisions (Euro standards) do not reflect real driving conditions. Some new Euro 5 diesel cars emit significantly more NO_x than old cars. As a result, the European limit values for NO_x emissions from diesel cars have produced no reduction in these particular vehicle emissions in the last twenty years. The first exhaust measurements from Euro 6 diesel cars, which comes into force from 2014, is far below expectations.

The table below shows the difference between the exhaust emissions under the current NEDC cycle and the more realistic CADC cycle.



Fine particles: Increased fine particle concentrations are very much related, in the first place, to topographical position (basin) and meteorological conditions (inversions, rainfall). Secondly, long-distance haulage, especially in the provinces to the east, plays a large role. Measures should be introduced especially for domestic fires (wood burning on out-of-date equipment) and in the traffic and off-road sphere. The introduction of diesel particle filters for new cars, which substantially cut soot particles, was a great step forward.

2 b) There is no shortage of knowledge or examples of best practice. Extending public transport is a priority. However, the money needed for this is often lacking. Stricter legislation on exhaust emissions for diesel vehicles is urgently needed. The first exhaust emission measurements show that even Euro 6 diesel cars (in force from 2014) fall far short of expectations. Measures are urgently needed at EU level.

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

Please explain your answer(s)

3) In principle, the approach that Member States must take appropriate measures when air quality standards are exceeded is the correct one. However, many measures that would also be very effective fall within EU competence. Prime among these is legislation on exhaust emissions (Euro standards). If more ambitious emission limits had been set earlier at EU level, the Member States would not now have to enact unpopular measures such as speed limits or driving restrictions.

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions ([Directive 2001/81/EC](#) on National Emission Ceilings for certain pollutants - NEC Directive¹⁰) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture¹¹.

4a: Is there sufficient coherence and synergy between the emission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC¹² on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

4b: What EU approach would be the most effective for reducing air pollution and improving health conditions?

Please explain your answers.

4 a) **No.** There is a large discrepancy, for example, between the measures on emission limit values and emissions legislation (Euro standards). The principle of free circulation of goods also impacts adversely on the environment.

¹⁰ This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia).

¹¹ For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

¹² Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

4 b) The first exhaust measurements show that although Euro 6 vehicles are significantly better than Euro 5 vehicles, they still fall short of expectations where lower NO_x emissions are concerned. For this reason, a more realistic test cycle for emissions legislation (instead of the NEDC cycle) needs to be introduced swiftly along with further measures for a clear reduction in NO_x emissions for diesel engines (Euro 7) and the prompt implementation of these.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

5a: In your opinion, should any of the limit and target values be modified?

5b: Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

5c: Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

5d: Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e: Is the flexibility introduced by the Air Quality Directive necessary/sufficient or should the new directive contain more flexibility?

Please explain your answers.

5 a) **Yes.** There are provisions governing the number of times – 35 per year – that the daily PM limit values (50 µg/m³) can be exceeded. However, this ignores the extent by which the value is exceeded. A daily value of 51 µg/m³ is considered just the same as one of 100 µg/m³. Both are over the limit. We propose introducing an AOT (accumulated over threshold) limit value, as is the case for ozone. For fine particles this would be AOT50. This would take into account the concentration level of pollutants.

5 b) The annual average value for PM_{2.5} should be retained.

5 c) Both fractions are measured in Salzburg and there is justification for both. We also need both fractions in order to better identify the provenance of the particles (mechanical, combustion). Furthermore, the only way of easily calculating how much PM₁₀ comes from winter sanding or salting of roads is by comparing PM₁₀ with PM_{2.5}.

5 d) It could be worthwhile to ascertain and evaluate the number of particulates.

5 e) It is difficult for many cities that are disadvantaged by their topographical position (basins) or meteorological conditions (inversions, etc.) to respect the limit values set. Greater flexibility would be helpful.

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

6) Yes. Measurements are also used as a basis for calculating spread.

7. Financial and administrative burdens

7a: What financial and administrative burdens are entailed by the transposition of the Air

Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b: Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

7 a) Costs of improving data quality have risen significantly over recent years due to EU standards in this area. A lot of man hours are also invested in reporting to the EU and submitting applications for postponement. Moreover, developing and implementing clean air programmes is costly.

7 b) **Yes.**

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3. Regional Government of Styra (Austria)

*COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission*



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of the Subsidiarity Monitoring Network**

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Name of the authority:	<i>Amt der Steiermärkischen Landesregierung (Office of the State Government of Styria) Fachabteilung 13A (rechtliche Angelegenheiten) Fachabteilung 17C (fachliche Angelegenheiten)</i>
Contact person:	<i>Mag. Gerhard Rupp (rechtliche Angelegenheiten) Dr. Thomas Pongratz (fachliche Angelegenheiten)</i>
Contact details (telephone, email):	gerhard.rupp@stmk.gv.at thomas.pongratz@stmk.gv.at

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.../...

Please answer the following questions

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It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀, PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

*When limit values or target values¹⁴ are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values.*

*When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.*

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines¹⁵ and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a:

Does your local/regional authority comply with the limit/target values?

1b:

Has your national government developed a national air quality/short-term action plan?

1c:

Has your local/regional authority developed any such plans?

1d:

Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

1a)No:

The average annual limit value NO₂ is not observed on heavily-travelled routes of the primary road network or in the central area of Graz.

The PM₁₀ average daily limit value is exceeded more often than is tolerable. In the metropolitan area of Graz, in the Leibnitz Field, and in the climatically disadvantaged areas of Eastern and

¹³ hereafter referred to as *Air Quality Directive*.

¹⁴ plus any temporary margins of tolerance, where applicable.

¹⁵ concerning the limit values for nitrogen dioxide or benzene

Western Styria the levels are constantly high. In the air quality redevelopment areas of the central Mur Valley and the Mur-Mürz junction the limit values are exceeded in climatically unfavourable years.

1b) Not known

1c) Yes: Since 2004 air pollution control programmes have been prepared, assessed and developed further. The current programme dates from September 2011 (<http://www.umwelt.steiermark.at/cms/beitrag/11563390/6392227/>)

1d)

Deadline extension PM10: applications were filed for the assessment area of Styria and the metropolitan area of Graz. The application was granted for Styria at the first attempt, while that for Graz was rejected. The improved application was finally approved after submission of the measures to be implemented by the adaptation of the air quality plan for the metropolitan area of Graz. The air quality plan - in Austria, one speaks of the so-called § 9a-IG-L Programme - has been adapted in the meantime. A final opinion from the Commission on whether the requirement has now been satisfied by this is still pending.

Deadline extension NO₂: An application for the metropolitan area of Graz, was submitted in September. A decision has not yet been taken.

2. Compliance with air quality standards

In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2,5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a:

What are the main reasons for this?

2b:

Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

2a)

The causes of excessive ambient air pollution are, of course, emissions. For areas south of the Alps, however, the situation is complicated because similar emissions lead to much higher stresses than in geographically and climatically favourable areas. For example, one study has shown that Graz - which would appear to have the same climatic conditions as Vienna - would have an air quality problem only at designated hot spots. Three times the effort would be necessary to achieve the target values. But this also means that much greater efforts would be needed to achieve the air quality objectives here.

PM10: As regards emissions, the main role is played by traffic and the burning of solid fuels.

Other sources are from secondary particles from the region, but also from natural and anthropogenic sources outside Styria, in some cases even from distant regions outside the EU.

NO₂: The main cause to be mentioned is obviously traffic. One reason is that European legislation on exhaust gases has fallen far short of expectations. One big problem here has turned out to be emissions in real life situations. Due to the significant discrepancies still existing compared with factory specifications even measures to limit traffic such as so-called environmental zones have proved to be far less effective or even ineffective. Measures to reduce motor traffic (cars and lorries) often fail because of the implementation possibilities, and not least the objectives of the European Community, which alongside desired freedoms (internal market) also stimulates traffic.

2b)

Numerous measures to reduce emissions are known. Implementation fails on the one hand through financial means (e.g. the expansion of public transport), on the other hand through resistance among the population, since effective measures means intervention in people's normal way of life, as well as bringing in appropriate European standards for the producing industries. This means that air quality problems can best be solved directly at source, such as by better European exhaust gas standards for lorries, cars, off-road machines etc.

Moreover, as regards its efforts (and limit values) Europe should concentrate on those pollutants that are most relevant for health, focusing on PM 2.5 rather than PM10. At present, many resources are invested in improving the comparatively less health-relevant PM10. The PM10 limit value should be changed into a target value and resources and measures should instead be focused on improving the PM2.5 (as the new limit value) which is much more important health-wise.

The same applies to the permitted number of 35 days on which the average daily value (PM10) may be exceeded, which, as pointed out above, is affected severely by weather conditions (over which a community or region obviously has no influence) and is significantly less health-relevant than the average annual value. It should be more about achieving better air quality for the public over the whole year, rather than investing too many resources in preventing weather-related violations of average daily values.

The limit values for NO₂ were determined by the European legislator amid technical assumptions which could not be met even for EURO 5. The actual immissions from all vehicle classes up to EURO 5 are well above those achieved in test cycles. Industry now has more time for getting new vehicles to comply with the limit values even under normal driving conditions. It therefore follows that the cities and regions also need to be given more time to comply with the limit values.

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

Please explain your answer(s)

We are committed to an ambitious clean air policy in our region, Styria. This is documented not only by the new air pollution control programme for 2011, which describes plans for the future, but also by the evaluations, which show that in the past few years a number of effective measures have been implemented and substantial financial resources have been used.

But the region alone is not able to conduct an effective air pollution control policy if objectives are set at other levels which counteract, or at least hamper, the attainment of air quality objectives (for example the free movement of goods within the internal market which leads to a large volume of traffic, exhaust gas standards which allow too high a level of emissions, climate change goals which may lead to an increased use of solid fuel heaters, ..)

Effective measures would require a departure from basic EU freedoms (the freer - and cheaper - movement of goods is not the only thing which should be highly criticised from the point of view of air pollution). EU policy gives preference to, for example, agriculture, transport and the rights of the internal market without regard for air pollution requirements. This makes it difficult to well nigh impossible for the regions to meet air quality targets, especially when severe natural geographical inequalities are involved. The conflict of objectives at European level cannot be solved by the regions.

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions (Directive 2001/81/EC on National Emission Ceilings for certain pollutants - NEC Directive¹⁶) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture¹⁷.

4a:

Is there sufficient coherence and synergy between the immission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC¹⁸ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

4b:

What EU approach would be the most effective for reducing air pollution and improving health conditions?

Please explain your answers.

4a:

See answer to 3)

4b) The most efficient approach would be more stringent legislation against the product-producing industries (e.g. in the field of installations, cars, lorries and others). As long as products may be marketed which demonstrably contribute more than is absolutely necessary to air pollution, the starting point for the regions and Member States is a difficult one. Health policy goals would best be achieved by paying more attention to the PM_{2.5} and PM₁₀ fractions, as it has been proved that these groups have the most negative influences on human health.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

5a:

In your opinion, should any of the limit and target values be modified?

5b:

Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

5c:

Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical

¹⁶ This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia).

¹⁷ For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

¹⁸ Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

problems?

5d:

Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e:

Is the flexibility introduced by the Air Quality Directive necessary / sufficient or should the new directive contain more flexibility?

Please explain your answers.

5a

For PM: The statistical relationship between the number of violations of the TMW and the JMW should be taken into account. The daily average limit value in its present form should be abolished. In addition to the number of violations, the extent of any violation also has a major effect on health. One scenario could include laying down a dose comparable with the rules for ozone (AOT40). An "AOT50" could be laid down for PM10. Appropriate evaluations may be found, for example, on page 85 of the 2009 Annual Report on Air Quality in Styria, <http://www.umwelt.steiermark.at/cms/beitrag/11346962/19221910/>.

Target levels should be deleted except in transitional regulations.

5b

The annual average limit value for PM 2.5 should be maintained, even if reduction commitments (AEI) are scheduled.

5c

The effect of the smaller fractions on human health is demonstrably greater. Therefore, the limit value for PM10 should be replaced in the medium term, from today's perspective, by the exclusive observation of PM2.5. The monitoring of both fractions requires additional effort, which if the dual approach is to be maintained, would also have to be based on hygienic grounds.

5d

Appropriate guidelines must come from the science and research sector and from the WHO. But from today's perspective it would be worth considering a limit value for the number of particles.

5e

If the goals of the clean air directive cannot be achieved because of natural geographical disadvantages and circumstances which cannot be regionally influenced, then the future directive should show sufficient flexibility for these factors to be adequately considered. Such consideration must go beyond granting transitional periods which for many regions are not, or barely, sufficient. These demands had already been expressed by the CoR in its report on the current Air Quality Directive, and they apply just as much as before (CoR Report of 2006, Rapporteur: Jahn, DEVE-IV-001 of 17 May 2006.)

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

Styria's dense monitoring network, supplemented by the possibility of using mobile monitoring stations, enables a very good description to be obtained of pollution in Styria.

7. Financial and administrative burdens

7a:

What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b:

Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

7a

The operation of the Styrian monitoring network calls for a significant financial commitment for personnel and material costs. However, the expenses for the implementation of measures are many times greater and reach the limits of organisation, especially in times of severe budget pressures and financial constraints.

7b

The detection and assessment of pollution is an essential basis for the development of measures and the monitoring of their (long-term) effectiveness. This means that expenditure has to be justified for taxpayers. This also applies, in principle, to expenditure on improving air quality. However, the regions and states should not be faced with impossible tasks, which lead first to massive concerns over the very high use of funds and then to sanctions because the inflexible requirements of European law have not been met.

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4. Regional Government of Vorarlberg (Austria)

**COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission**



**Questionnaire on the
Review of EU Air Quality and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network**

Please complete and submit by **2 December 2011**. You can upload the completed questionnaires directly on the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to be logged in). Alternatively, you can send them by email to subsidiarity@cor.europa.eu.

Name of the authority:	Office of the government of Vorarlberg
Primary contact person:	Monika Ammann
Contact details (telephone, email):	00435574/511/20421, monika.ammann@vorarlberg.at

A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.

(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by Mr Cor Lamers, rapporteur for this outlook opinion.

.../...

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe¹⁹

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀ , PM 2.5 – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

When limit values or target values²⁰ are exceeded, the Air Quality Directive requires Member States to establish air quality plans setting out measures to attain these values.

When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up short-term action plans indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines²¹ and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a:

Does your local/regional authority comply with the limit/target values?

1b:

Has your national government developed a national air quality/short-term action plan?

1c:

Has your local/regional authority developed any such plans?

1d:

Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

1a:

¹⁹ hereafter referred to as Air Quality Directive.

²⁰ plus any temporary margins of tolerance, where applicable.

²¹ concerning the limit values for nitrogen dioxide or benzene

The target and limit values are not consistently complied with.

1b:

This question should be answered by the Austrian federal authorities.

1c:

On 10 May 2005, the Vorarlberg Land government approved a "30+1 Point Programme" of measures aimed at meeting the targets set by the Austrian Emission Control Act: Air and the Directive on Air Quality, and avoiding limit value violations in future.

1d:

The Austrian federal government forwarded each Land's proposal to the Commission.

If yes:

With regard to PM₁₀, in part (with the exception of Vorarlberg); With regard to NO₂, the process has not yet been completed.

2. Compliance with air quality standards

In many cities and regions, limit values for PM₁₀ and NO₂, and target values for PM_{2.5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a:

What are the main reasons for this?

2b:

Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

2a:

The reasons are transport emissions, off-road emissions and heating systems. In principle, the reasons are known to the Commission and well established by previous and current studies.

Moreover, in the case of Vorarlberg, the conditions in (narrow) alpine valleys and marked weather inversion conditions play an important role (supporting documents from studies available).

2b:

Cooperation is required on all levels (EU-federal government- Länder).

Synergies should also be sought between individual EU policies. For example, there is no coordination between air pollution control and efforts to tackle climate change, and there are antagonistic effects exacerbated by subsidies.

There is also a lack of practical and efficient standards (regulations and directives) enabling effective cuts in emissions. The latter is especially true of vehicle exhaust emission standards, up to and including EURO 5 (V), where the real improvements in actual behaviour cannot keep pace with the theoretical emission scenarios. The limitations placed on the off-road sector are completely unambitious, and currently in no way compatible with the requirements of the Air Quality Directive.

A further example:

Both the VOC Directive and the VOC plant regulation in force in Austria can be interpreted in such a way that effectively no emission reductions result – despite complex and cumbersome administrative requirements.

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Please explain your answer(s)

In principle, yes, but in transport there would have been a need for ambitious technical standards based on technology that has been available for some time now – however, this falls within the authority of the EU. This omission has led a few European states to ban certain older vehicle groups from their roads. But often even the newest vehicles show no significantly better emission values (see studies by TNO, which have been submitted to the Commission, as well as other studies that have been documented and made available to the EC).

If no:

Regarding the aforementioned: any implementation should always be administered at the national and local level, and planned first and foremost with reference to the local context

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions (Directive 2001/81/EC on National Emission Ceilings for certain pollutants - NEC Directive²²) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture²³.

4a:

Is there sufficient synergy and coherence between the emission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC²⁴ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

4b:

What EU approach would be the most effective for reducing air pollution and improving health conditions?

Please explain your answer(s)

4a:

No.

4b:

See above

Please explain your answer(s).

One can assume that the IPPC Directive and EU legislation concerning pollutants from road vehicles and maritime transport are not effecting the reductions presupposed by the targets in the Air Quality Directive and during the planning process. In transport, especially, there are considerable discrepancies in this regard. There should also be doubt about whether the IPPC Directive reflects currently available and tested emission reduction technology.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

5a:

In your opinion, should any of the limit and target values be modified?

²²

This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia).

²³

For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

²⁴

Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

5b:

Would it be appropriate to keep the limit value for PM2.5 at its present level or to further strengthen it?

5c:

Should the limit value for PM2.5 replace the limit value for PM10? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

5d:

Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e:

Is the flexibility introduced by the Air Quality Directive necessary / sufficient or should the new directive contain more flexibility?

Please explain your answer(s).

5a:

An increase in the limit values is not considered necessary.

5b:

Leaving them at their current level seems appropriate.

5c:

The effect of the smaller fractions on human health is demonstrably greater. Therefore, the limit value for PM10 should be replaced in the medium term, from today's perspective, by the exclusive observation of PM2.5. The monitoring of both fractions requires additional effort, which if the dual approach is to be maintained, would also have to be based on hygienic grounds.

5d:

-

5e:

The flexibility introduced by the Air Quality Directive is judged to be appropriate.

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

Essentially, a sufficient number of effective air monitoring stations are available.

7. Financial and administrative burdens

7a:

What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b:

Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

7a: It is too soon to assess this with any precision.

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5. Magistrate of the City of Vienna (Austria)

*COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission*



*Questionnaire on the
Review of EU Air Quality and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network*

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Name of the authority:	Office of the Vienna Land government
Contact person:	Vienna department of environmental protection MA22
Contact details (telephone, email):	post@m22.magwien.gv.at

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.../...

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe²⁵

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀, PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

*When limit values or target values²⁶ are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values.*

*When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.*

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines²⁷ and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a:

Does your local/regional authority comply with the limit/target values?

1b:

Has your national government developed a national air quality/short-term action plan?

1c:

Has your local/regional authority developed any such plans?

1d:

Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

(insert answers)

1a: *Limit and target values are being met, except NO₂ and PM₁₀. The target value for ozone is being exceeded.*

1b: *No*

1c: *Yes, several:*

- 1. Package of measures of the City of Vienna against particulates (April 2005)
<http://www.wien.gv.at/umweltschutz/luft/pdf/feinstaub1.pdf>*

²⁵ hereafter referred to as *Air Quality Directive*.

²⁶ plus any temporary margins of tolerance, where applicable.

²⁷ concerning the limit values for nitrogen dioxide or benzene

2. *Package of measures of the City of Vienna against particulates and other pollutants (September 2005)*
<http://www.wien.gv.at/umweltschutz/luft/pdf/feinstaub2.pdf>
3. *City of Vienna particulates package (April 2011)*
<http://www.feinstaubistdeinstaub.at/main.php?&akt=55&sub1=55>
4. *Programme of measures relating to NO₂ (June 2008)*
<http://www.wien.gv.at/umweltschutz/luft/pdf/no2-programm.pdf>

1d: *Yes, postponement was requested for PM₁₀ and NO₂. This was granted for PM₁₀ ; the Commission's decision in respect of NO₂ is still awaited.*

2. Compliance with air quality standards

In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2,5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a:

What are the main reasons for this?

2b:

Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

(Antworten hier einfügen)

2a: *The main reasons for exceeding the limit values are beyond the jurisdiction and control of the regional government. These include:*

- *By international standards, e.g. in comparison to California's limit values, emissions limits in the EU are insufficiently ambitious. Despite being technically achievable, effective emissions limits are to be implemented with significant delay (e.g. EURO 6 not until 2014).*
- *Assumptions about trends in vehicle emissions that had a decisive influence on establishing the limits have proven with hindsight to be false. In real life, new vehicles emit considerably more pollutants than the type approval limits from EURO 1 to EURO 6 would indicate, especially for diesel vehicles. The reason for this is that the current NEDC test cycle is insufficiently representative. Moreover, the test cycle requirements do not include limit values for the direct emission of NO₂, which rose to an undreamt-of extent as a result of oxidation catalysts such that direct NO₂ emissions of new motor vehicles is usually significantly higher than that of obsolete EURO 1 diesel vehicles.*
- *An Austrian peculiarity in the composition of the vehicle fleet is a very high proportion of diesel vehicles in comparison to other European countries. This situation has arisen through the transmission of a positive image as environment-friendly engine technology, particularly in relation to climate change, and tax breaks (specific support for local freight transporters and agriculture).*
- *Whilst the Emissions Protection (Air) Act (IG-L), which is a federal law, empowers provincial governors to take measures against the principal emitters, it also provides for numerous exemptions from possible restrictions and prohibitions, especially as regards plant and transport (see Sections 13 and 14 IG-L). True, the latest amendment to IG-L*

placed some limits on such ex lege exemptions, but the fact remains the many vehicles and plants continue to be exempt from possible prohibitions and restrictions. In this context, the scope and effectiveness of measures that can be taken in a regulation of the provincial governor is limited.

- *Investigations in Vienna have shown that around three quarters of particulate pollution can be attributed to sources outside Vienna, including about 40% from long-distance transport. This **long-distance transport** takes place – often with unfavourable dispersion characteristics over a wide area - over distances of several hundred kilometres; the main source regions are in Romania, Serbia, Hungary, Slovakia, the Czech Republic and Poland. Emissions-related measures connected to this are thus outside the scope of what the City of Vienna can do.*

2b: *as stated under point 2a, key factors that influence air quality are outside the jurisdiction and scope of regional governments. Such measures would therefore need to be taken both at national and EU level.*

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

Please explain your answer(s)

(Antworten hier einfügen)

3: *Yes, the approach is fundamentally right. Significant requirements at EU level that do not take sufficient account of current technology (e.g. Euro emissions standards) and cannot be modified by the Member States have, however, at least as great an impact on compliance with limit values (see also point 2).*

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions (Directive 2001/81/EC on National Emission Ceilings for certain pollutants - NEC Directive²⁸) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture²⁹.

²⁸ This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia.

²⁹ For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

4a:

Is there sufficient coherence and synergy between the immission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC³⁰ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

4b:

What EU approach would be the most effective for reducing air pollution and improving health conditions?

Please explain your answers.

(Antworten hier einfügen)

4a: *No, there is sufficient coherence and synergy between the immission-side and emission-side EU rules. Whilst the immission-side EU rules are very strict and difficult to comply with (e.g. immission limit values for NO₂ and PM₁₀), the emission-side EU rules are nowhere near sufficient to make best use of what would be technically possible (e.g. Euro emission standards, no emission standard for NO₂) and thus shift the problem to the Member States, which must take measures to comply with immission limit values. From a financial point of view, too, stricter EU emissions standards would be desirable, as expensive planned measures by the Member States could then be avoided or scaled back. In addition, distortions in competition between Member States arising from the different intensity of measures taken by Member States could be avoided or reduced.*

4b: *What would be particularly effective is joined-up emissions legislation for motor vehicles tailored to the latest technical developments, ensuring the effectiveness of stricter emissions standards in real life (reviewing the standard test cycles), developing public transport and moving freight transport from road to rail whilst emphasising the public interest.*

When establishing measures, it is important to pay attention at an early stage to possible side-effects and interdependencies (for example, the use of common diesel particle filters in diesel vehicles causes high direct emissions of the problematic pollutant NO₂).

³⁰ Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

5a:

In your opinion, should any of the limit and target values be modified?

5b:

Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

5c:

Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

5d:

Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e:

Is the flexibility introduced by the Air Quality Directive necessary / sufficient or should the new directive contain more flexibility?

Please explain your answers.

(Antworten hier einfügen)

5a: *In the case of PM₁₀, the limit values for the annual average value and the daily average value are not consistent. Whilst the limit of 35 days over 50 µg/m³ as a daily average value is a very strict limit value, it is relatively easy to comply with the annual average value of 40 µg/m³. It would thus be sensible to review the limit values.*

In respect of particulates, six different criteria must currently be met (PM₁₀: DAV and AAV; PM_{2.5}: AAV limit value, AAV target value, AEI and national target for reducing exposure). The difficulties this causes in terms of informing the population calls, in our view, for a simplification of limit and target values. AEI, in particular, is a limit value criterion that even experts find difficult to understand.

5b: *In the case of PM_{2.5} in particular, there is a predominance of production and transport processes that cover a wide geographical area and thus cross borders. This removes them from the sphere of influence of regional and indeed national authorities. Any tightening of the limit value for PM_{2.5} must therefore go hand in hand with effective measures at supranational level.*

5c: *At present, four measuring instruments are in practice necessary if PM_{10} and $PM_{2.5}$ are to be monitored in the same place at the same time. The manual PM reference measuring methods set out in Directive 2008/50/EC are not suited for daily reporting and must therefore be complemented by automatic measuring instruments. Efforts to standardise methods of measurement and limit values should therefore be made.*

If $PM_{2.5}$ monitoring is to be extended, we consider that a parallel reduction in PM_{10} monitoring would be appropriate. Care should be taken to ensure that the $PM_{2.5}$ limit value is coordinated with the PM_{10} limit values such that the current level of protection is maintained.

Last but not least, the existence of six different criteria for particulates (PM_{10} : DAV and AAV; $PM_{2.5}$: AAV limit value, AAV target value, AEI and national target for reducing exposure) is difficult to explain and thus not citizen-friendly.

5d: *In the light of what is currently known in the area of environmental health, the monitoring of very fine particles by particle counters is useful and necessary. Introducing a requirement to measure the number of particles would provide a basis for medical evaluation of the effects of very fine particles. PM limit valued could be further developed on the basis of such findings.*

5e: *According to Article 25 of Directive 2008/50/EC, Member States affected by transboundary air pollution have to prepare coordinated air quality plans. If the measures in the emitting Member State are not sufficient, the Member State where the breach of limit values was detected has no legal means of forcing the emitting Member State to take appropriate measures. Inadequate measures in Member States whose emissions lead to limit values being exceeded in other Member States should not under any circumstances result in the Member State in which measurements are taken being penalised. In this respect, the new directive should leave more room for manoeuvre.*

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

(Antwort hier einfügen)

6: *The City of Vienna currently runs a sufficient number of pollutant measuring stations to be able to take representative measurements of the many and various pollution situations in a conurbation (close to traffic in open spaces, close to traffic in canyon streets, close to traffic along motorways, residential areas, background, industrial areas, recreation grounds).*

7. Financial and administrative burdens

7a:

What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b:

Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

(Antworten hier einfügen)

7a: *The costs of monitoring air quality and fulfilling the reporting requirements can be calculated at around EUR 700 000 per annum for the Vienna conurbation. Staff costs account for around half this figure. The gravimetric reference method takes up significant human and financial resources. A standardised continuous reference method of measurement would considerably reduce monitoring costs.*

The financial and administrative cost of preparing and implementing measures to reduce air pollutants cannot be estimated.

7b: *Yes, the costs are commensurate, particularly as regards the protection of human health and the environment as a whole. As described under point 4, however, forward-looking EU legislation that takes account of the latest technical developments could significantly reduce the Member States' costs in drawing up and implementing measures.*

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6. Regional Government of Tyrol (Austria)

*COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission*



*Questionnaire on the
Review of EU Air and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network*

Please complete and submit by **2 December 2011**. You can upload the completed questionnaire directly onto the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to log in). Alternatively, you can send it by email to subsidiarity@cor.europa.eu.

Name of the authority:	Office of the Tyrolean regional government
Contact person:	Thomas Hain
Contact details (telephone, email):	thomas.hain@tirol.gv.at

A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.

(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by **Mr Cor Lamers**, rapporteur for this outlook opinion.

.../...

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe³¹

*The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field. It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀, PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole. When limit values or target values³² are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values. When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance. Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines³³ and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.*

1a:

Does your local/regional authority comply with the limit/target values?

1b:

Has your national government developed a national air quality/short-term action plan?

1c:

Has your local/regional authority developed any such plans?

1d:

Has your national government requested postponement of attainment deadlines and/or exemption?

(answers)

1a:

Does your local/regional authority comply with the limit/target values?

PARTLY

1b:

Has your national government developed a national air quality/short-term action plan?

YES

1c:

Has your local/regional authority developed any such plans?

YES

1d:

Has your national government requested postponement of attainment deadlines and/or exemption?

YES

If yes: Has the European Commission granted this postponement/exemption?

PM10 accepted, NO2 in progress

³¹ hereafter referred to as *Air Quality Directive*.

³² plus any temporary margins of tolerance, where applicable.

³³ concerning the limit values for nitrogen dioxide or benzene

2. Compliance with air quality standards

In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2,5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a:

What are the main reasons for this?

2b:

Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

(answers)

2a:

What are the main reasons for this?

Expanding traffic

Heating

2b:

Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

Common European standards for vehicles, which meet the theoretical targets in practise

Cap and trade system for long distance traffic

Higher co-financing for infrastructure measures on TEN corridors

Subsidies for low emission class vehicles

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no: Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

(answers)

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

NO

If no: Do you think that it is necessary that EU legislation should establish such measures, to be

implemented by the Member States in order to attain air quality standards/reduce their exceedance?

YES, e.g. Common standards and Cap and trade system

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions (Directive 2001/81/EC on National Emission Ceilings for certain pollutants - NEC Directive³⁴) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture³⁵.

4a:

Is there sufficient coherence and synergy between the immission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC³⁶ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

If the emissions standards would be kept in practise, the air concentration targets should be reached.

4b:

What EU approach would be the most effective for reducing air pollution and improving health conditions?

(answers)

4a:

Is there sufficient coherence and synergy between the immission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC³⁷ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

No

4b:

What EU approach would be the most effective for reducing air pollution and improving health conditions?

If the emissions standards were kept in practise, the air concentration targets would be reached.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2,5} will become binding in 2015.

5a:

In your opinion, should any of the limit and target values be modified?

³⁴ This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia).

³⁵ For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

³⁶ Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

³⁷ Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

5b:

Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

5c:

Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

5d:

Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e:

Is the flexibility introduced by the Air Quality Directive necessary / sufficient or should the new directive contain more flexibility?

(answers)

5a:

In your opinion, should any of the limit and target values be modified?

NO

5b:

Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

KEEP IT

5c:

Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

It would be more important to concentrate on PM10 before targeting new ones.

5d:

Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

This is a medical questions

5e:

Is the flexibility introduced by the Air Quality Directive necessary / sufficient or should the new directive contain more flexibility?

A new directive should be more flexible and the flexibility should also depend on the efforts of a member state.

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

YES

7. Financial and administrative burdens

7a:

What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b:

Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

(answers)

What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

No figures available, but the burdens are rather great.

7b:

Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

YES, PARTLY

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7. Regional Government of Upper Austria (arrived 13th December 2011) (Austria)

*COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission*



***Questionnaire on the
Review of EU Air and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network***

Please complete and submit by **2 December 2011**. You can upload the completed questionnaire directly onto the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to log in). Alternatively, you can send it by email to subsidiarity@cor.europa.eu.

Name of the authority:	<i>Amt der Oberösterreichischen Landesregierung</i>
Contact person:	<i>Dr. Elisabeth Danninger</i>
Contact details (telephone, email):	<i>+43 732 7720 13600 elisabeth.danninger@ooe.gv.at</i>

*A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.
(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).*

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

*The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by **Mr Cor Lamers**, rapporteur for this outlook opinion.*

.../...

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM10 , PM 2.5 – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

When limit values or target values are exceeded, the Air Quality Directive requires Member States to establish air quality plans setting out measures to attain these values.

When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up short-term action plans indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines and exemptions for the application of the limit value for PM10 until 11 June 2011.

1a:

Does your local/regional authority comply with the limit/target values?

1b:

Has your national government developed a national air quality/short-term action plan?

1c:

Has your local/regional authority developed any such plans?

1d:

Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

(insert answers)

1a: no

1b: yes

1c: yes

1d: yes, for PM10 und NO2

1e: granted for PM10 (decision of 2 July 2009), a request was submitted for NO2 on 30 September 2011 and is still being considered

2. Compliance with air quality standards

In many cities and regions, limit values for PM10 and NO2, and target values for PM2.5 and ozone (set by the Air Quality Directive) have been difficult to meet.

2a:

What are the main reasons for this?

2b:

Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

(insert answers)

2a: The main cause is road traffic; in addition, emissions from other sectors (domestic fires, industry, agriculture) contribute here, particularly in generating secondary particulates

2b: European measures are definitely needed to cut emissions.

At national level, speed limits and stricter speed checks could be introduced while banning old cars and particularly trucks with high emission levels, while tightening up checks on heating systems.

We need awareness raising on less polluting heating options, reducing the demand for transport, e.g. not buying mineral water from other countries or non-seasonal fruit and vegetables, etc; Other measures could include improving combined transport and financial incentives for non-polluting vehicles.

Replacing cars and trucks in order to cut emissions can only make sense if it happens on the basis of stricter EU exhaust emission standards.

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

Please explain your answer(s).

(insert answers)

This approach is not sufficient, because national measures alone will not suffice to ensure compliance with air quality standards.

Road traffic emissions are mainly to blame for failure to comply with limit values for NO₂ and fine particles. However, at local level effective measures to limit such emissions run into the problem

that they would distort competition, prevent the free movement of goods and make business locations less attractive.

In some locations, large industrial sites are also partly to blame for non-compliance; here the problem is the same.

The only feasible solution would be to restrict vehicle and production facility emissions throughout the EU, thus ensuring that the same boundary conditions apply to all.

At the same time, measures should be stepped up to raise awareness of alternative transport models, better consumer habits, using public transport and teleworking, and citizens should be encouraged to play an active role in contributing to environmental and climate protection.

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions (Directive 2001/81/EC on National Emission Ceilings for certain pollutants - NEC Directive) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture.

1.21

4a:

Is there sufficient coherence and synergy between the emission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

4b:

What EU approach would be the most effective for reducing air pollution and improving health conditions?

Please explain your answer(s).

(insert answers)

4a: no

We can only expect to see compliance with limit values for NO₂ and PM₁₀ once a large percentage of cars comply with Euro6/EuroVI standards. However, with legislation as it is at present, this will only be the case after 2015. At the same time, the Air Quality Directive only allows a postponement until 2015 at the latest. In addition, it remains unclear after which test cycle compliance with Euro 6 standards is to be checked. Therefore, it may well happen that emissions standards will once again only be complied with in the test cycle, but not in actual transport conditions, as in the case of Euro 3-5.

4b:

- 1.) Defining a test cycle covering all transport situations*
- 2.) Rapid entry into force of Euro 6/Euro VI standards for cars, as well as light and heavy goods vehicles*
- 3.) Equal limit values for petrol and diesel vehicles, including restrictions on particle numbers*

For at least one year after entry into force of Euro 6 standards, there should be continued tolerance of excess emissions limit values at measurement points close to traffic.

We should base ourselves on a business as usual approach, at the same time as encouraging

people to change their behaviour.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM2.5 will become binding in 2015.

5a:

In your opinion, should any of the limit and target values be modified?

5b:

Would it be appropriate to keep the limit value for PM2.5 at its present level or to further strengthen it?

5c:

Should the limit value for PM2.5 replace the limit value for PM10? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

5d:

Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e:

Is the flexibility introduced by the Air Quality Directive necessary / sufficient or should the new directive contain more flexibility?

Please explain your answer(s).

(insert answers)

5a: The limit value for the PM10 annual average is obsolete, given that exceeding this limit value would inevitably mean exceeding the daily averages for PM2.5 and PM10. The PM10 annual average could therefore be dropped.

5b: the limit value should not be strengthened

5c: many of the particles included in PM10 are smaller than 2.5 µm. As for the larger particles, most of them come from natural sources or road-sanding in winter. Provided that their origin can be identified, such particles could be excluded from assessments of excess PM10 values; however, such identification is usually costly or altogether impossible. Given that large particles are significantly less harmful than fine particles, it makes sense to restrict measurements to PM 2.5.

In Upper Austria, both indicators are currently monitored.

Practical difficulties here have above all to do with the additional financial and staffing resources needed to measure two particle indicators.

5d: At present, general limits on concentrations of PM10 or PM2.5 are the only feasible approach. However, the composition of fine particles varies from one site and time to another, and toxicity is also very variable. In order to differentiate between the risks presented by different components, we need research in terms both of analysis and environmental health.

5e: there is sufficient flexibility

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

(insert answers)

yes

7. Financial and administrative burdens

7a:

What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b:

Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

(insert answers)

7a: The region of Upper Austria currently spends EUR 1.5 million a year on staffing and technical expenditure for air quality monitoring, reporting, development and implementation of air quality plans.

7b: We think they are commensurate.

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8. Flemish Government (Belgium)

**COMITÉ VAN DE REGIO'S – DIRECTORAAT E – Horizontaal beleid en netwerken
DIRECTORAAT C – Advieswerkzaamheden, commissie ENVE**



**Enquête over de
herziening van het EU-beleid inzake luchtkwaliteit en emissies
voorgelegd door Cor Lamers (NL/EVP)
aan het Netwerk voor subsidiariteitstoezicht**

Graag voor **2 december 2011** ingevuld retourneren. U kunt de enquête rechtstreeks uploaden op de webpage van het Netwerk voor subsidiariteitstoezicht (<http://subsidiarity.cor.europa.eu> – vergeet niet eerst in te loggen). U kunt de enquête ook mailen naar subsidiarity@cor.europa.eu.

Naam van de autoriteit:	<i>Flemish government – Environment, Nature and Energy department, Air, Nuisance, Risk Management, Environment and Health division.</i>
Contactpersoon:	<i>Mirka Van der Elst</i>
Contactgegevens (telefoonnummer, e-mailadres):	<i>00 32 (0)2 553 11 23</i>

Een algehele herziening van de EU-wetgeving inzake luchtkwaliteit is gepland voor uiterlijk 2013. Om in kaart te brengen waar verbeteringen nodig zijn heeft de Commissie daarom een brede raadpleging over de herziening van de thematische EU-strategie inzake luchtverontreiniging in gang gezet.

Voor nadere informatie zie: http://ec.europa.eu/environment/air/review_air_policy.htm.

Aangezien een goed beheer van de luchtkwaliteit van groot belang is voor tal van gemeenten en regio's in de EU, heeft de Commissie het Comité van de Regio's om een verkennend advies over dit onderwerp verzocht.

De volgende enquête, met vragen over kwesties in verband met het subsidiariteitsbeginsel en andere zaken die lokale en regionale overheden aangaan, wordt door Cor Lamers, rapporteur van het genoemde verkennende advies, voorgelegd aan de leden van het Netwerk voor subsidiariteitstoezicht.

.../...

U wordt verzocht onderstaande vragen te beantwoorden:

1. Omzetting van Richtlijn 2008/50/EG betreffende de luchtkwaliteit en schonere lucht voor Europa³⁸

De luchtkwaliteitsrichtlijn bevat regels voor milieubeleid, waarvoor zowel de EU als de lidstaten verantwoordelijk zijn. De richtlijn gaat over de beoordeling van de luchtkwaliteit en de overheidsinformatie hierover.

Er staan ook kwaliteitsnormen in (zoals grens- of streefwaarden en alarmdrempels) voor specifieke vervuilende stoffen (zoals zwevende deeltjes – PM₁₀, PM_{2,5} – en stikstofdioxide) teneinde schadelijke gevolgen voor de gezondheid van de mens en het milieu als geheel te voorkomen, te verhinderen of te verminderen.

Worden grens- of streefwaarden³⁹ overschreden, dan moeten de betrokken lidstaten krachtens de richtlijn **luchtkwaliteitsplannen** opstellen met maatregelen om de overschrijding teniet te doen. Als het niveau van vervuilende stoffen een of meer alarmdrempels dreigt te overschrijden, dienen de betrokken lidstaten **kortetermijnactieplannen** op te stellen met maatregelen om de dreiging of de voortduring van de overschrijding te verminderen.

Verder bevat de luchtkwaliteitsrichtlijn bepalingen die het onder bepaalde voorwaarden mogelijk maken om nalevingstermijnen te verlengen⁴⁰ en tot 11 juni 2011 vrijstelling te verlenen van de verplichting de grenswaarde voor PM₁₀ toe te passen.

1a:

Blijft uw lokale/regionale overheid onder de grens-/streefwaarden? No

1b:

Heeft uw landelijke overheid een nationaal luchtkwaliteitsplan of kortetermijnactieplan opgesteld? Yes

1c:

Heeft uw lokale/regionale overheid dergelijke plannen opgesteld? Yes

1d:

Heeft uw landelijke overheid om verlenging van nalevingstermijnen en/of vrijstelling gevraagd? Yes

Zo ja:

Heeft de Europese Commissie deze verlenging toegestaan en/of deze vrijstelling gegeven? Not for PM10, still in procedure for NO2.

³⁸ Hierna de *luchtkwaliteitsrichtlijn* genoemd

³⁹ Plus de eventuele tijdelijke overschrijdingsmarges

⁴⁰ Voor de grenswaarden voor stikstofdioxide en benzeen

2. Inachtneming van de luchtkwaliteitsnormen

Veel steden en regio's hebben moeite om onder de (in de luchtkwaliteitsrichtlijn vastgelegde) grenswaarden voor PM₁₀ en NO₂ en de streefwaarden voor PM_{2,5} en ozon te blijven.

2a:

Waarom is dit met name te wijten?

- *In Flanders the transboundary fraction for PM and the impact of the meteorology are both very high. The impact of regional and local measures have therefore not always an impact on the locally measured concentrations. On average only 30% of the concentration of PM₁₀ can be attributed to Flemish sources.*
- *The problems we have with NO₂, are to a large extent caused by the EURO-standards for vehicles that are not delivering the foreseen NO_x-reductions. In various European cities, traffic is the most important problem to be solved in order to reach the air quality objectives. In this regards, ambitious EURO emission standards for vehicles that are also valid in real driving conditions and not only in unrealistic (test) driving cycles are very important. But this remark can be applicable to other things as well, for example the standards that are now developed under the Eco-design directive, e.g. the emission standards for the Solid Fuel Small Combustion Installations.*

2b:

Hebt u suggesties om deze problemen aan te pakken en wat zou u daarvoor nodig hebben (financiële middelen, kennis, best practices, EU-maatregelen)?

- *For NO₂ and PM₁₀ (of which the secondary fraction is also induced by NO_x): ambitious EURO emission standards for vehicles that are also valid in real driving conditions and not only in unrealistic (test) driving cycles are very important just as the standards that are now developed under the Eco-design directive, e.g. the emission standards for the Solid Fuel Small Combustion Installations. So, in the first place we need extra EU-emission measures.*

(antwoorden invoegen)

3. Aanpak ter uitvoering van Richtlijn 2008/50/EG en subsidiariteit

De in de nationale plannen opgenomen maatregelen (zie vraag 1) moeten door de bevoegde autoriteiten van de lidstaten worden aangepast. Bovendien is het aan hen om deze plannen uit te voeren, en wel door middel van een juiste combinatie van maatregelen om de luchtverontreiniging terug te dringen.

Kunt u zich vinden in deze aanpak, waarbij de lidstaten (landelijk, regionaal en lokaal niveau) maatregelen moeten nemen wanneer luchtkwaliteitsnormen worden of dreigen te worden overschreden?

It is clear that for PM₁₀ (for which we have a high background level) and NO₂ (for which we have problems due to the diesel CAR's that are emitting much more NO_x and NO₂ than is foreseen), the European level is also responsible for not achieving the limit values. It is a shared responsibility so there should be extra European measures too.

Moreover it is much more difficult to obtain the desired air quality levels in large cities and in densely populated and industrialised regio's than in less densely populated areas. In this regard, the specific situation should be better taken into account in some way, for example during the evaluation of the respect of the targets and of the measures that have been made in order to reach them. A special support could be provided for.

Zo nee:

Zou volgens u de EU dergelijke maatregelen in haar wetgeving moeten vastleggen, die dan door de lidstaten moeten worden uitgevoerd om de luchtkwaliteitsnormen te halen en/of hun overschrijding hiervan te verminderen?

Some measure like emission standards (Euro standards that work, emission standards for large and Small Combustion Installations) should be taken on European level. Next to that the EU could provide measure that could be taken but that are not obliged (f.ex. LEZ, ...). It is up to the regio's to choose the most suitable measures.

Kunt u uw antwoord toelichten?

(antwoorden invoegen)

4. EU-aanpak ter bestrijding van emissies

De EU-wetgeving inzake de beperking van de uitstoot van luchtverontreinigende stoffen heeft betrekking op de nationale totalen van deze uitstoot ([Richtlijn 2001/81/EG](#) inzake nationale emissieplafonds voor bepaalde luchtverontreinigende stoffen⁴¹) en op de beperking van emissies aan de bron van specifieke sectoren als de industrie, het vervoer en de landbouw.⁴²

4a:

Is er genoeg samenhang en synergie tussen de op emissies betrekking hebbende luchtkwaliteitsrichtlijn en de vierde dochterrichtlijn 2004/107/EG⁴³ enerzijds en de EU-wetgeving inzake de uitstoot van specifieke sectoren anderzijds

4b:

Wat zou de beste EU-aanpak zijn om de luchtverontreiniging terug te dringen en te zorgen voor een gezondere omgeving?

Kunt u uw antwoord toelichten?

(antwoorden invoegen)

We think that the three ways approach used for the EU Policy on Air Quality is a good approach in

⁴¹ Bijvoorbeeld de IPPC-richtlijn, EU-wetgeving inzake verontreinigende stoffen uitgestoten door weg- en zeevervoer.

⁴² Deze richtlijn bevat voor elke lidstaat bovengrenzen voor de totale uitstoot in 2010 van de vier groepen luchtverontreinigende stoffen die verantwoordelijk zijn voor verzuring, eutrofiëring en de verontreiniging van ozon op leefniveau (zwaveldioxide, stikstofdioxiden, vluchtige organische stoffen en ammoniak).

⁴³ Richtlijn 2004/107/EG betreffende arseen, cadmium, kwik, nikkel en polycyclische aromatische koolwaterstoffen in de lucht

theorie (for protecting the human health and nature): setting uniform air quality standards, setting emission ceilings and establishing a level playing field through the sectoral directives. Although we realise that it is very difficult, a 1:1:1-relationship between these directives should be pursued. It is important that there is a real level playing field between different member states, meaning that general sectoral standards have to be as strict as possible and that it is necessary to enforce a strict implementation of BAT in all sectors and all member states. The same is valid for product standards: when it becomes clear from optimisation that for a number of member states certain product standards are the most cost effective way to reach certain goals, these standards have to be set at a European level. If this is impossible, they should not be taken into account in the optimisations used for the setting of the standards (ceilings or air quality standards), as this might harm national producers in an international market. Stricter standards by individual member states would in some cases (e.g. to oblige the car industry to introduce more stringent emission standards earlier than foreseen by the EU) even not be accepted by the European Commission due to internal market restrictions. As both emission ceilings and air quality directives require measures to be taken in sectors that are not covered by the industrial emission directive (IED) or other sectoral directives, we think that it is appropriate to develop European legislation for these other sectors, the most important ones (at this stage) being the small combustion installations (< 50 MW_{th}) and agriculture.

When standards (ceilings or air quality standards) are set based on certain assumptions and these assumptions seem incorrect and have a major influence, this has to be reflected in either adapting (the timeframe of) the standards or in the evaluation of the standards. We refer specifically to the EURO-standards for vehicles that are not delivering the foreseen NO_x-reductions which has an impact on the achievability of both the ceilings for NO_x and the NO₂ and PM air quality standards. In various European cities, traffic is the most important problem to be solved in order to reach the air quality objectives. In this regards, ambitious EURO emission standards for vehicles that are also valid in real driving conditions and not only in unrealistic (test) driving cycles are very important. But this remark can be applicable to other things as well, for example the standards that are now developed under the Eco-design directive, e.g. the emission standards for the Solid Fuel Small Combustion Installations.

5. Grenswaarden en streefwaarden

De luchtkwaliteitsrichtlijn en de vierde dochterrichtlijn bevatten grens- en streefwaarden voor diverse verontreinigende stoffen. De grenswaarde voor PM_{2,5} wordt in 2015 bindend.

5a:

Zijn er grens- en streefwaarden die volgens u gewijzigd moeten worden?

5b:

Moet de grenswaarde voor PM_{2,5} op het huidige niveau blijven of is verdere aanscherping nodig?

5c:

Moet de grenswaarde voor PM_{2,5} in de plaats komen van de grenswaarde voor PM₁₀? Welke grenswaarde hanteert u in uw gemeente/regio en veroorzaakt het naast elkaar bestaan van twee waarden voor zwevende deeltjes praktische problemen?

5d:

Zijn er (andere) voor de gezondheid schadelijke stoffen die beter kunnen worden gevolgd dan de stoffen die in de luchtkwaliteitsrichtlijn worden genoemd?

5e:

Is de flexibiliteit waarin de luchtkwaliteitsrichtlijn voorziet nodig/voldoende of moet de nieuwe richtlijn meer flexibiliteit mogelijk maken?

Kunt u uw antwoord toelichten?

(antwoorden invoegen)

It is increasingly clear that total mass particulate matter (PM₁₀ and PM_{2.5}) is not the best traffic (and health) related indicator. Indeed, about 30-40 % of the annual mean PM₁₀ (and even higher for PM_{2.5}) concentrations consists of secondary inorganic aerosol (SIA). This secondary inorganic fraction is probably less toxic than the primary PM components like e.g. elemental carbon (EC) and/or black carbon (BC) that are directly related to combustion related emissions (e.g. primary traffic emissions). The contribution of the primary fraction as BC in the total mass PM is however very limited. Measures focusing on the reduction of total mass PM and thus on compliance with the limit values, will probably lead to less than the expected reduction of the impact of particulate matter on human health, since a reduction of the total mass PM does not necessarily imply a reduction of the most harmful components (EFCA). Specific regulation for EC and/or BC should therefore be foreseen.

6. Beoordeling van de luchtkwaliteit

Zijn het aantal, de locaties en de prestaties van punten voor het meten van het niveau van verontreinigende stoffen in uw gemeente/regio volgens u adequaat voor de beoordeling van de luchtkwaliteit?

(antwoorden invoegen)

The assessment of the air quality in air quality zones through monitoring is straightforward, but has its limitations: the spatial representativeness of a single monitoring station is hard to determine and the minimal number of monitoring stations per air quality zone is generally insufficient to calculate the exposure of the population to air pollution within an air quality zone with any reasonable accuracy. The best way to evaluate the air quality in air quality zones would be the use of a combination of “point” measurements and modelling. The air quality directive however does not take into account the uncertainty of models for compliance checking, which is in general higher than the uncertainty for measuring. Compliance checking towards model results is thus not

evident since member states risk infringements procedures, e.g. due to model overestimation. A possible workaround could be the introduction of a “likelihood” that the modelled concentrations exceed the limit or target values. Only when the probability to exceed the limit value is “very likely” (chance > 90 %, percentage to be discussed), the member state is not in compliance. The FAIRMODE community is preparing recommendations for the use of air quality models for assessment purposes. It is of course of great importance that the final recommendations of FAIRMODE will be used as part of the review of the air quality directive.

The concept that limit values should apply almost everywhere is very restrictive. This could also lead to measures that are not always effective to reduce the health impact of air. The focus to reduce air pollution should always be linked to a reduction of population exposure.

7. Financiële en administratieve lasten

7a:

Welke financiële en administratieve lasten – bijvoorbeeld voor de beoordeling van de luchtkwaliteit, verslaglegging en de ontwikkeling en uitvoering van luchtkwaliteitsplannen/kortetermijnactieplannen – brengt de omzetting van de luchtkwaliteitsrichtlijn in uw gemeente of regio met zich mee?

7b:

Wegen de doelstellingen van de luchtkwaliteitsrichtlijn (bescherming van de volksgezondheid en het milieu als geheel) volgens u op tegen deze kosten?

(antwoorden invoegen)

Since it is increasingly clear that total mass particulate matter (PM10 and PM2.5) is not the best traffic (and health) related indicator the cost for some measures might also not be effective in terms of health protection.

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9. Bavarian State Government (Germany)

**COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission**



**Questionnaire on the
Review of EU Air Quality and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network**

Please complete and submit by **2 December 2011**. You can upload the completed questionnaire directly onto the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to log in). Alternatively, you can send it by email to subsidiarity@cor.europa.eu.

Name of the authority:	Bavarian State Government Bavarian State Ministry of Health and the Environment (StMUG)
Contact person:	Dr Richard Schlachta
Contact details (telephone, email):	+49 89 9214 2396

A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.

(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by **Mr Cor Lamers**, rapporteur for this outlook opinion.

.../...

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe⁴⁴

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀ , PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

When limit values or target values⁴⁵ are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values.

When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines⁴⁶ and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a: Does your local/regional authority comply with the limit/target values?

1b: Has your national government developed a national air quality/short-term action plan?

1c: Has your local/regional authority developed any such plans?

1d: Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

1a) No. There have been problems with meeting the immissions limits for particulate matter PM₁₀ and nitrogen dioxide NO₂ in places with particularly heavy traffic. The Federal Environment Office notifies the European Commission of the exceedances as part of the annual reporting requirement.

1b) There is no national (i.e. German federal government) air quality/short-term action plan.

1c) In Bavaria, the StMUG is the authority responsible for developing clean air plans when the air quality limit values are exceeded. The StMUG has taken a pro-active approach to clean air planning and, to date, has introduced clean air plans for 18 towns and cities. The plans for 8 towns and cities have been extended, and that for Munich has already been extended three times.

1d) Yes. The StMUG applied for the deadline for particulate matter PM₁₀ to be postponed for the

⁴⁴ hereafter referred to as *Air Quality Directive*.

⁴⁵ plus any temporary margins of tolerance, where applicable.

⁴⁶ concerning the limit values for nitrogen dioxide or benzene.

cities of Augsburg and Munich; the Commission agreed to postpone the deadline until 11.6.2011. In the case of NO₂, on 12.7.2011 the StMUG applied for a postponement until 31.12.2014 pursuant to Article 22 of the Air Quality Directive (http://ec.europa.eu/environment/air/quality/legislation/time_extensions.htm). The Commission has not yet issued its decision on this application.

2. Compliance with air quality standards

In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2,5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a: What are the main reasons for this?

2b: Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

2a: Reasons for failure to meet the limit values for particulate matter PM₁₀:

- Complexity of the formation and transport of particulate matter in the atmosphere.
- High proportion of secondary particulate matter – approx. 20-38% depending on location (formation of particulate ammonium salts in the atmosphere via chemical reactions between gaseous precursors such as ammonia, nitrogen oxides and sulphur oxides). Various sources of precursor compounds (industry, domestic fuels, transport and agriculture). The main source of ammonia is livestock farming.
- Around 50% of the particulate matter pollution in a given location comes from the broader background, to which all sources contribute, while the other 50% comes from the immediate vicinity, i.e. limited scope for reduction using specific local measures.
- Significant influence from meteorology: limits are particularly likely to be exceeded in the winter, when dispersal characteristics are unfavourable (low air-exchange weather conditions with low wind speeds lead to higher concentrations of pollutants in the lower air layers).
- Increased used of biomass increases emissions of particulate matter

Reasons for failure to meet the limit values for NO₂:

- The main source of NO₂ pollution is road traffic, in particular diesel vehicles
- Problems with traffic volume: increasing number of vehicles.
- Rising emissions from diesel vehicles:

Studies have shown that the oxidation catalytic converter in Euro-3 diesel cars increases the percentage of NO₂ in the emitted nitrogen oxides NO_x (NO₂ and nitric oxide NO). The EU did not take account of this in its immissions legislation – previous immissions forecasts assumed that renewal of the vehicle fleet would result in a greater reduction in immissions.

Either EU measures to reduce emissions from road traffic – such as Euro-6/VI vehicles – are being introduced too late or the EU immissions limit values have been implemented too early.

2b: Suggestions to improve air quality:

- EU: Enhanced measures to move the vehicle fleet towards low-emissions vehicles (e.g. electric or hydrogen-fuelled cars)
- EU: Enhanced measures to reduce background pollution, such as laying down EU-wide minimum emissions standards for plant and setting strict emissions requirements for the type approval of small solid-fuel burners.
- EU: Greater support for specific infrastructure projects to improve air quality, such as enclosing/creating tunnels for central arterial routes, constructing bypasses.
- EU: Greater support for projects to improve mobility in towns and cities with air quality problems, such as smart traffic management and major local public transport projects.

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

Please explain your answer(s)

Essentially, the air quality limit values can only be met by means of a package of measures forming part of an overall strategy that makes the most of all the options for reducing the main sources of emissions, be they in transport, domestic heating systems, industrial plant or agriculture. These measures should be targeted directly at the sources. Real reductions will only be possible with the cooperation of all the parties involved (EU, federal state, *Länder*, urban and rural districts, business and the general public). The "central, regional and local level" approach is therefore correct in principle. However, the situation with regard to sources (see answer to question 2a) means that the immissions standards generally cannot be met by the kind of measures that local authorities can lay down in their clean air plans on their own, without additional measures at a higher – e.g. EU – level (such as exhaust emission standards). This puts the EU under greater pressure to improve harmonisation between its emissions and immissions legislation. It does not, however, make sense for the EU to require specific local measures to be taken when immissions limits are exceeded; it is also not necessary, as the competent local authorities are in a better position to assess the specific situation and determine proportionality).

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions ([Directive 2001/81/EC](#) on National Emission Ceilings for certain pollutants - NEC Directive⁴⁷) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture⁴⁸.

4a: Is there sufficient coherence and synergy between the emission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC⁴⁹ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

4b: What EU approach would be the most effective for reducing air pollution and improving health conditions?

Please explain your answers.

4a:

- No. **There is no coordination between European immissions and emissions legislation:** The Air Quality Directive sets out NO₂ immissions limit values that had to be met by 2010, but the strict exhaust emissions standards Euro 6 (for cars) and VI (for heavy-duty vehicles) for road traffic – the main source of NO₂ – will not become mandatory until 2013/2014. In other words, either the stricter emissions standards for vehicles are being imposed too late, or the NO₂ immissions limits, in particular, have been implemented far too early. The conversion of the vehicle fleet to Euro 6/VI is not expected to produce a significant improvement in the pollution situation until the end of the decade.

Moreover, when establishing the Euro-5 emissions standard, the EU failed to adjust the NO_x emissions standard for diesel cars to match that for petrol cars. In addition, the test cycles on which the Euro standards are based do not correspond to real-life driving, which in practice produces higher emissions.

- Counterproductive measures have been introduced at EU level, such as watering down the EU requirements for machinery.

4b:

See question 2b.

In view of the situation with regard to sources, actions should be targeted at the individual sources.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

5a: In your opinion, should any of the limit and target values be modified?

5b: Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further

⁴⁷ This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia).

⁴⁸ For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

⁴⁹ Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

strengthen it?

5c: Should the limit value for PM_{2,5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

5d: Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e: Is the flexibility introduced by the Air Quality Directive necessary/sufficient or should the new directive contain more flexibility?

Please explain your answers.

5a: Modifications to the limit/target values

Given the complex causes of particulate matter pollution (high proportion from the broader background), and the significant impact of the weather (unfavourable dispersal conditions in the winter), we would recommend that, with regard to particulate matter, air quality be assessed only in terms of PM_{2,5}, which is the more significant fraction in terms of its effects. The PM₁₀ limit values would thus be dropped in favour of an annual PM_{2,5} limit of 25 µg/m³.

5b: Retaining the PM_{2,5} limit value

Yes. The annual PM_{2,5} limit value of 25 µg/m³ should remain unchanged.

5c: Replacing PM₁₀ with PM_{2,5}

Yes. See 5a). At the moment we monitor both PM₁₀ and PM_{2,5} as required by the Air Quality Directive.

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

In principle, yes. It needs to be made clearer in the directive that traffic-orientated sampling points should be a certain minimum distance from the kerbside (see 1st Daughter Directive) in order to obtain values representative of the pollution suffered by the public (avoiding taking measurements right by the exhaust pipe).

7. Financial and administrative burdens

7a: What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b: Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

7a: The financial burden imposed by measures such as Clear Zones and bans on heavy goods traffic is significant; the StMUG does not have exact figures, as the measures are proposed by local authorities

(cities) and implemented under their own responsibility.

There is also a very heavy administrative burden. Many bodies at local and regional level are involved in clean air planning – as can be seen from the length of time (1-2 years) it takes for the plan to come into force. In addition, there are comprehensive EU reporting requirements concerning the plans, which should be reduced to a minimum.

7b: No. The planning costs should, if possible, be adapted to the situation in terms of pollution sources. In cases where pollution is broadly caused by a single source and exceedances are restricted to small areas (e.g. traffic on through roads), the labour-intensive requirement to draw up a clean air plan should be dropped in favour of measures independent of a plan. In other words, clean air plans should really only be drawn up in places (cities) where limit values are exceeded over wide areas, due to pollution from a variety of sources.

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10. City of Augsburg (Germany)

COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission



Questionnaire on the
Review of EU Air Quality and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network

Please complete and submit by 2 December 2011. You can upload the completed questionnaire directly onto the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to log in). Alternatively, you can send it by email to subsidiarity@cor.europa.eu.

Name of the authority:	City of Augsburg
Contact person:	Stefan Klein
Contact details (telephone, email):	0049/821/324-7333; stefan.klein@augzburg.de

A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.

(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by Mr Cor Lamers, rapporteur for this outlook opinion.

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe¹

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀, PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

When limit values or target values² are exceeded, the Air Quality Directive requires Member States to establish air quality plans setting out measures to attain these values.

When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up short-term action plans indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines³ and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a: Does your local/regional authority comply with the limit/target values?

1b: Has your national government developed a national air quality/short-term action plan?

1c: Has your local/regional authority developed any such plans?

1d: Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

(insert answers)

For 1a: No.

For 1b: Yes.

For 1c: Yes.

For 1d: Yes; for PM₁₀ a deadline extension has been granted, for NO₂ a request has been submitted to the European Commission.

¹ hereafter referred to as *Air Quality Directive*.

² plus any temporary margins of tolerance, where applicable.

³ concerning the limit values for nitrogen dioxide or benzene.

<p>2. Compliance with air quality standards</p> <p>In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2.5} and ozone (set by the Air Quality Directive) have been difficult to meet.</p> <p>2a: What are the main reasons for this?</p> <p>2b: Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?</p>
<p>(insert answers)</p> <p>For 2a: For nitrogen oxides the reason is the high proportion of road traffic, and for that in particular the strict emission limits of Euro-standard 6/VI for motor vehicles have come too late.</p> <p>For 2b: The introduction of Euro-standard 6/VI and compliance with air quality targets have to be coordinated timewise, as does the strategic and, where appropriate, financial support of public transport measures for the municipalities.</p>

<p>3. Approach taken by Directive 2008/50/EC and subsidiarity</p> <p>The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.</p> <p>Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?</p> <p>If no:</p> <p>Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?</p> <p>Please explain your answer(s)</p>
<p>(insert answers)</p> <p>Basically, regional approaches enable individual solutions to be found. As far as possible, regionality is to be welcomed. More important are the framework conditions in European and national rules, which should specify achievable targets for regional authorities. These should be ambitious, but not utopian.</p>

<p>4. EU approach to combating emissions</p> <p>EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions (Directive 2001/81/EC on National Emission Ceilings for certain pollutants - NEC Directive⁴) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture⁵.</p> <p>4a: Is there sufficient coherence and synergy between the emission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC⁶ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?</p> <p>4b: What EU approach would be the most effective for reducing air pollution and improving health conditions?</p> <p>Please explain your answers. (insert answers)</p> <p>The City of Augsburg, as the executive authority, is not affected by Directives 2001/81/EC and 2004/107/EC. Basically, rules on emission limits make more sense than immission limits.</p>

<p>5. Limit and target values</p> <p>The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.</p> <p>5a: In your opinion, should any of the limit and target values be modified?</p> <p>5b: Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?</p> <p>5c: Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?</p> <p>5d: Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?</p> <p>5e: Is the flexibility introduced by the Air Quality Directive necessary/sufficient or should the new directive contain more flexibility?</p> <p>Please explain your answers. (insert answers)</p> <p>For 5a: Achieving the objective for 2015 is hardly realistic.</p>
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⁴ This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia).

⁵ For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

⁶ Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

For 5b: Limit value should be retained, but the deadline for compliance should be reviewed.
For 5c: Both values are being monitored by the State of Bavaria.
For 5d and 5e: No opinion.

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

(insert answer)

Yes.

7. Financial and administrative burdens

7a: What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b: Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

(insert answers)

For 7a: Developing and reporting on air quality plans generates a significant administrative burden; the implementation of individual measures such as improving the supply of public transport can cause enormous costs.

For 7b: Basically, the air quality objectives are to be approved, but the introduction of emission limits would be much less of a burden. The higher costs, which are not charged to the polluter, are therefore disproportionate.

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11. Regional Government of Baden-Württemberg (Germany)

*COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission*



***Questionnaire on the
Review of EU Air and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network***

Please complete and submit by **2 December 2011**. You can upload the completed questionnaire directly onto the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to log in). Alternatively, you can send it by email to subsidiarity@cor.europa.eu.

<i>Name of the authority:</i>	<i>Baden-Württemberg Ministry of Transport and Infrastructure</i>
<i>Contact person:</i>	<i>Dr Günter Mezger</i>
<i>Contact details (telephone, email):</i>	<i>Guenther.Mezger@mvi.bwl.de</i>

A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.

(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

*The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by **Mr Cor Lamers**, rapporteur for this outlook opinion..*

.../...

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe⁵⁰

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀, PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

*When limit values or target values⁵¹ are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values.*

*When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.*

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines⁵² and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a:

Does your local/regional authority comply with the limit/target values?

1b:

Has your national government developed a national air quality/short-term action plan?

1c:

Has your local/regional authority developed any such plans?

1d:

Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

⁵⁰ hereafter referred to as *Air Quality Directive*.

⁵¹ plus any temporary margins of tolerance, where applicable.

⁵² concerning the limit values for nitrogen dioxide or benzene

(Antworten hier einfügen)

1a: In Baden-Württemberg, average values, and specifically average values for urban areas, comply with the limit and target values. But in areas close to roads with heavy traffic, densely built-up roadsides and restricted air circulation, breaches of the target values for particulate matter PM10 and nitrogen dioxide do occur.

1b: No.

1c: In municipalities in which limit values were exceeded, air monitoring plans or air monitoring/action plans were formulated and for the most part already updated.

1d: For the affected agglomerations and areas, the possibility of exemption for PM10 and the possibility of postponement for nitrogen dioxide were utilised and the European Commission notified.

In some cases, no objections were raised against the use of the possibility of exemption for PM10. In some cases in which the maximum number of days for PM10 limit value breaches was only narrowly complied with following expiry of the transitional period, no objections were raised providing plans were supplemented with additional measures with clear short-term impact. The plans were duly updated so that Baden-Württemberg operates on the assumption that the same prerequisite also applies for use of the PM10 exception in these areas.

Objections were raised against use of the PM10 exception in Stuttgart, because it was not possible to demonstrate in the initial statement that the daily average PM10 value could be complied with through to the end of the transitional period. In line with the Commission's decision, additional measures were included in the air monitoring plan and a new report was sent to the European Commission.

No feedback has yet been received from the Commission with respect to the notification of postponement for nitrogen dioxide.

2. Compliance with air quality standards

In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2,5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a:

What are the main reasons for this?

2b:

Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

(Antworten hier einfügen)

2a: Nitrogen dioxide emissions from motor vehicles have not fallen to the extent assumed when the limit values were determined. This is especially due to the lack of harmonised, European requirements for restricting motor vehicle emissions, on the one hand, and the limit values for air quality, on the other:

- Since Euro 3, the composition of nitrogen oxide (NO_x) emissions from diesel vehicles and light commercial vehicles has shifted from nitrogen monoxide (NO) towards much higher proportions of nitrogen dioxide (NO₂). Despite a small overall decrease in NO_x emissions, this has led to a drastic increase in direct NO₂ emissions. In addition to engine-related measures, causes include the introduction of diesel oxidation catalysts (in order to reduce carbon monoxide and hydrocarbon emissions), and the introduction of oxidation-coated diesel particle filters, which generate nitrogen dioxide for oxidation of soot.
- The test cycles governing the approval of vehicles and engines (type acceptance testing) do not accurately reflect driving conditions in urban areas, which are particularly relevant from the point of view of air pollution levels. The falling NO_x emissions in type acceptance testing from Euro 2/II to Euro 5/V do not, therefore, reflect the reality on the ground.
- The limit values for airborne NO₂ levels have had to be met since 2010. However, the limit values contained in Euro standards 5/V and 6/VI aimed particularly at reducing NO_x emissions only became binding in 2009 or become binding in 2013 (lorries)/2014 (motorcars) (determined by the registration date of the motor vehicle in question). Given that it takes at least 6-8 years to change the composition of the fleet of vehicles on the roads, these Euro standards come much too late.

As a rule, high PM₁₀ levels occur when local or more broadly regional inversion conditions prevent dissipation of airborne pollutants. Inevitably, therefore, there are substantial regional differences, which are not adequately reflected in the current requirements of the Air Quality Directive. The impact of the weather is greater than the reduction achieved through even the most effective measures.

In domestic heating (wood burning), efforts to improve air quality are undermined by countervailing efforts to protect the climate.

Ammonia emissions from agriculture together with nitrogen oxide and sulphur dioxide emissions lead to the accumulation of secondary aerosols, and thereby to higher background levels of particulate matter pollution.

2b: In order to resolve the contradiction between the goals of climate protection and air monitoring when it comes to domestic fires, pan-European approaches and assessments should be identified. For the purposes of air quality, the use of wood – a climate-neutral fuel – should be restricted where possible to larger facilities fitted with filters, which could form part of district heating networks, for example. In any case, ambitious emission limit values should be set, and techniques for reducing particulate matter prescribed, for all solid fuel heating systems – especially systems for single rooms (stoves, fireplaces).

In terms of the problems around nitrogen dioxide, quantifiable reductions can only be expected when the Euro 6/VI vehicles that are coming onto the market also comply with emission requirements in situations typical of urban traffic. On this condition, we should work towards rapid

transformation of the vehicle fleet using subsidies, for example – and not just at the national level.

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

Please explain your answer(s)

So far, Baden-Württemberg has drawn up 25 air monitoring/action plans containing numerous measures. Older plans were, or are currently being, updated with further measures. Considerable financial means were deployed to implement them and gauge their efficacy.

But Baden-Württemberg alone is not in a position to stick to the determined air quality values when targets are set at other levels that run counter to, or at least delay, the achievement of air quality targets (motor vehicle emission limit values that come too late and are unrealistic; competing climate goals that lead to increasing particulate matter emissions from solid fuel fires; postponement of already-agreed emission limit values for mobile machines and devices due to the so-called flexible system;...).

So far EU policy has given priority to agriculture (ammonia emissions), transport, climate protection and rights relating to the internal market, without regard to the requirements of air quality. This makes it much harder for regions to stick to air quality targets, especially in geographically and orographically difficult conditions. The conflicting objectives at European level cannot be resolved by the regions.

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions (Directive 2001/81/EC on National Emission Ceilings for certain pollutants - NEC Directive⁵³) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture⁵⁴.

4a:

Is there sufficient coherence and synergy between the immission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC⁵⁵ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

4b:

What EU approach would be the most effective for reducing air pollution and improving health conditions?

Please explain your answers.

4a: In Baden-Württemberg's view, the Fourth Daughter Directive's target values for emission concentrations of arsenic, cadmium, nickel and benzo[a]pyrene, intended to protect human health and the environment as a whole, are only problematic insofar as the pollutant benzo[a]pyrene is concerned. Since benzo[a]pyrene is especially likely to result from incomplete combustion, emission-reduction measures targeting solid fuel fires would be useful. Consequently, there are synergies in terms of this source group when reducing both particulate matter and benzo[a]pyrene. The conflict of objectives with climate protection is unaffected by this.

4b: The findings on long-distance travel of air pollutants and atmospheric chemistry suggest that measures aimed at reducing emissions are needed and must be implemented in all areas. A significant decrease in background pollution is only possible on the basis of this broadly applied policy. Background pollution can be reduced primarily through a pan-European or national approach, and with at best limited effect though local measures (air monitoring plans for specific excess zones).

⁵³ This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia).

⁵⁴ For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

⁵⁵ Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

5a:

In your opinion, should any of the limit and target values be modified?

5b:

Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

5c:

Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

5d:

Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e:

Is the flexibility introduced by the Air Quality Directive necessary / sufficient or should the new directive contain more flexibility?

Please explain your answers.

5a: The large number of limit and target values for particulate matter (PM₁₀ and PM_{2.5}) should be substantially reduced.

5b and c: The limit value for PM_{2.5} of an annual average of 25 µg/m³ (from 2015) should be lowered to 20 µg/m³ from 2020. The level of protection offered by the current PM₁₀ limit values should be maintained.

In future, the emphasis in monitoring of particulate matter limit values should be shifted to particulate fraction PM_{2.5}, since, according to assessments by the World Health Organisation (WHO, see e.g. the 2006 global update of the Air Quality Guidelines), fraction PM_{2.5} correlates most closely with the health effects observed in epidemiological studies.

In addition to PM₁₀ readings, PM_{2.5} readings are currently taken at some stations.

5d: Corresponding guidance should come from science and research and the WHO.

5e: If the objectives of the Air Quality Directive cannot be met as a result of natural disadvantages or circumstances beyond the control of regional policymakers, a future directive should allow

sufficient flexibility to take these factors into account. Any such allowance must begin with relaxation of maximum excess value times, which for many regions are either barely or not at all adequate. These requests were already included in the CoR's report on the Air Quality Directive in force at the time, and they should be maintained (CoR report from 2006, rapporteur Jahn, DEVE-IV-001, 17 May 2006).

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

The stations of the *Land*-wide measurement network were set up in places that are representative of the rural or urban background. The findings on air quality can therefore be applied to other regions. As a supplement to these representative readings, readings are also taken from sites close to streets to convey pollution levels in spatially restricted areas with heavy traffic. The locations of measurement sites close to streets were determined on the basis of preliminary investigations (partly with indicative readings). This procedure ensures that readings are actually taken at sites where pollution levels are believed to be highest. This approach is seen as adequate to allow a *Land*-wide assessment of air quality.

7. Financial and administrative burdens

7a:

What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b:

Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

7a: The cost of implementing these measures is impossible to estimate, since implementation entails investment not just from the public purse, but rather from all citizens and businesses in the affected areas.

The costs of carrying out air quality readings amount to EUR 3 million annually. As part of efforts to formulate air quality plans, prizes amounting to EUR 300 000 in 2010 and EUR 200 000 in 2011 were awarded across the *Land*.

7b: Opportunities to reduce local pollution levels are limited. The *Land* Baden-Württemberg goes to great expense to formulate and implement locally effective measures with the aim of improving air quality to protect human health. But the *Land* regards it as a shortcoming that these efforts are not bolstered by urgently needed harmonisation of legislation at the European level.

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controller (Acting Head of Unit – Directorate for Horizontal Policies and Networks, Unit 2) at subsidiarity@cor.europa.eu. If necessary, you can also contact the CoR Data Protection Officer (data.protection@cor.europa.eu). You have the right of recourse to the European Data Protection Supervisor at any time (www.edps.europa.eu).

12. Greater London Authority (Great Britain)

*COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission*



*Questionnaire on the
Review of EU Air Quality and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network*

Please complete and submit by **2 December 2011**. You can upload the completed questionnaire directly onto the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to log in). Alternatively, you can send it by email to subsidiarity@cor.europa.eu.

Name of the authority:	Greater London Authority
Contact person:	Simon Cousins
Contact details (telephone, email):	+44 (0)20 7983 4845, simon.cousins@london.gov.uk

A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.

(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by **Mr Cor Lamers**, rapporteur for this outlook opinion.

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe⁵⁶

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀, PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

*When limit values or target values⁵⁷ are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values.*

*When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.*

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines⁵⁸ and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a:

Does your local/regional authority comply with the limit/target values?

1b:

Has your national government developed a national air quality/short-term action plan?

1c:

Has your local/regional authority developed any such plans?

1d:

Has your national government requested postponement of attainment deadlines and/or exemption?

Has the European Commission granted this postponement/exemption?

1a. The UK Government successfully applied for a time extension for pm10 limit values in London. London is expected to be compliant with these limit values in 2011. However, London exceeds limit values for NO₂. The UK Government's recent submission to the Commission suggested that compliance in London with NO₂ limit values would not be achieved until 2020 - 2025.

1b. In September 2011, the UK Government submitted to the Commission its plans for the achievement of NO₂ limit values in the UK in as short a period as possible. This plan is available at: <http://uk-air.defra.gov.uk/library/no2ten/index>

1c. The Mayor of London is required by domestic law to produce a Strategy that shows how

⁵⁶ hereafter referred to as *Air Quality Directive*.

⁵⁷ plus any temporary margins of tolerance, where applicable.

⁵⁸ concerning the limit values for nitrogen dioxide or benzene

national air quality objectives (which are based on EU limit values) will be achieved in London. This Strategy is available at:

<http://www.london.gov.uk/sites/default/files/Air%20Quality%20Strategy%20v3.pdf>

1d. As above, a time extension for the daily PM10 limit value has been gained by the UK Government. Time extensions for some UK Zones for NO2 have been sought, but not for London, as Government modelling showed that compliance would not be possible by 2015.

2. Compliance with air quality standards

In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2.5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a:

What are the main reasons for this?

2b:

Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

2a.

Transboundary pollution - Transboundary pollution, over which the Greater London Authority (GLA) has no control, is responsible for 40% of PM10 concentrations in central London. During a major pollution episode in April 2011, analysis by King's College London showed that 80% of background pollution was due to pollution from outside London, much of it from continental Europe. 40% of NO2 concentrations across London are also from outside the capital, including significant amounts from other EU Member States.

Euro standards – There is increasing evidence that recent Euro standards for diesel cars have actually caused increased emissions of NO2. This limits the tools available to local and regional authorities to develop schemes that will reduce NO2 emissions from road transport.

Fleet dieselisation – The UK car tax regime has over the past decade has incentivised lower CO2 emissions. This has had the effect of increasing the take-up of diesel cars, so that in 2010 more diesel cars were sold than petrol cars in the UK. Unfortunately, diesel cars have higher emissions of air quality pollutants than their petrol equivalents.

Tyre and brake wear – Tyre and brake wear is now responsible for 30% of road transport emissions of PM10 in central London. Unlike exhaust emissions, which are regulated by Euro standards, there is no equivalent regulation of tyre and brake wear.

2b.

NECD/ Sectoral standards – It is important that the limits in the National Emission Ceilings Directive are reviewed, tightened where possible and enforced. To assist Member States, the Commission should develop sectoral emission control measures. Areas that would benefit from

Europe-wide emission controls include Non-Road Mobile Machinery, wood burning (biomass) boilers/ heating systems and shipping.

Euro 6/ VI standard – The Euro 6/ VI standard needs to be reviewed as soon as vehicles are on the market, to ensure that it is delivering NO₂ reductions. If not, the Commission should work to implement a NO₂ threshold to the standard as soon as possible.

Tyre and brake wear – The Commission should lead on technological development of low-wear tyres and brake, with a view to including new technology in the tyre labelling scheme and the type approval regime.

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

Please explain your answer(s)

The Greater London Authority believes that in principle, limit values set at EU level are an appropriate mechanism for driving air quality improvements and protecting health across Europe. However, compliance methodologies need to take into account regional geographic and meteorological conditions and the failure of policy levers (eg. Euro standards) that are outside the control of regional or national authorities.

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions (Directive 2001/81/EC on National Emission Ceilings for certain pollutants - NEC Directive⁵⁹) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture⁶⁰.

4a:

Is there sufficient coherence and synergy between the immission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC⁶¹ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

4b:

What EU approach would be the most effective for reducing air pollution and improving health conditions?

Please explain your answers.

4a.

It is clear that no analysis was made of national emissions ceilings to assess their impact on concentrations in urban areas across Europe. The review of the NECD must take place hand in hand with the review of the Air Quality Directive, so that the compliance regime for the latter Directive is realistic in relation to overall emission reductions.

Another failing of the current regime is that the pollutants addressed in sectoral legislation are not the same as in the Air Quality Directive. For example, Euro standards for road vehicles are for particulate matter and oxides of nitrogen, whereas the limit values in the Directive are for fine particulate matter and nitrogen dioxide. This means that emission reduction measures are not focussed on the emissions that are most harmful to health.

4b.

The Commission's current review should include a review of health evidence. Any resulting legislation (be it NECD, AQD or sectoral limits) should then be focussed on the pollutants that are shown to have the greatest impact on health.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

⁵⁹ This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia).

⁶⁰ For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

⁶¹ Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

5a:

In your opinion, should any of the limit and target values be modified?

5b:

Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

5c:

Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

5d:

Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e:

Is the flexibility introduced by the Air Quality Directive necessary / sufficient or should the new directive contain more flexibility?

Please explain your answers.

The answers to all these questions depend on a review of health evidence (as recommended above). However, specific consideration in such a review should be given to how best to target Black/ Elemental Carbon, for which there is emerging evidence of the health impacts.

There is a strong case for the simplification of limit values. The current multitude of different standards makes it difficult for authorities to target their resources where they are most needed and difficult to communicate risk to populations.

While the limit values themselves should be based on health evidence, the compliance regime needs to reflect the tools available to authorities (eg. Euro standards, local geography and meteorology).

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

At present, yes. However, due to the current economic circumstances, an increasing number of monitoring sites are being closed. In addition, should new requirements be introduced for PM_{2.5}, the monitoring network in London will need to be enhanced.

Monitoring needs to be supplemented by modelling which gives a better understanding of air quality across an entire region, and which is therefore necessary for effective air quality management.

7. Financial and administrative burdens

7a:

What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b:

Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

Improved air quality is a priority for the Mayor of London. However, even the extensive measures to be introduced through the Mayor's Air Quality Strategy (at significant cost) will not allow NO₂ limit values to be achieved in the short-term (by 2015). That is why it is so important that limit values are focussed on the pollutants that will deliver greatest health benefits and that the compliance regime recognises authorities' limitations.

Privacy disclaimer: The follow-up to your contribution requires the processing of your personal data (name, contact details, etc.) in a file. Should you require further information, or wish to exercise your rights under Regulation (EC) 45/2001 (e.g. to access or rectify data), please contact the data controller (Acting Head of Unit – Directorate for Horizontal Policies and Networks, Unit 2) at subsidiarity@cor.europa.eu. If necessary, you can also contact the CoR Data Protection Officer (data.protection@cor.europa.eu). You have the right of recourse to the European Data Protection Supervisor at any time (www.edps.europa.eu).

13. Scottish Government (Great Britain)

*COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission*



*Questionnaire on the
Review of EU Air and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network*

Please complete and submit by 2 December 2011. You can upload the completed questionnaire directly onto the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to log in). Alternatively, you can send it by email to subsidiarity@cor.europa.eu.

Name of the authority:	Scottish Government
Contact person:	Andrew Taylor
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*A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.
(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).*

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

*The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by **Mr Cor Lamers**, rapporteur for this outlook opinion.*

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe⁶²

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀, PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

*When limit values or target values⁶³ are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values.*

*When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.*

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines⁶⁴ and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a:

Does your local/regional authority comply with the limit/target values?

1b:

Has your national government developed a national air quality/short-term action plan?

1c:

Has your local/regional authority developed any such plans?

1d:

Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

1a: Scotland currently complies with all limit/target values except the annual and hourly limit values for nitrogen dioxide in a small number of urban areas.

1b: The UK Government, together with the devolved administrations of Scotland, Wales and Northern Ireland, has produced a series of air quality plans covering all areas where the nitrogen dioxide limit values are currently not being met. An overview of UK wide measures being

⁶² hereafter referred to as *Air Quality Directive*.

⁶³ plus any temporary margins of tolerance, where applicable.

⁶⁴ concerning the limit values for nitrogen dioxide or benzene

undertaken has also been produced. A short term action plan has not been produced in Scotland, although such a plan has been produced in Wales.

1c: As indicated in the previous answer, plans have been produced covering all areas of Scotland where the nitrogen dioxide limit values are currently being exceeded. A short term action plan has not been produced for Scotland.

1d: Postponement of attainment deadlines for nitrogen dioxide has been requested by the UK Government, in areas where attainment is predicted by 2015. For areas where attainment is predicted after 2015, plans have been submitted indicating that attainment will be achieved as soon as possible. The submission is currently being considered by the Commission.

The UK Government has also sought postponement for the PM10 limit values in London. As this is not relevant to Scotland, no details are given here.

2. Compliance with air quality standards

In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2,5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a:

What are the main reasons for this?

2b:

Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

2a: In Scotland (as in the rest of the UK and the EU as a whole) the difficulties in achieving the limit values are mainly related to transport. Despite a significant reduction in NO_x emissions over the last 10 years, and introduction of a range measures intended to reduce air pollution, overall nitrogen dioxide concentrations have declined at a lower rate and in a number of urban areas have become static.

A significant factor in the UK has been the failure of increasingly stringent Euro standards to deliver the real world emissions reductions which were expected based on data from test cycles and type approval tests. This is particularly the case for diesel vehicles and is compounded by the notable increase in the proportion of diesel cars in the UK vehicle fleet since 2000.

Other factors include the increase in the fraction of NO_x directly emitted as nitrogen dioxide from diesel exhausts due to the fitting of oxidation catalysts and certain types of diesel particulate filters aimed at reducing other pollutant emissions, and higher than predicted emissions from Euro I and Euro II petrol cars.

2b: The situation outlined in the previous answer is complex and investigations are ongoing as to the reasons why nitrogen dioxide concentrations are not declining at the rate expected. Increased knowledge and understanding of nitrogen dioxide emissions from transport is a key medium to long term requirement. In the shorter term, drawing together and disseminating current evidence

and best practice in an effective and useable way will help to ensure that policy decisions are at least based on the most accurate and reliable available information. Whilst this can be done at various levels, there may be a role for the EU in co-ordinating such information on a Europe wide basis.

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

Please explain your answer(s)

It is appropriate that action to tackle poor air quality is taken at a level where the most effective solutions can be implemented depending on specific local or regional circumstances. At the EU level, rather than requiring specific actions through legislation it is perhaps more useful to establish a framework which is sufficiently flexible to allow Member States to take appropriate actions but is also sufficiently robust to ensure consistency of approach and outcomes. The EU also has an important role to play in addressing transboundary air pollution, which is most effectively dealt with on a larger scale

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions (Directive 2001/81/EC on National Emission Ceilings for certain pollutants - NEC Directive⁶⁵) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture⁶⁶.

4a:

Is there sufficient coherence and synergy between the immission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC⁶⁷ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

⁶⁵ This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia).

⁶⁶ For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

⁶⁷ Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

4b:

What EU approach would be the most effective for reducing air pollution and improving health conditions?

Please explain your answers.

4a: There is scope for improving the co-ordination of the EU Directives relating to air quality, and the 2013 review should be taken as an opportunity to examine this issue.

4b: In particular, consideration should be given to the feasibility of aligning the various target dates, which differ widely between the Directives and between pollutants. Such alignment could help to produce a more effective and efficient framework for managing air quality by focusing less on an individual pollutant/target approach and more on the interactions between pollutants and their effects.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

5a:

In your opinion, should any of the limit and target values be modified?

5b:

Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

5c:

Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

5d:

Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e:

Is the flexibility introduced by the Air Quality Directive necessary / sufficient or should the new directive contain more flexibility?

Please explain your answers.

5a: The review provides an opportunity to consider the emerging evidence on the health effects of

nitrogen dioxide and whether the current limit values are still appropriate. In particular there are indications that the short term effects may be more important than the long term. There may thus be a case for reviewing the annual limit value. The costs of fully complying with this limit value are considerable and, if the evidence suggests that a relaxation may be appropriate, resources could be freed up for tackling other pollutants with more significant health effects e.g. particulate matter.

5b: It is considered that there is scope for assessing whether the current limit value of $25\mu\text{g}/\text{m}^3$ could be tightened further through a review of the latest evidence. The Scottish Government has set a more stringent domestic PM2.5 objective of $12\mu\text{g}/\text{m}^3$ based on an assessment of background levels in Scotland, although it is not suggested that this would necessarily be an appropriate limit value for the EU as a whole.

5c: Given that significant gaps remain in our knowledge of how different size fractions of particulate matter behave in the environment and impact on human health, the limit value for PM10 should remain in place for the time being. Both PM10 and PM2.5 are monitored in Scotland as part of the UK Automatic Urban and Rural Network (AURN). The AURN is operated by the UK Government and the devolved administrations of Scotland, Wales and Northern Ireland. PM2.5 is not currently monitored by local authorities within Scotland, although consideration is currently being given as to how such monitoring could be established. No significant practical problems have so far arisen through the existence of the two limit values.

5d: There are no obvious major omissions in the range of pollutants currently covered by the Directive.

5e: The time extension provisions in the Directive have been helpful, but do not address the reasons why such extensions are necessary in the first place. Therefore the introduction of further flexibility would have little value unless accompanied by requirements aimed at tackling the underlying causes of poor air quality more effectively.

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

The AURN network contains a sufficient number of sampling points in appropriate locations to allow assessment of compliance with the Directive requirements. In addition, the Scottish Government funds the operation of 85 local authority sites to AURN standards which complement the UK network and provide a comprehensive database of air quality information in Scotland.

7. Financial and administrative burdens

7a:

What financial and administrative burdens are entailed by the transposition of the Air Quality

Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b:

Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

7a: The main financial and administrative burdens relate to the operation and maintenance of the monitoring network, along with data processing and reporting. All of these activities are undertaken on a UK wide basis with input from the UK Government and devolved administrations. The UK Government takes the lead in co-ordinating these activities and reporting to the Commission. There are currently no short term action plans to be implemented in Scotland, but there are air quality plans associated with the time extension submission for complying with the nitrogen dioxide limit values. Due to the wide range of measures contained in these plans, which encompass a number of different policy areas, it is not possible to provide a simple overview of the financial costs and administrative burdens.

7b: Due to its highly prescriptive nature and the detailed reporting requirements, there is a substantial administrative burden involved in complying with the Directive. This review provides an opportunity to consider whether simplification and streamlining of procedures is possible, which would help to free up resources for additional action.

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14. Province of Alessandria (Italy)

**COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Work, ENVE Commission**



**Questionnaire on the
Review of EU Air Quality and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network**

Please complete and submit by **2 December 2011**. You can upload the completed questionnaire directly onto the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to log in). Alternatively, you can send it by email to subsidiarity@cor.europa.eu.

Name of the authority:	Province of Alessandria
Contact person:	Elena Biorci
Contact details (telephone, email):	+39 0131 304731 – elena.biorci@provincia.alessandria.it

A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.
(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by **Mr Cor Lamers**, rapporteur for this outlook opinion.

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe⁶⁸

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀ , PM_{2,5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

When limit values or target values⁶⁹ are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values.

When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines⁷⁰ and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a: Does your local/regional authority comply with the limit/target values?

1b: Has your national government developed a national air quality/short-term action plan?

1c: Has your local/regional authority developed any such plans?

1d: Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

When it comes to air quality, the Province of Alessandria, located in the south-eastern part of the Piedmont Region, presents all the problems typical of the Po Valley area. Under national and regional rules, the Province is responsible for coordinating municipal efforts to implement the structural measures set out in the Piedmont Region's air quality improvement and protection plan. The air quality monitoring network currently shows that PM₁₀ concentration limits are being exceeded in the Po Valley areas, including the Province of Alessandria. The Piedmont Region has made a formal request to the EC for an exemption in these cases.

⁶⁸ hereafter referred to as *Air Quality Directive*.

⁶⁹ plus any temporary margins of tolerance, where applicable.

⁷⁰ concerning the limit values for nitrogen dioxide or benzene.

2. Compliance with air quality standards

In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2,5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a: What are the main reasons for this?

2b: Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

The areas in the Province of Alessandria that have exceeded the PM₁₀ limit values are those located in the Po Valley. The repeated exceeding of the limits is the result not only of the continual pollution produced by the main sources (traffic, heating and industries) but also of the area's orography and climatic characteristics. The Po Valley experiences long periods of thermal inversion, mainly during the cold season; these cause an accumulation of pollutants in the atmosphere and there is almost constant atmospheric stagnation. All this contributes overwhelmingly to the accumulation of pollutants and their failure to disperse and consequently to the constant passing of the limit values, especially in winter. As to the possible measures to be taken, it is very important that measures be taken throughout the area in a coordinated and stable manner. In the past, scrappage schemes for polluting vehicles and obsolete inefficient heating installations have proved useful. It would, therefore, definitely help if additional financial resources could be earmarked for these purposes.

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

Please explain your answer(s)

The implementation of measures established at regional level is the right approach, as only by taking action on a larger scale will there be any hope of achieving results that help to reduce polluting emissions. Shifting the choice of measures and methods to local level could result in a patchy response which would be less effective.

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions ([Directive 2001/81/EC](#) on National Emission Ceilings for certain pollutants - NEC Directive⁷¹) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture⁷².

4a: Is there sufficient coherence and synergy between the emission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC⁷³ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

4b: What EU approach would be the most effective for reducing air pollution and improving health conditions?

Please explain your answers.

Italian national legislation is unfortunately not very coherent with the European air quality directives, at least not for all source types.

For instance, in the Piedmont Region, legal emissions limits exist only for a few types of industrial source with national legislation quoted for all the others (Single text on the environment, Legislative Decree 152/06); this legislation is well known to state obsolete and extremely high and thus inapplicable limit values for the various plant types. It is therefore to be hoped that it will be possible to assign applicable limit values at least for the main types of industrial plant at national or possibly even at European level.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

5a: In your opinion, should any of the limit and target values be modified?

5b: Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

5c: Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

5d: Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e: Is the flexibility introduced by the Air Quality Directive necessary/sufficient or should

⁷¹ This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia).

⁷² For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

⁷³ Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

the new directive contain more flexibility?

Please explain your answers.

Monitoring should continue for both PM₁₀ and PM_{2.5} as they do not have the same chemical composition.

ARPA Piemonte, the body managing the regional air quality monitoring network, is currently equipping the network with PM_{2.5} monitoring units; our network does not yet monitor Pm_{2.5}.

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

There is currently an over-abundance of monitoring stations in the Province of Alessandria. ARPA Piemonte and the Piedmont region are however reviewing the monitoring network and the plans we have seen point to a reduction in the number of stations. The new configuration will provide for sufficient monitoring stations to provide full information on air quality, in combination with mathematical models for pollution dispersion.

7. Financial and administrative burdens

7a: What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b: Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

The Province is responsible for coordinating municipalities' efforts to implement the measures set out in the air quality improvement plan. The action plans are drawn up together with the municipalities and reformulate what is set out in the Regional air quality improvement and protection plan. In reality, it is not so much a question of whether the costs are commensurate with the objectives as whether the actions are commensurate with the costs, since all the measures taken are restricted by the limited financial resources of the bodies that are or are supposed to be implementing them. Greater funding would certainly make it possible to take more measures and would make those taken more effective.

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15. Association of Local Authorities in Lithuania (Lithuania)

*COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission*



*Questionnaire on the
Review of EU Air and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network*

Please complete and submit by 2 December 2011. You can upload the completed questionnaire directly onto the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to log in). Alternatively, you can send it by email to subsidiarity@cor.europa.eu.

Name of the authority:	Association of Local Authorities in Lithuania
Contact person:	Ieva Andriulaitytė
Contact details (telephone, email):	+37052123614, e-mail: ieva.andriulaityte@lsa.lt

*A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.
(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).*

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

*The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by **Mr Cor Lamers**, rapporteur for this outlook opinion.*

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe⁷⁴

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀, PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

*When limit values or target values⁷⁵ are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values.*

*When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.*

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines⁷⁶ and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a:

Does your local/regional authority comply with the limit/target values?

1b:

Has your national government developed a national air quality/short-term action plan?

1c:

Has your local/regional authority developed any such plans?

1d:

Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

1a:

The limit values are not exceeded in the most of Lithuanian municipalities.

Sometimes we have some cases when limit values are exceeded. It depends mostly on meteorology and season (for example individual houses heating during winter time and etc.)

1b:

We have no national air quality/short-term action plan in Lithuania.

*The air quality issues are regulated by **Law on Protection of Ambient Air**, which provides that municipalities have to prepare the programmes of Ambient Air Quality Management and their implementation plans.*

1c:

Programmes and plans mentioned above are prepared and approved in all municipalities.

1d:

We have no information related with this question.

⁷⁴ hereafter referred to as *Air Quality Directive*.

⁷⁵ plus any temporary margins of tolerance, where applicable.

⁷⁶ concerning the limit values for nitrogen dioxide or benzene

2. Compliance with air quality standards

In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2,5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a:

What are the main reasons for this?

2b:

Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

2a:

The main reasons are city transport, transboundary pollution, use of solid fuel during heating season, road quality, lack of legal acts and financial support.

2b:

Lithuanian municipalities need financial support, best practices experience from member state, trainings, methodical support from national governing institutions.

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

Please explain your answer(s)

In our opinion it is necessary to take appropriate measures when air quality standards are exceeded. However, these problems must be solved not only at local but also at national levels. We also consider, that before taking the measures first at all it is necessary to know the reason.

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the

national totals of such emissions (Directive 2001/81/EC on National Emission Ceilings for certain pollutants - NEC Directive⁷⁷) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture⁷⁸.

4a:

Is there sufficient coherence and synergy between the immission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC⁷⁹ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

In our opinion legal acts must be improved.

4b:

What EU approach would be the most effective for reducing air pollution and improving health conditions?

It is necessary to encourage use of renewable energy, to increase energy efficiency, to increase public education and etc.

Please explain your answers.

4a:

In our opinion legal acts must be improved.

4b:

It is necessary to encourage use of renewable energy, to increase energy efficiency, to increase public education and etc.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

5a:

In your opinion, should any of the limit and target values be modified?

5b:

Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

5c:

Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

5d:

Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e:

⁷⁷ This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia).

⁷⁸ For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

⁷⁹ Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

Is the flexibility introduced by the Air Quality Directive necessary / sufficient or should the new directive contain more flexibility?

Please explain your answers.

5a:

In our opinion it is not necessary to better pollutants values. We think, that pollutants values have to be found on researches

5b:

We express opinion to keep the limit value for PM_{2.5} at its present level

5c:

Mostly municipalities take measurements of PM₁₀. Only some municipalities take measurements of PM_{2.5}. Therefore we have no one opinion related with this question.

5d:

It is necessary to pay more attention for pollutants which contains heavy metals or volatile organic compounds, pollutants from agriculture, to take more control for dioxin emissions and etc.

5e:

Yes.

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

Yes, we think that number, location and performance of sampling points measuring the level of pollutants are adequate for assessing air quality.

7. Financial and administrative burdens

7a:

What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b:

Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

7a. For the transposition of the Air Quality Directive requirements is responsible Lithuanian Ministry of Environment. Municipalities don't take part in this process. Municipalities role are to implement requirements approved by Parliament and Ministry of Environment. In air quality field municipalities need financial and methodical support, best practise exchange, trainings, seminars and etc.

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16. Extremadura Regional Assembly (Spain)

**COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission**



**Questionnaire on the
Review of EU Air Quality and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network**

Please complete and submit by **2 December 2011**. You can upload the completed questionnaire directly onto the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to log in). Alternatively, you can send it by email to subsidiarity@cor.europa.eu.

Name of the authority:	Regional Assembly of Extremadura
Contact person:	---
Contact details (telephone, email):	---

A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.

(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by **Mr Cor Lamers**, rapporteur for this outlook opinion.

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe⁸⁰

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀ , PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

When limit values or target values⁸¹ are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values.

When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines⁸² and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a: Does your local/regional authority comply with the limit/target values?

1b: Has your national government developed a national air quality/short-term action plan?

1c: Has your local/regional authority developed any such plans?

1d: Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

⁸⁰ hereafter referred to as *Air Quality Directive*.

⁸¹ plus any temporary margins of tolerance, where applicable.

⁸² concerning the limit values for nitrogen dioxide or benzene.

(insert answers)

1a: Yes, for all pollutants (NO_x, SO₂, CO, PM₁₀, PM_{2,5}, benzene, VOCs and heavy metals). In the case of ground-level ozone, the target value is exceeded in summer, due to the high temperatures and solar radiation the Extremadura region experiences during those months, although primary pollutants, such as nitrogen oxides and volatile organic compounds, the precursors of O₃, have much lower levels than required by European and national legislation.

1b: Yes – Spain has drawn up its National Plan, which was adopted by the government on 4 November 2011.

1c: No, because there is no need.

1d: No, this has not been necessary

2. Compliance with air quality standards

In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2,5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a: What are the main reasons for this?

2b: Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

(insert answers)

2a: We have not had any problem complying with the limit values for PM₁₀ and NO₂, at any of the regional network's stations. Nor has the limit value for PM_{2,5} been exceeded. Where ozone is concerned, the target value has been exceeded. The region is not able to reduce levels of this pollutant, however, because temperatures and solar radiation are extremely high in summer and the precursors probably come from primary pollutants in other regions

2b: We believe that where ground-level ozone is concerned, research lines should be drawn up at the national level, with support from the European Union, especially in the Mediterranean countries. This research should focus on studying primary pollutants, long-distance transport and photochemical mechanisms in the formation of O₃. Epidemiological studies on ozone's effects on human health should furthermore be carried out or extended.

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States *and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.*

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

Please explain your answer(s)

(insert answers)

Yes, in keeping with the principle of subsidiarity, with regard to pollutants that have an affect at a higher level, this must be the level that adopts measures. At the regional and local levels, these should reflect the sustainable development model, in all three of its strands: environmental, economic and social.

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions (Directive 2001/81/EC on National Emission Ceilings for certain pollutants - NEC Directive) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture⁸³.

4a:

Is there sufficient coherence and synergy between the immission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC⁸⁴ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

4b:

What EU approach would be the most effective for reducing air pollution and improving health conditions?

Please explain your answers.

(insert answers)

4a: The European directives on air quality in relation to immission levels are, in our view, appropriate but are not directly related to emissions; legislation on emissions and immissions should be more closely harmonised. Consideration should also be given to atmospheric pollution a long distance from emission sources, the emission of nitrous oxides by transport in towns and cities or by fuel in large industrial centres creates ozone pollution in rural areas and, in conjunction with SO₂ and NH₃ emissions, produce acid rain in places a long way from the point of emission. Furthermore, transboundary pollution contributes to acidification, soil eutrophication and ground-level ozone formation, the abatement of which requires more closely coordinated EU action.

4b: The national emissions ceilings contained in Directive 2001/81/EC should be reflected at the regional level, to avoid new emission levels where high levels are already in place, for both pollutants emitted into the atmosphere and the greenhouse gases that are most frequently associated with them.

⁸³

For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

⁸⁴

Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

5a:

In your opinion, should any of the limit and target values be modified?

5b:

Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

5c:

Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

5d:

Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e:

Is the flexibility introduced by the Air Quality Directive necessary/sufficient or should the new directive contain more flexibility?

Please explain your answers.

(insert answers)

5a: *Ozone limit values should be revised upwards for regions that experience high levels of solar radiation and high temperatures.*

5b: *yes, it would be appropriate to maintain the limit value.*

5c: *No, because PM₁₀ levels will always be higher than PM_{2.5} levels and this level would be very low for particulates smaller than 10 micrograms, especially in the Mediterranean countries, due to drought, 'African episodes' and the resuspension of particulates.*

5d: *We are unaware of this aspect.*

5e: *In our region, we find the existing flexibility to be sufficient.*

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

(insert answer)

Yes, because we are dealing with large cities, medium-sized towns and rural areas. The regional network has six fixed stations and two mobile stations to run campaigns throughout the region.

7. Financial and administrative burdens

7a:

What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b:

Do you believe that these costs are commensurate with the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

(insert answers)

7a: the financial burden on our region is considerable, both in terms of investment in the 8 fixed and mobile stations and of maintaining and replacing equipment. The annual cost of maintaining and overseeing the network, communications and analyses of particulates and heavy metals ((Ni, Cd, Pb, As) and polycyclic aromatic hydrocarbons is high and represents a substantial administrative burden.

Total investment costs have been some EUR 1.5 million, with annual costs of maintaining the network totalling around EUR 400 000.

7b: Yes

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17. Regional Government of Andalusia (Spain)

*COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission*



*Questionnaire on the
Review of EU Air Quality and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network*

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<i>Name of the authority:</i>	Consejería de Medio Ambiente Junta de Andalucía (Dirección General de Prevención y Calidad Ambiental)
<i>Contact person:</i>	Juan Contreras González
<i>Contact details (telephone, email):</i>	955926243 juan.contreras@juntadeandalucia.es

A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.

(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

*The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by **Mr Cor Lamers**, rapporteur for this outlook opinion.*

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe⁸⁵

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀, PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

*When limit values or target values⁸⁶ are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values.*

*When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.*

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines⁸⁷ and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a:

Does your local/regional authority comply with the limit/target values?

1b:

Has your national government developed a national air quality/short-term action plan?

1c:

Has your local/regional authority developed any such plans?

1d:

Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

(insert answers)

1a Yes

1b Yes

1c Yes

1d Yes

Under approval for NO₂

⁸⁵ hereafter referred to as *Air Quality Directive*.

⁸⁶ plus any temporary margins of tolerance, where applicable.

⁸⁷ concerning the limit values for nitrogen dioxide or benzene

2. Compliance with air quality standards

In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2,5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a:

What are the main reasons for this?

2b:

Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

(insert answers)

2a Traffic and industrial emissions

2b All of them are important, but specially financial means of the final authorities responsible of the best practices (local authorities)

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

Please explain your answer(s)

(insert answers)

NO because the coordination between different administrations is an important problem. So, it is necessary to understand the competence distribution in each country before requiring to take appropriate measures

Yes, with some flexibility, establishing standard measures can help the different administrations involved in air quality management, because these measures have been previously tested in other areas and could provide verified solutions to local problems

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions (Directive 2001/81/EC on National Emission Ceilings for certain pollutants - NEC Directive⁸⁸) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture⁸⁹.

4a:

Is there sufficient coherence and synergy between the immission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC⁹⁰ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

4b:

What EU approach would be the most effective for reducing air pollution and improving health conditions?

Please explain your answers.

(insert answers)

4a This is not enough, because the EU legislation concerning emissions is specifically targeted to industrial sector. There are parameters (particulate matter and ozone) what require of emissions policy in urban areas. Also in NO₂, EURO5 has not been consistent with air quality policies in the EU. There is inefficiency in the EU legislation.

4b - Need for policies aimed at reducing vehicle most pollutants.

- Need for policies aimed at the promotion of public transport and sustainable mobility.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

5a:

In your opinion, should any of the limit and target values be modified?

5b:

Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

5c:

Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor

⁸⁸ This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia.

⁸⁹ For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

⁹⁰ Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

within your municipality/region and does the existence of two values for PM cause practical problems?

5d:

Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e:

Is the flexibility introduced by the Air Quality Directive necessary / sufficient or should the new directive contain more flexibility?

Please explain your answers.

(insert answers)

5a The stage 2 of limit value for PM_{2,5} (20 mg/m³ in January 2020)

5b The stage 2 of limit value for PM_{2,5} (20 mg/m³ in January 2020)

5c The limit value for PM_{2,5} should not replace the limit value for PM₁₀. The coexistence of both limit values doesn't mean any problem. So both values can be hold up.

5d Yes, ultrafine particles (UFPs) and black-carbon (BC)

5e The possibility of apply for a postponement of attainment deadlines and/or exemption introduces the necessary flexibility to certain situations in which there are problems to get the goals. However, it's difficult to have approved appropriate air quality action plan when requesting exemptions for the application of limit value.

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

(insert answer)

Somewhat too many stations.

7. Financial and administrative burdens

7a:

What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b:

Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

(insert answers)

7a The most financial and administrative burdens are related to the adoption and implementation of plans.

7b Yes, but it's difficult to implement these plans due to the actual economic crisis.

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18. Parlament of Catalonia (Spain)

**COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission**



**Questionnaire on the
Review of EU Air Quality and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network**

Please complete and submit by **2 December 2011**. You can upload the completed questionnaire directly onto the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to log in). Alternatively, you can send it by email to subsidiarity@cor.europa.eu.

Name of the authority:	Parlament de Catalunya [Parliament of Catalonia]
Contact person:	Blanca Massé
Contact details (telephone, email):	0034 93 3046500 Int.3035; bmasse@parlament.cat

A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.
(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by **Mr Cor Lamers**, rapporteur for this outlook opinion.

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe⁹¹

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀ , PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

When limit values or target values⁹² are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values.

When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines⁹³ and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a: Does your local/regional authority comply with the limit/target values?

1b: Has your national government developed a national air quality/short-term action plan?

1c: Has your local/regional authority developed any such plans?

1d: Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

1a) No. The limit values for PM₁₀ and NO₂ have been exceeded.

1b) The Spanish State approved the "Plan de Mejora de la Calidad del Aire" [Air Quality Improvement Plan] on 4.11.11.

1c) Yes. By Decree No 152/2007 of 10 July, the regional government of Catalonia approved the Action Plan for the improvement of air quality in municipalities declared areas of special atmospheric protection by Decree No 226/2006, of 23 May, which was extended by Decree No 203/2009 until the end of 2011. The plan includes 73 measures divided into 8 areas, aimed at

⁹¹ hereafter referred to as *Air Quality Directive*.

⁹² plus any temporary margins of tolerance, where applicable.

⁹³ concerning the limit values for nitrogen dioxide or benzene.

reducing emission levels of PM_{10} and NO_2 in the area in question. In September, the Catalan government presented the new air quality improvement plan 2011-2015 which involves 39 municipalities of the urban area of Barcelona. The new plan deals directly with the urban transport model, with clear traffic reduction measures and support for vehicles which are cleaner in terms of NO_x and PM_{10} . It also includes actions in the event of pollution episodes.

1d) Yes. An exemption has been requested from compliance with the limit value for PM_{10} and a postponement for compliance with the limit value for NO_2 . The European Commission has not granted exemption from compliance with the limit value for PM_{10} , and the Catalan government is not aware of its reasons, and is awaiting notification regarding whether the postponement for compliance with the limit value for NO_2 has been granted.

2. Compliance with air quality standards

In many cities and regions, limit values for PM_{10} , and NO_2 and target values for $PM_{2,5}$ and ozone (set by the Air Quality Directive) have been difficult to meet.

2a: What are the main reasons for this?

2b: Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

2a)

- With regard to NO_2

Very ambitious limit values and measures for achieving them are very costly from economic and social points of view. There is also interference from certain EU and national policies for combating climate change, such as the promotion of diesel vehicles and the lack of promotion of cleaner alternative fuels and the penalisation of gasoline, which is clearly a cleaner fuel in terms of urban pollution.

Compliance is hindered in particular by the fact that diesel vehicles, in real urban traffic conditions, have not reduced their NO_x emissions and have in fact increased direct emissions of NO_2 , contrary to the intention of the NEDC cycle which serves as a basis for the Euro regulations. The fact that the Euro 5 Regulation in force has not produced the expected results means that traffic emission reductions of 30 to 50% have to be applied in urban areas, which is an extremely difficult target to meet.

Climate change considerations with Spanish incentives "clearly intended to favour diesel" have "dieselised" the vehicle fleet in cities. 70% of vehicles in Barcelona are currently diesel. In 1996, at the time of the first framework directive, less than 15% of vehicles in urban areas were diesel.

- With regard to PM_{10}

Very ambitious limit values and measures for achieving them are very costly from economic and social points of view. The application of air quality improvement plans began late.

Certain meteorological factors, such as shortage of rain, hinder compliance with them. There is also interference from certain EU and national policies for combating climate change, such as the promotion of diesel vehicles and of biomass combustion.

There is a lack of regulation in relation to wear of brakes, tyres and road surface, emissions of which are increasingly significant.

2b)

Adequate funding instruments to help establish measures at regional or local level would be extremely useful, as well as greater flexibility in the timescales for compliance with the limit values for NO₂, at least until the implementation of the future Euro 6 regulations can have an impact on new vehicles.

It must be ensured that new Euro 6 vehicles produce the expected levels of NO_x and NO₂ in real urban traffic conditions.

In any event, a period of time is required to counter the dieselisation of the fleet and ensure that a greater proportion of the renewed fleet runs on gasoline and other cleaner fuels: in the short term, LPG, CNG, and gasoline and, in the medium to long term, electric vehicles.

A new vehicle type-approval cycle must be established which takes more account of real urban traffic conditions, since it is in cities that the greatest pollution problems currently arise.

A common European system of vehicle labelling is needed, indicating the pollution level, at least of PM₁₀ and NO₂, for each vehicle so that citizens are aware of it, as already happens in the case of CO₂ emissions. Awareness-raising campaigns should also be carried out seeking to explain to citizens that, as well as the problem of climate change, there is also the problem of urban pollution and public health.

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

Please explain your answer(s)

The approach is adequate, but it should be improved by establishing a clear series of measures and stipulating the competent authorities required to implement them, according to the level of government responsible: thereby distinguishing between measures to be applied by the EU, by States and by regional and local governments, laying down each administration's obligation to apply them. It should also be guaranteed that regional measures with their own air quality plans are made known to the European administration without any kind of prior modification by national governments.

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions ([Directive 2001/81/EC](#) on National Emission Ceilings for certain pollutants - NEC Directive⁹⁴) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture⁹⁵.

4a: Is there sufficient coherence and synergy between the emission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC⁹⁶ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

4b: What EU approach would be the most effective for reducing air pollution and improving health conditions?

Please explain your answers.

4a)

The Euro regulations for diesel vehicles in real urban traffic conditions produce results below those expected. The type-approval cycle for those vehicles should be reviewed in order to bring it more into line with the reality of the urban NO₂ pollution problems detected in very many European cities.

Stricter emission limits for biomass should be set in areas which exceed the air quality levels set.

4b)

Policies relating to air quality should be harmonised, particularly climate change policies geared towards promoting diesel vehicles and biomass combustion in areas with air pollution problems, since they have contrary effects in those areas.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

5a: In your opinion, should any of the limit and target values be modified?

5b: Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

5c: Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

⁹⁴ This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia).

⁹⁵ For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

⁹⁶ Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

5d: Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e: Is the flexibility introduced by the Air Quality Directive necessary/sufficient or should the new directive contain more flexibility?

Please explain your answers.

5a: *No.*

5b: *The current limit value for PM_{2,5} should be maintained.*

5c: *No.*

The values monitored are PM₁₀, PM_{2,5} and PM₁.

No.

5d: -

5e: *The flexibility introduced by the Air Quality Directive is necessary.*

The new directive should contain more flexibility.

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

Yes. The network has been restructured and a further review is planned.

7. Financial and administrative burdens

7a: What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b: Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

7a:

Financial and administrative burdens are:

- *Providing the network with equipment to measure PM_{2,5} and the management of that equipment (change and collection, analysis and maintenance).*
- *Methods for evaluating concentrations of pollutants which comply with the reference measuring methods laid down in the Directive.*
- *The procedure for maintaining equipment.*
- *Implementation of a modelling system.*

7b: -

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19. Community of Madrid (arrived 12th December 2011) (Spain)

**COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission**



**Questionnaire on the
Review of EU Air Quality and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network**

Please complete and submit by **2 December 2011**. You can upload the completed questionnaire directly onto the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to log in). Alternatively, you can send it by email to subsidiarity@cor.europa.eu.

Name of the authority:	<i>Área de Calidad Atmosférica [Department of Air Quality], Autonomous Community of Madrid</i>
Contact person:	<i>Irene Aguiló</i>
Contact details (telephone, email):	<i>00 34 91 438 2665, irene.aguilo@madrid.org</i>

A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.

(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by **Mr Cor Lamers**, rapporteur for this outlook opinion.

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe⁹⁷

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀ , PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

When limit values or target values⁹⁸ are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values.

When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines⁹⁹ and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a: Does your local/regional authority comply with the limit/target values?

1b: Has your national government developed a national air quality/short-term action plan?

1c: Has your local/regional authority developed any such plans?

1d: Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

(insert answers)

1a: *In the Autonomous Community of Madrid, the limit values for PM10 and NO2 have been exceeded, as have the target values for O3.*

1b:
Yes, the Spanish government's National Air Quality Plan.

1c:
Yes, the Autonomous Community of Madrid's 2006-2012 Strategy for Air Quality and Climate Change

⁹⁷ hereafter referred to as *Air Quality Directive*.

⁹⁸ plus any temporary margins of tolerance, where applicable.

⁹⁹ concerning the limit values for nitrogen dioxide or benzene.

(the Blue Plan).

1d:

Yes. A request has been made to extend deadlines for achieving the PM10 and NO2 limit values.

The European Commission has granted an extension for achieving the PM10 limit values for 2 of the areas applied for, but not for the others.

As regards NO2, we are waiting for the Commission's decision on the matter.

2. Compliance with air quality standards

In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2,5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a: What are the main reasons for this?

2b: Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

(insert answers)

2a:

The main reason for exceeding the limit and target values is the traffic in the Greater Madrid area.

2b:

One obvious solution would be to make both private cars and commercial vehicles switch to fuels that pollute less or not at all. European assistance with such a task would be imperative.

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

Please explain your answer(s)

(insert answers)

The approach is correct, because it would be difficult to extend solutions for improving air quality to the European level.

It does make sense for it to be the Member States that decide on the most appropriate measures for their regions, even though, where Spain is concerned, the current distribution of powers makes it hard to coordinate measures at the national level and in some cases, even among the autonomous communities, which is essential if pollution is to be reduced.

It would be useful for Europe to compel Spain to implement administrative cooperation on air quality between the three levels: national, regional and local (in this case applying to large cities with more than 250 000 inhabitants).

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions ([Directive 2001/81/EC](#) on National Emission Ceilings for certain pollutants - NEC Directive¹⁰⁰) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture¹⁰¹.

4a: Is there sufficient coherence and synergy between the emission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC¹⁰² on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

4b: What EU approach would be the most effective for reducing air pollution and improving health conditions?

Please explain your answers.

(insert answers)

4a:

In general, there is sufficient coherence and synergy between EU legislation on air quality and on emissions in specific sectors.

However, it is sometimes hard to apply the relevant legislation to some areas, such as road traffic, industry, etc., which do not fall within the remit of the environment agency (usually responsible for improving air quality) and in which the agency has no right to interfere.

Another problem is the fact that emissions are covered by a number of different regulations, in some cases legislating on each individual pollutant. It would be extremely useful if all regulations could be unified into a single one, or at least into as few as possible, as has been done recently with the legislation on air quality.

4b:

The focus on reducing air pollution and improving health conditions should make it easier to use and implement regulations at the EU level, which is currently extremely difficult. If the trend of drawing up more general regulations, without taking account of the specific national or sectoral characteristics in the different areas, continues, this will not be easy.

100

This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia).

101

For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

102

Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

5a: In your opinion, should any of the limit and target values be modified?

5b: Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

5c: Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

5d: Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e: Is the flexibility introduced by the Air Quality Directive necessary/sufficient or should the new directive contain more flexibility?

Please explain your answers.

(insert answers)

5a:

The limit values and target values set in the directive are correct, being based on studies that establish these thresholds and even lower ones for protecting health and ecosystems.

5b:

It would be appropriate to keep the limit value for PM_{2.5} at its present level, at least until experience is gained in implementing the directive and reference figures are achieved for compliance with it in the different countries by 2015.

5c:

It is right that limit values should be set for both PM_{2.5} and PM₁₀, because they provide different information.

Where PM_{2.5} is concerned, the average annual figures for the Autonomous Community of Madrid range from 8 to 16 µg/m³

The existence of different PM values does not cause any problems and in fact provides information that is extremely useful to managing the issue.

5d:

The Air Quality Directive addresses the pollutants that have the greatest impact on health and on which we have most information.

5e:

The flexibility introduced by the Air Quality Directive is sufficient.

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

(insert answer)

Yes.

7. Financial and administrative burdens

7a: What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b: Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

(insert answers)

7a:

The transposition of the Air Quality Directive entails substantial financial and administrative burdens for the Autonomous Community of Madrid, primarily in terms of measuring pollutants (setting up, maintaining and running an air quality network and individual air quality assessment campaigns, etc.

7b:

Costs are commensurate with the Air Quality Directive's intended objectives (protection of human health and the environment as a whole), but European-level support would be needed to finance these costs.

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20. Government of the Basque Country (arrived 12th December 2011) (Spain)

*COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission*



***Questionnaire on the
Review of EU Air and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network***

Please complete and submit by **2 December 2011**. You can upload the completed questionnaire directly onto the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to log in). Alternatively, you can send it by email to subsidiarity@cor.europa.eu.

<i>Name of the authority:</i>	<i>Basque Government (Department for the Environment, Spatial Planning, Agriculture and fisheries)</i>
<i>Contact person:</i>	<i>Nadia Arkarazo</i>
<i>Contact details (telephone, email):</i>	<i>n-arcarazo@ej-gv.es</i>

*A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.
(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).*

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

*The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by **Mr Cor Lamers**, rapporteur for this outlook opinion.*

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe¹⁰³

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀, PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

*When limit values or target values¹⁰⁴ are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values.*

*When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.*

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines¹⁰⁵ and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a:

Does your local/regional authority comply with the limit/target values?

Basque Government is a regional authority. During the 2010, the limit values established in the directive have been complied but in the past there were exceedance for particulate matter during the years of 2003,2004, 2005 and 2006

1b:

Has your national government developed a national air quality/short-term action plan?

The Spanish government has a national plan for the improvement of the air quality. This plan has been approved in november.

1c:

Has your local/regional authority developed any such plans?

The Department for the Environment developed action plans for different areas where the level of pm10 where exceeded. during the years of 2003, 2004,2005 and 2006

1d:

*Has your national government requested postponement of attainment deadlines and/or exemption?
If yes:*

Has the European Commission granted this postponement/exemption?

¹⁰³ hereafter referred to as *Air Quality Directive*.

¹⁰⁴ plus any temporary margins of tolerance, where applicable.

¹⁰⁵ concerning the limit values for nitrogen dioxide or benzene

(insert answers)

2. Compliance with air quality standards

In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2,5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a:

What are the main reasons for this?

Financial problems or lack of knowledge

2b:

Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

There should be more financial support

(insert answers)

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

No

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

The best way to implement actions should be firstly by a EU directive establishing general measures and secondly ,national regional and local plans , depending on the problem, and the authority competent the plans should be more and more detailed

Please explain your answer(s)

(insert answers)

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions (Directive 2001/81/EC on National Emission Ceilings for certain pollutants - NEC Directive¹⁰⁶) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture¹⁰⁷.

4a:

Is there sufficient coherence and synergy between the immission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC¹⁰⁸ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

4b:

What EU approach would be the most effective for reducing air pollution and improving health conditions?

The authorities for public health and for air quality should work together to aim the same objective.

Please explain your answers.

(insert answers)

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

5a:

In your opinion, should any of the limit and target values be modified?

NO

5b:

Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

Keep the actual level

5c:

Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

¹⁰⁶ This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia).

¹⁰⁷ For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

¹⁰⁸ Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

No

We monitor both, but we have more points for the measurement of PM10

We have not detected any practical problem

5d:

Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

We have started measuring the black carbons.

5e:

Is the flexibility introduced by the Air Quality Directive necessary / sufficient or should the new directive contain more flexibility?

Please explain your answers.

(insert answers)

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality? [Yes](#)

(insert answer)

7. Financial and administrative burdens

7a:

What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

Mostly requirements for the measurements, for example the EN certification for the analyzers.

7b:

Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

(insert answers)

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21. City of Malmö (Sweden)

*COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission*



*Questionnaire on the
Review of EU Air and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network*

Please complete and submit by **2 December 2011**. You can upload the completed questionnaire directly onto the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to log in). Alternatively, you can send it by email to subsidiarity@cor.europa.eu.

Name of the authority:	City of Malmö
Contact person:	Ola Nord
Contact details (telephone, email):	02-514 14 10, ola.nord@malmö.se

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(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by **Mr Cor Lamers**, rapporteur for this outlook opinion.

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe¹⁰⁹

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀, PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

*When limit values or target values¹¹⁰ are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values.*

*When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.*

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines¹¹¹ and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a:

Does your local/regional authority comply with the limit/target values?

1b:

Has your national government developed a national air quality/short-term action plan?

1c:

Has your local/regional authority developed any such plans?

1d:

Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

(insert answers)

1a - 1d: No (exceedances occur in other regions where regional authorities have developed short-term action plans).

¹⁰⁹ hereafter referred to as *Air Quality Directive*.

¹¹⁰ plus any temporary margins of tolerance, where applicable.

¹¹¹ concerning the limit values for nitrogen dioxide or benzene

2. Compliance with air quality standards

In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2,5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a:

What are the main reasons for this?

2b:

Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

(insert answers)

2a. Local sources, geography, weather pattern and sometimes long range transport combine to make pollution levels high.

2b. Cities need enough flexibility in national legislation to implement specialized local actions. It is only the local contribution that the local authority can take action against and long range transport has to be handled at the national/EU level. Member States and regions need to provide sufficient funding for local actions. EU funding is a vital element of support as well. The upcoming Multi-Annual Financial Framework should strive to ensure that available funding gets to the local level. Efficient provisions and cooperation with managing authorities, including on operational programmes, will be needed (including on cohesion policy and structural funds).

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

Please explain your answer(s)

(insert answers)

3. As long as the MS do take action this approach is appropriate as there is a need for specific measures that are dependent on the local pollution situation. This adaption could prove difficult to perform at the EU level.

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions (Directive 2001/81/EC on National Emission Ceilings for certain pollutants - NEC Directive¹¹²) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture¹¹³.

4a:

Is there sufficient coherence and synergy between the immission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC¹¹⁴ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

4b:

What EU approach would be the most effective for reducing air pollution and improving health conditions?

Please explain your answers.

(insert answers)

4a+b. The present NEC directive has been successful, but there is still a need to cut emissions. The present NEC directive has targets for 2010 and there is an urgent need to go forward with more compounds and more strict emission ceilings. Regulation of emissions from the transport sector has to be strengthened in order to sufficiently reduce air pollution in cities and thereby improve health.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

5a:

In your opinion, should any of the limit and target values be modified?

5b:

Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

5c:

¹¹² This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia).

¹¹³ For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

¹¹⁴ Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

5d:

Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e:

Is the flexibility introduced by the Air Quality Directive necessary / sufficient or should the new directive contain more flexibility?

Please explain your answers.

(insert answers)

5a. Short term exposure for high concentrations of NO₂ and PM₁₀ seem to have severe health impact. These limit values should be strengthened.

*5b,c+d. City of Malmö monitor both PM_{2.5} and PM₁₀ and it does not present a practical, but an economical problem. PM_{2.5} should **not** replace PM₁₀ as the health effects of exposure for coarse particles are different than that for smaller particles. PM_{2.5} is an ambiguous measure for small (combustion related) particles as for example resuspended particles from road surface mix in that fraction. Black carbon (soot) should be investigated as a potential replacement for PM_{2.5}.*

5e. There is enough flexibility.

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

(insert answer)

6. Yes, as we also perform modelling of air pollutants.

7. Financial and administrative burdens

7a:

What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b:

Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

(insert answers)

7a. This is a very imprecise question, i.e. what should be considered, under what timeframe, etc. A very rough estimate would be a cost per year of 25-50m SEK (I.e 2.8-5.5 meuro) depending on what to take into the calculation.

7b. No, Malmö is working towards becoming a sustainable city in 2020, not the least as a signatory of the Covenant of Mayors as well as in the cities own strategic plands. That work requires a completely different level of commitment.

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22. Regio Randstad, cooperation of the Provinces North Holland, South Holland, Utrecht and Flevoland (the Netherlands)

*COMMITTEE OF THE REGIONS – DIRECTORATE E – Horizontal Policies and Networks
DIRECTORATE C – Consultative Works, ENVE Commission*



***Questionnaire on the
Review of EU Air Quality and Emissions Policy
Submitted by Cor Lamers (NL/EPP) for consultation
of the Subsidiarity Monitoring Network***

Please complete and submit by **2 December 2011**. You can upload the completed questionnaire directly onto the Subsidiarity Monitoring Network webpage (<http://subsidiarity.cor.europa.eu> – remember to log in). Alternatively, you can send it by email to subsidiarity@cor.europa.eu.

<i>Name of the authority:</i>	<i>Regio Randstad</i>
<i>Contact person:</i>	
<i>Contact details (telephone, email):</i>	

*A comprehensive review of EU air quality legislation is planned for 2013 at the latest. The European Commission has therefore launched a broad consultation process for the review of the EU Thematic Strategy on Air Pollution in order to identify areas for improvement.
(For further information see http://ec.europa.eu/environment/air/review_air_policy.htm).*

Given the importance of air quality management for many municipalities and regions in the EU, the European Commission has asked the Committee of the Regions to prepare an outlook opinion on this issue.

*The following questionnaire, containing subsidiarity-related issues and other aspects relevant to local and regional authorities, is submitted to the members of the Subsidiarity Monitoring Network by **Mr Cor Lamers**, rapporteur for this outlook opinion.*

Please answer the following questions

1. Implementation of Directive 2008/50/EC on ambient air quality and cleaner air for Europe¹¹⁵

The Air Quality Directive establishes rules relating to environmental policy, an area in which competence is shared between the EU and the Member States. This directive concerns the assessment of ambient air quality and public information in this field.

It also sets air quality standards (such as limit and target values and alert thresholds) for specified pollutants (such as particulate matter - PM₁₀, PM_{2.5} – and nitrogen dioxide) in order to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

*When limit values or target values¹¹⁶ are exceeded, the Air Quality Directive requires Member States to establish **air quality plans** setting out measures to attain these values.*

*When there is a risk that the levels of pollutants will exceed one or more alert thresholds, Member States are required to draw up **short-term action plans** indicating the measures to be taken in the short term in order to reduce the risk or duration of this exceedance.*

Furthermore, the Air Quality Directive contains provisions allowing, under specific circumstances, a postponement of attainment deadlines¹¹⁷ and exemptions for the application of the limit value for PM₁₀ until 11 June 2011.

1a:

Does your local/regional authority comply with the limit/target values?

1b:

Has your national government developed a national air quality/short-term action plan?

1c:

Has your local/regional authority developed any such plans?

1d:

Has your national government requested postponement of attainment deadlines and/or exemption?

If yes:

Has the European Commission granted this postponement/exemption?

1a:

No, there are a few locations where the limit value for PM₁₀ is exceeded. These locations are situated near intensive chicken farms (province of Utrecht) and industrial areas (province of Noord-Holland and province of Zuid-Holland).

1b: Yes

¹¹⁵ hereafter referred to as *Air Quality Directive*.

¹¹⁶ plus any temporary margins of tolerance, where applicable.

¹¹⁷ concerning the limit values for nitrogen dioxide or benzene

1c: Yes, the plans of the local and regional authorities are part of the national plan

1d: Yes, postponement for PM10 until 11 June 2011 and postponement for NO2 until 1 January 2015

2. Compliance with air quality standards

In many cities and regions, limit values for PM₁₀, and NO₂ and target values for PM_{2,5} and ozone (set by the Air Quality Directive) have been difficult to meet.

2a:

What are the main reasons for this?

2b:

Do you have any suggestions as regards dealing with these difficulties and what would you need for this (financial means, knowledge, best practices, EU policies/actions)?

2a:

PM10: industrial emissions of PM and precursors could be reduced stronger by EU emission policy (NEC directive). Traffic emissions could also be reduced stronger by strengthening of EU standards

NO2: car emissions are higher than expected. The Euro test cycle does not agree with real world driving conditions, and therefore did not deliver the expected emission reduction

Ozone: ozone concentrations are dependent on NO2-concentrations, which are (still) relatively high

2b:

Source-based measures taken by the EU, for example Euro Standards, realistic test cycles, measures regarding tyre and brake wear, buildings, industry and clean fuel.

Extreme meteorological events should be excluded from assessment, because member states cannot influence them.

3. Approach taken by Directive 2008/50/EC and subsidiarity

The measures set out in the national plans (see question 1) have to be shaped by the competent authorities within the Member States and it is also up to them to implement these plans by choosing the appropriate and effective combination of measures to reduce air pollution.

Do you think that this approach is correct, with Member States (central, regional and local level) being required to take appropriate measures when air quality standards are exceeded/at risk of being exceeded?

If no:

Do you think that it is necessary that EU legislation should establish such measures, to be implemented by the Member States in order to attain air quality standards/reduce their exceedance?

Please explain your answer(s)

3.

No, EU measures are more effective than national and local measures. Therefore compliance to the air quality standards should be a shared responsibility, and the EU should intensify its emission reduction policy.

4. EU approach to combating emissions

EU legislation in place concerning the limitation of emissions of air pollutants addresses the national totals of such emissions (Directive 2001/81/EC on National Emission Ceilings for certain pollutants - NEC Directive¹¹⁸) as well as the limitation of emissions at source from specific sectors such as industry, transport and agriculture¹¹⁹.

4a:

Is there sufficient coherence and synergy between the immission-related Air Quality Directive and the Fourth Daughter Directive 2004/107/EC¹²⁰ on the one hand and EU legislation concerning emissions from specific sectors on the other hand?

4b:

What EU approach would be the most effective for reducing air pollution and improving health conditions?

Please explain your answers.

4a:

Air quality policy should be more consistent with transport policy and industrial policy. Climate policy does in general lead to synergies with air quality policy. However, increase use of biomass in small scale installations may lead to antagonistic effects, due to increased emissions of soot.

4b:

Intensification of the EU reduction policy. Elemental carbon could be added as a limit value for health (instead of the annual limit value for PM10). Application of limit values in terms of real exposure. The focus of measures in the current situation is on hot spots, whether or not people are exposed. To improve public health, the focus should be on exposure instead.

5. Limit and target values

The Air Quality Directive and the Fourth Daughter Directive contain limit and target values for several pollutants. The limit value for PM_{2.5} will become binding in 2015.

¹¹⁸ This Directive sets upper limits for each Member State for total emissions in 2010 of the four pollutants responsible for acidification, eutrophication and ground-level ozone pollution (sulphur dioxide, nitrogen oxides, volatile organic compounds and ammonia).

¹¹⁹ For example the IPPC Directive, EU legislation concerning pollutants from road vehicles and maritime transport.

¹²⁰ Directive 2004/107/EC relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air.

5a:

In your opinion, should any of the limit and target values be modified?

5b:

Would it be appropriate to keep the limit value for PM_{2.5} at its present level or to further strengthen it?

5c:

Should the limit value for PM_{2.5} replace the limit value for PM₁₀? Which value do you monitor within your municipality/region and does the existence of two values for PM cause practical problems?

5d:

Are there (alternative) pollutants relevant to health that could be addressed better than the ones already referred to in the Air Quality Directive?

5e:

Is the flexibility introduced by the Air Quality Directive necessary / sufficient or should the new directive contain more flexibility?

Please explain your answers.

5a:

No

5b:

Keep at present value

5c:

No. Currently mainly PM₁₀ is monitored. The monitoring network for PM_{2.5} is being set up. The existence of two values for PM does not cause practical problems; in practice the focus is on the most stringent limit value.

5d:

Elemental carbon

5e:

The Air Quality Directive could be more flexible regarding extreme meteorological events. These should be excluded from assessment, since member states cannot influence them

6. Assessment of air quality

Do you think that the number, location and performance of sampling points measuring the level of pollutants in your municipality/region are adequate for assessing air quality?

6.

Yes

7. Financial and administrative burdens

7a:

What financial and administrative burdens are entailed by the transposition of the Air Quality Directive within your local or regional authority, e.g. for air quality assessment, reporting, developing and implementing air quality/short-term action plans?

7b:

Do you believe that these costs are commensurate to the Air Quality Directive's intended objectives (protection of human health and the environment as a whole)?

7a:

The administrative burdens are high, because of the way the monitoring of the national air quality plan is organized (labour intensive)

7b:

Yes

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23. Eurocities (European association)

Informal questionnaire for the members of the Stakeholder Expert Group on the Review of the EU Air Policy

on the Air Quality Directive 2008/50/EC and the Fourth Daughter Directive 2004/107/EC
June, 2011

The questionnaire below is aimed at collecting views and experiences relating to the Air Quality Directive 2008/50/EC and the Fourth Daughter Directive 2004/107/EC. One of the main objectives is to identify areas for improvement. This consultation is one of the first steps of a broad consultation process in the review of the EU Thematic Strategy on Air Pollution. For more details on the review process, please refer to: http://ec.europa.eu/environment/air/review_air_policy.htm

This questionnaire is one of three questionnaires, which are aimed at three target groups: interested citizens, professionals in the field of air quality and the members of the Stakeholder Expert Group on the Review of the EU Air Policy. These questionnaires are related but differ in the level of detail. The questionnaire below is intended for the members of the Stakeholder Expert Group on the Review of the EU Air Policy.

The questionnaire addresses the following themes:

- The Thematic Strategy on Air Pollution;
- The approach of the air quality directives;
- Standards;
- Assessment;
- Air quality management in Member States;
- Public information and dissemination;
- Governance;
- Scientific and technological innovation;
- The most important issues for review;
- Your involvement in the review process.

Information for completing the questionnaire:

Each theme is briefly introduced, indicating issues that you are particularly invited to address.

- ✓ *You do not need to give comments on all issues or reply to all themes/sections of the questionnaire.*

When analysing the replies, the Commission intends to identify *strengths* and *weaknesses* of the directives, as well as *opportunities* for improvement and possible *threats* that could affect their effectiveness.

- ✓ *You are therefore invited to address these "SWOT" aspects where appropriate.*

The questionnaire aims at getting feedback from the members of the Stakeholder Expert Group in their capacity representing the respective countries or organisations.

- ✓ *Please complete ONE questionnaire per Member State/country or organisation.*
- ✓ *If this is not possible, please contact us.*

The work on this informal questionnaire will be carried out in English and resources for translation could not be foreseen.

- ✓ *Preferably we would kindly ask you to reply in English.*
- ✓ *However, replies in German and/or French will also be accepted.*
- ✓ *If you are only able to ensure a reply to this informal questionnaire in time in another language than those specified above, please contact us in advance to discuss.*

Please email the completed questionnaire by 15 September 2011

- ✓ to aqdsurvey@tmo.nl and
- ✓ in copy to env-air@ec.europa.eu

➤ **Please use the white cells of the tables for filling in your replies.**
Note, you do NOT need to reply to all sections or give comments on all issues mentioned in the introduction of each section.

1. Respondent (for internal use only)	
Country / Organisation (Member of Stakeholder Expert Group)	EUROCITIES Square de Meeûs 1 B-1000 Brussels
Contact Name (in case of questions)	Michael Klinkenberg
Telephone	+32 2 552 0865
Email address	Michael.Klinkenberg@eurocities.eu

2. The Thematic Strategy on Air Pollution
<p>The Thematic Strategy on Air Pollution has been established under the Sixth Environmental Action Plan. Several strands of legislation are in place in order to protect health and the environment from harmful effects of air pollution, in particular the air quality directives, the national emission ceilings directive and directives that address sectoral emissions. Together, these directives have been major drivers towards clean air in Europe. However, air pollution legislation may have synergic or antagonistic relations, also with other legislation.</p> <p>You are kindly requested to present your views on the place of the air quality directives in the Thematic Strategy on Air Pollution and relationships with other EU legislation. Please also provide any additional information that you consider helpful for the review or for substantiating your views.</p> <p>You may consider addressing in your reply in particular (note you do not have to reply to every issue):</p> <ol style="list-style-type: none"> 1. the adequacy of the air quality legislation in relation to the objectives of the Sixth Environmental Action Plan; 2. the coherence and synergy of the EU air pollution policy tools, in particular the air quality directives, the national emission ceilings directive and the sectoral directives; 3. the coherence and synergy of the air quality standards with emission standards and ceilings; 4. the coherence and synergy of EU air pollution policies with other environmental policies, such as policies on climate change, noise, biodiversity; 5. the coherence and synergy of EU air pollution policies with sectoral policies, in particular regarding transport, energy and agriculture; 6. the coherence and synergy of EU air pollution policies with international policies; 7. any other issue. <p>The adequacy of the Thematic Strategy on Air Pollution and of air quality legislation</p> <p>Overall, the Thematic Strategy on Air Pollution and air quality legislation in the EU have much helped to minimise health risks caused by air pollution. They have supported coordination of policies at the EU level and given guidance to national, regional and local policy makers. At the local level, cities have continued their efforts to improve air quality through measures such as</p> <ul style="list-style-type: none"> • promoting the shift to more sustainable modes of transport (public and soft modes) <ol style="list-style-type: none"> a. More efficient and attractive public transport b. Making soft modes more attractive, e.g bike lanes, city bike sharing systems c. Access restrictions for (most polluting) cars and/or trucks d. Traffic management for better traffic flow e. Promotion of clean(er) vehicles, e.g. preferential access and parking, charging stations; • speed restrictions; • dust suppression; • promotion of district heating and modernisation of heating installations;

- banning studded tyres on inner city streets to reduce PM;
- increasing volume of green spaces and belts especially along streets and roadsides (insulation greenery);
- local heating fuel ordinances (if national legislation permits);
- developing innovative logistics concepts for inner city delivery of goods.

The Thematic Strategy on Air Pollution has been crucial for policy coordination, even though more improvements need to be made. Additionally, not all the actions announced in the Thematic Strategy have been carried out. Most notably, the revision of the National Emissions Ceilings Directive (2001/81/EC, NECD) has been delayed repeatedly. The air quality policy review must lead to effective results in order to provide the basis for reaching the 2020 objectives stated in the 6th Environmental Action Programme (6th EAP).

Long-range and transboundary air pollution continues to have significant effects on observed background levels of air pollutants. To give just two examples, cities indicate that in the Netherlands, the share of transboundary air pollution ranges from 35% for NO₂ to 57% for SO₂ (average over the country). In the Brussels area, about 65% of the PM₁₀ mass concentration and about 50% of the NO₂ concentration measured near the centre is already present in the air at the Brussels periphery. Also for deposition of substances that cause eutrophication and acidification, distant and foreign anthropogenic sources have a significant share. While this underlines the need for an effective air quality policy at EU level, it also means that assessment of compliance with limit values in revised air quality legislation should take account of transboundary air pollution. This includes pollution across borders within the EU, but also outside the EU. EUROCIITIES welcomes plans to revise the UNECE Gothenburg protocol to address long range transboundary pollution more effectively. Broadening the participation of EU neighbour countries and stringent limit values are key, including standards for bunker fuels.

Need for policy coordination

The coherence and synergy of EU air pollution policies with other policies, notably on issues such as climate change, noise reduction, mobility and road safety continues to be highly important and should be addressed in the revised Thematic Strategy on Air Pollution.

The relationship between climate change and air quality policies needs particular attention. Climate policies can greatly benefit air quality, and EUROCIITIES continues to strongly support the promotion of sustainable forms of energy production, such as wind, solar, geothermal and hydropower, decentralised energy production and district heating. Nevertheless, some efforts to reduce greenhouse gas emission can have adverse effects on air pollution.

For instance, increased use of biomass in energy production can increase emissions of black/elemental carbon. This constitutes a risk for air quality, and possibly also for climate change mitigation, as black/elemental carbon not only results in health risks for the local population, but can also influence the climate. Emission standards for biomass-based incineration processes should therefore be seriously considered.

Regarding emissions from road traffic, the dieselisation of the car fleet in recent years has helped to reduce CO₂ emissions, but has had a negative effect on PM emissions. In addition, emission reduction techniques for particles have increased the proportion of NO₂ in exhaust gas emissions of diesel fuelled vehicles. This has slowed down the decreasing trend in NO₂ concentrations. Therefore it may be helpful to define emission standards for NO₂ in vehicle emissions, not just for NO_x. This would also align EURO emission standards for vehicles with limit values under the Air Quality Directive. Better and stronger EURO standards must be complemented by a realistic test cycle. Currently, real-life emissions are much higher than what is measured using the New European Driving Cycle (NEDC). Air quality standards therefore need to take into account the effectiveness of vehicle emission standards.

In addition, EURO standards by definition only apply to a small part of the vehicle fleet, i.e. new vehicles. New vehicle emission standards can only start significantly influencing air quality once older vehicles have been replaced. This takes years (the average passenger car age in the EU is about 8 years, and about a third of the fleet is over ten years old). The timing of air quality standards therefore needs to take into account the time it takes for vehicle emission standards to lead to real-world improvements.

Moreover, the type approval system for road vehicles should be changed to reduce brake wear. At the same time, EURO CITIES would welcome Commission support for the development of longer wearing tyres, so that air quality could become an element of the tyre labelling scheme.

The revision of legislation on pollutant emissions from non-road mobile machinery (NRMM) should bring it line with legislation for road vehicles, i.e. with EURO VI standards for lorries.

Transport policy continues to play an important part as well, as traffic reductions have the advantage of addressing a number of environmental issues at the same time, including notably air pollution, climate change and noise, without compromising other environmental policy goals. Transport policy should be related to the NEC Directive, e.g. when it comes to transit traffic.

Pollutants

The review should address the question of which pollutants need to be covered by air quality legislation, and how. Addressing elemental/black carbon emissions may prove to be a win-win solution for both air quality and climate change. As both the UN Environment Programme (UNEP) and the Convention on Long-Range Transboundary Air Pollution (CLRTAP) recommend to address black carbon, the EU could consider giving priority to measures that reduce elemental/black carbon emissions in the context of air quality policy (also see the remarks on the air quality directives under point 3.)

Please provide any additional information (e.g. links or references to internet pages, reports, studies):

Please give your reply here...

3. The approach of the air quality directives

Directives 2008/50/EC and 2004/107/EC set standards for the air quality of specified substances in order to ensure a minimum level of protection to citizens and the environment. There are several types of standards, such as limit values and target values. The directives require Member States to assess air quality in zones and agglomerations and to inform the Commission and the public about the results. Member States must take action when standards are exceeded or at risk to be exceeded. Under special conditions certain derogations are possible.

You are kindly requested to present your views on the general approach of the directives. Please also provide any additional information that you consider helpful for the review or for substantiating your views.

You may consider addressing in your reply in particular (note you do not have to reply to every issue):

1. the overall conceptual approach of the air quality directives and the level of complexity of it;
2. the definition of a minimum level of protection for all citizens;
3. the concept of limit values for health that apply almost everywhere;
4. the role of real exposure in relation to limit values;
5. assessment through mandatory monitoring and voluntary modelling;
6. the focus of limit values on hotspots in relation to the protection of the population at large;
7. the effectiveness of target values to protect health;
8. possibilities for special protection of sensitive populations;
9. the effectiveness of the directives in triggering effective measures to protect health and the

<p>environment;</p> <ol style="list-style-type: none">10. the effectiveness of the derogations and flexibility provided in the directives;11. the possibility of including protection levels for additional pollutants in the air quality directives;12. the concept to base compliance checking limit values on single years;13. any other issue.
<p>Standards</p> <p>While it is not possible to set limit values in all cases, the many different standards, i.e. limit values, target values, long term objectives, and critical levels make the directives rather complex and complicate informing the public and even decision makers on air quality.</p> <p>Limit values</p> <p>Limit values for health need to apply everywhere, excluding only some environments where people do not spend time. In principle, hot spots need to be monitored and treated like other locations, as they are often the places where many people live, work, and spend their free time, i.e. city centres. Examples include pedestrians and cyclists who are at times exposed to very high concentrations of particulate matter and/ or NO₂ during short periods.</p> <p>Basing compliance on checking limit values over one year only is problematic, as all pollutant concentrations vary from year to year due to changing meteorological circumstances. A recent example for this is the drought in the first months of 2011, which resulted in high concentrations of PM₁₀. Local and regional measures cannot counteract these influences. It would be more useful to check compliance using the average values over several years in order to get the complete picture. Alternatively, attaining limit values could be mandatory under average weather conditions, or derogations could apply for rarely occurring unfavourable weather conditions. Finally, evaluation of trends of pollutant concentrations may help develop the right approach to tackling both chronic and/or acute effects of pollutants on human health and nature.</p> <p>On a similar note, the concept of number of days or hours above a certain limit is complicated for the public and can be misleading in terms of health aspects. A review of the current limit values should take into account the best available and up-to-date information on the health impacts of different pollutants.</p> <p>Target values</p> <p>While target values can be difficult to implement due to the lack of consequences in case of non-compliance, they are in many cases useful for guiding policies and measures, including on the local level, in particular when it is clear that a limit value will apply at a later point in time, e.g. in the case of PM_{2.5}.</p> <p>Monitoring and modelling</p> <p>EUROCITIES members believe that both methods have a role to play and should be used accordingly.</p> <p>Monitoring should remain mandatory and could be improved through more specific rules for the placement of monitoring stations. At present, the way that stations are placed can vary between member states, which can distort the findings. For instance, locating measurement stations just in streets where air quality complies with EU standards, or in hot spots, might not give the full picture.</p> <p>Modelling cannot replace monitoring, as the different dispersion models in use continue to give variable results, and their accuracy is not good enough for e.g. evaluating the possible exceeding of the limit values. We believe that the use of modelling should not be made mandatory in the near future. Voluntary modelling, however, can provide useful additional information for policy development. For instance, improved air quality modelling could help forecasting when limit values/ targets will be respected without taking any measures, reducing unnecessary efforts and costs. For various purposes and situations, authorities already perform calculations and projections of air quality based on a range</p>

of measurements and policy scenarios. Air quality is also taken into account in spatial and infrastructure planning.

Pollutants

It could be considered to somewhat shift the focus from PM₁₀ and PM_{2.5} mass based limit values towards black/elemental carbon and particle number concentrations, since they appear to be better indicators for health-relevant air pollution than other components. This would be in line with recommendations from the UN Environment Programme (UNEP) and the Convention on Long-Range Transboundary Air Pollution (CLRTAP). While the measurement of black carbon may be easier than the measurement of elemental carbon, more research and discussion will be needed before defining a possible new limit value for one of them. As a first step, monitoring of these indicators could be encouraged and a comprehensive impact assessment on their health impact and possible reduction measures be performed to then discuss limit values. A similar approach may be needed for benzo(a)pyrene.

To achieve a better alignment of air quality standards and source policies, EURO standards for vehicles need to be improved, in particular on NO₂/NO_x and PM. In addition, the MARPOL Annex VI limit value for sulphur content (1.0%) should be transposed into EU law as quickly as possible (through amending Directive 1999/32/EC), and the effectiveness of emission standards such as under the Directive on Industrial Pollution Prevention and Control (IPPC) and the Volatile Organic Compounds (VOC) Solvents Emissions Directive needs to be assessed regularly, with the possibility of revisions where needed.

Real exposure and health

In addition to a revised consideration of different pollutants, improvements in monitoring (in particular better location of measuring stations) represent a feasible way of achieving more valid information about real exposure and health impacts. In addition, integrated policies at the local level, e.g. spatial planning that reduces exposure of pedestrians and cyclists to emissions from motorised road traffic, can help reducing exposure.

Derogations

The geographical location and landform of a given territory determine the tendency towards inversions, the direction and speed of air flow, and rain shadow, and thereby the amount of natural airing taking place. These factors can therefore have significant effects on the distribution of pollutants. The same is true for weather conditions. As none of these can be changed through policies, certain derogations should be possible if justified by landform and location, or by extreme, exceptional weather conditions.

In addition, it should not be forgotten that compliance with standards on some pollutants, such as PM₁₀ and NO₂, is much more difficult to reach in densely populated areas and large cities than elsewhere. This should not be used as an excuse to postpone emission reduction measures that are realistic, but, the specific situation of cities should result in more support for them to improve air quality.

There is no clear view yet on the current levels of PM_{2.5}, and there is not enough information available on emission factors of PM_{2.5} for different sources, necessary to perform large-scale dispersion calculations. It is not yet possible to determine if it will be possible to comply with the limit values for 2015 and 2020 in time. Additional derogations may thus be necessary for PM_{2.5}.

Please provide any additional information (e.g. links or references to internet pages, reports, studies):

Cyrus, J., Heinrich, J., Hoek, G., Meliefste, K., Lewne, M., Gehring, U., Bellander, T., Fischer, P., van Vliet, P., Brauer, M., Wichmann, H.-E. and B. Brunekreef: Comparison between different traffic-related particle indicators: Elemental carbon (EC), PM_{2.5} mass, and absorbance. *Journal of Exposure Analysis and Environmental Epidemiology* (2003) 13,134-143.

UBA 2006: Experten -Workshop "Verkehrsbedingte Feinstäube in der Stadt", Umweltbundesamt Texte 18
UBA 2006: Räumlich-zeitliche Verteilung, Eigenschaften und Verhalten ultrafeiner Aerosolpartikel (<100nm) in der Atmosphäre, sowie die Entwicklung von Empfehlungen zu ihrer systematischen Überwachung in Deutschland, Umweltbundesamt Texte 26
UFIPOLNET 2007: Ultrafine Particles in Urban Air, Ultrafine particle Size Distributions in Air Pollution Monitoring Networks International Conference, Dresden, 23-24/10/2007
Heinrich, J. and Wichmann, H.-E.: Traffic related pollutants in Europe and their effect on allergic disease, Current Opinion in Allergy and Clinical Immunology 2004, 4:341-348

4. Standards (1): the air quality standards set in Directives 2008/50/EC and 2004/107/EC

The air quality directives set a number of limit and target values (standards) to trigger action with the aim to protect human health and the environment. These standards were based on latest scientific evidence at the time (e.g. WHO guidelines) and considerations on the attainability. For PM_{2.5} an Exposure Concentration Obligation and National Exposure Reduction Target was provided for as complementary objectives to the standards. To assess compliance with the standards, additional elements were included such as the margin of tolerance, the possibility for time extensions and the possibility to discount for certain sources such as natural sources and winter sanding.

You are kindly requested to present your views on the individual objectives and standards as well as the other elements to assess compliance. Please also provide any additional information that you consider helpful for the review or for substantiating your views.

You may consider addressing in your reply in particular (note you do not have to reply to every issue):

1. the differences of setting limit values, target values or other objectives (and whether to apply these individually or in combination as for PM_{2.5});
2. the effectiveness of the derogations and flexibility provided in the directives;
3. the limit values for PM₁₀ and the objectives for PM_{2.5} and how they could be reviewed in order to make them more effective;
4. the effectiveness of the target values for heavy metals (including the provisions for mercury) and PAHs and its potential link to PM;
5. the effectiveness of the limit values for NO₂;
6. the effectiveness of the target values for ozone;
7. the effectiveness of the limit values set to protect the environment;
8. any other issue.

PM limit values

While cities are committed to respecting the limit values on PM_{2.5} and PM₁₀ and going beyond if possible, their means are often limited due to factors they cannot influence, e.g. weather conditions. Please also note our comments on limit values and different pollutants, including on black/elemental carbon, under point 3. Source policies remain key to supporting local authorities' efforts.

As stated above, pending further research, a review of the limit values should consider that elemental/black carbon is probably more harmful to citizens' health than PM₁₀ and PM_{2.5}.

NO₂ limit values

EUROCITIES believes that NO₂ limit values should be reconsidered as

1. the NO₂ limit value has always been regarded as an indicator for combustion emissions. In recent times there are more catalytic processes which remove NO₂ or NO_x from vehicle emissions, while other damaging components may remain;
2. even though road traffic is the most significant source of NO₂ in cities, EURO standards for passenger cars and commercial vehicles only address NO_x and particulate matter, which is not adequate to reduce NO₂ emissions. Moreover, there is a large gap between the emissions in

<p>official test cycles and the actual emissions during normal use of the cars and lorries (also see the comments above on diesel vehicles and the interaction of PM and NO_x limitations in EURO standards).</p> <p>Pending improvements of the vehicle fleet and a revision of limit values, further time extensions for compliance will most probably be necessary. This is due to the long lag time involved in replacing the current vehicle fleet with significant numbers of vehicles with low NO₂ emissions whilst the directive already required compliance from 1 January 2010.</p> <p>Ozone Achieving target values for ozone can be difficult or impossible for local authorities as it travels over long distances. Source policies are the most effective solution to this problem.</p>
<p>Please provide any additional information (e.g. links or references to internet pages, reports, studies):</p>
<p>Please give your reply here...</p>

<p>4. Standards (2): other national air quality standards</p> <p>Please list any additional air quality objectives or standards set at national level other than those set in Directives 2008/50/EC and 2005/107/EC that you recommend for consideration in the review.</p> <p>If appropriate, please clarify these and provide a link or reference to a full description.</p>
<p>Please provide any additional information (e.g. links or references to internet pages, reports, studies):</p>
<p>Please give your reply here...</p>

<p>5. Assessment (1)</p> <p>The main objective of the assessment is to cost-effectively obtain robust information of air pollution levels and sources throughout the territory of Member States. Assessment under the directives is based on mandatory measurements and voluntary model computations. Station density requirements depend on the air quality levels, population and area in zones and there are provisions regarding the type of stations. In relation to ozone, also measurements of precursors need to be done. The directives give provisions on measurement techniques. They also leave a considerable freedom in designing the network and in combining the measurement results with model calculations.</p> <p>You are kindly requested to present your views on the provisions on assessment in the directives. Please also provide any additional information that you consider helpful for the review or for substantiating your views.</p> <p>You may consider addressing in your reply in particular (note you do not have to reply to every issue):</p> <ol style="list-style-type: none">1. the cost-efficiency of the general approach for assessment;2. the provisions on station density;3. needs to update provisions on measurement techniques;4. the provisions on assessment by modelling;5. possibilities to improve the assessment of air pollution levels and deposition under Directive 2004/107/EC;6. the differences between the assessment methodologies in Member States and resulting differences in the need to take action;7. a possible role for satellite data;8. any other issue.

<p>Cost-efficiency Cities consider the general approach for assessment to be relatively cost efficient.</p> <p>Monitoring stations The definition of regions and size of regions varies between the member states, so that the density of monitoring stations differs. This aspect should be taken into account when revising rules on monitoring stations (cf comments on monitoring stations above).</p> <p>Modelling Modelling is not always performed and not always effective. However, cities think that an improvement of air quality models can provide helpful additional information for policy making and planning and lead to higher cost efficiency. (cf comments on monitoring and modelling above)</p> <p>Satellite data EUROCITIES members find that the spatial resolution, accuracy and precision of satellite data is still too low for it to be used in air quality monitoring at local level.</p> <p>Particulate matter monitoring The reference method for particles (gravimetric) is problematic given the need for real time information to the public. The variation of techniques for PM mass monitoring causes differences in data depending on the technique used. Measuring techniques and correction factors should be harmonised across the EU.</p>
<p>Please provide any additional information (e.g. links or references to internet pages, reports, studies):</p> <p>Results of the research project ICAROS NET, e.g. see: DA Sarigiannis, A Gotti, NI Sifakis, M Tombrou, A Dandou, K. Schäfer, S. Emeis, N.Soulakellis: High-resolution estimation of urban aerosol from fusion of satellite and ground data with numerical modeling results.</p>

<p>5. Assessment (2)</p>
<p>Please provide estimates of annual costs for a monitoring station (marginal costs of one additional station in an existing network, including personal costs and five year depreciation of investment costs).</p>
<p>a. Annual marginal costs of an urban background station for PM (automatic method):</p>
<p>The estimated annual cost is around €30,000.</p>
<p>b. Annual marginal costs of a remote background station for heavy metals and PAH:</p>
<p>The estimated annual cost is around €30,000.</p>

6. Air quality management in Member States

The Air Quality Directive 2008/50/EC requires Member States to take action when standards are exceeded or at risk to be exceeded. Provisions for two types of actions are given: air quality plans and short term action plans. Given these provisions, it is up to Member States and the regional and local authorities to choose the appropriate and effective combination of measures.

You are kindly requested to present your views on the provisions on air quality management in the directives. Please also provide any additional information that you consider helpful for the review or for substantiating your views.

You may consider addressing in your reply in particular (note you do not have to reply to every issue):

1. the effectiveness of the provisions on air quality plans;
2. the effectiveness of provisions in relation to contributions by transboundary air pollution;
3. synergies/antagonisms in air quality plans with climate change policies;
4. the effectiveness of provisions for short term action plans (note: only relevant for third countries and organisations, for EU Member States, a specific project is underway in parallel);
5. any other issue.

Format of air quality plans

While the provisions on air quality plans are adequate overall, and these plans are very useful for long-term planning, cities would appreciate a reduction of administrative burden when it comes to reporting. The current forms for reporting air quality plans to the Commission are very complicated and do not necessarily help implementation of the plan at local level.

Effectiveness of air quality plans and governance issues

Local and regional competences are limited. Therefore, actions on these levels can only have a limited impact on air quality, and it is difficult, often even impossible for local authorities to reach compliance with air quality limit values through local measures only. National and international measures and strong source policies are essential for improvement. Nevertheless, as local authorities have the greatest experience with the results of air quality policies on the ground, they should always be closely involved in designing regional and national measures.

Long range and transboundary air pollution

Long range and transboundary air pollution contributes remarkably to concentrations of fine particles. Wildfires, one of the sources of long range pollution through particles, are expected to occur more often in the future due to climate change. Other sources include biomass burning in agricultural fields. Similar issues exist e.g. with tropospheric ozone travelling far and thereby much limiting the possibilities for effective local action. EU level action and international cooperation are needed to tackle these problems.

Air quality plans and climate change policies

Climate change policies and air quality plans complement often one another, including e.g. increasing energy efficiency, reducing transport needs and modal shift. Most renewable energy sources also have less pollutant emissions. However, unintended contradictions between air quality and climate change policies are possible. For instance, as mentioned above, increased use of biomass in energy production can increase emissions of black/elemental carbon. Increasing land use efficiency, i.e. densification of the built environment, generally increases energy efficiency. However, it may also lead to less dilution and dispersion of air pollutants, e.g. streets with more and/or higher buildings have lower air flow. These and other links between the different policies should be taken into account as much as possible when revising or designing new policies. Cities are ready to contribute to this process with their wide-ranging experience in integrating different policies.

Short term action plans

Provisions on short term action plans should be designed to complement air quality plans as elements of an overall coherent local clean air policy. In general, improvement of air quality is a medium- and long-term process. The consequences of requiring 'immediate' action should be well-assessed in advance to avoid unintended outcomes, e.g. that traffic restrictions in polluted areas would simply result in a shift of traffic to formerly less polluted areas and reduce air quality there.

Please provide any additional information (e.g. links or references to internet pages, reports, studies):

Please give your reply here...

7. Public information and dissemination

The directives require Member States to provide air quality data, information on health risks and air quality plans to the public. In several Member States, regions and cities an Air Quality Index is being used for informing the public in a very simple way about the quality of the air of the current and next few days. The index encompasses health relevant pollutants and is usually divided in ranges with colour codes or symbols. Each range is associated with a standard health advice to the public.

You are kindly requested to present your views on the provisions on public information and dissemination in the directives. Please also provide any additional information that you consider helpful for the review or for substantiating your views.

You may consider addressing in your reply in particular (note you do not have to reply to every issue):

1. the effectiveness of the provisions for public information;
2. further harmonisation of public information, e.g. introducing a common Air Quality Index;
3. any other issue.

Effectiveness of current provisions for public information

Public information is very important. The provisions for public information have been useful and guaranteed that the public gets the information they need and in real time.

Air Quality Index

Cities regard public dissemination of information on air quality as very important and find that the existing provisions for public information have been useful. While a common Air Quality Index may be a useful additional instrument for some, individual local situations differ greatly, and an index should not give the false impression of them being comparable in a simple manner. Therefore, a common Air Quality Index for public information could be developed, but its use should not be mandatory.

Please provide any additional information (e.g. links or references to internet pages, reports, studies):

Results of the CITEAIR project: <http://www.citeair.eu/>
<http://umweltdaten.nuernberg.de/aussenluft.html> (air quality information service by the city of Nuernberg)
<http://www.lfu.bayern.de/luft/lueb/index.htm> air quality information by the Free State of Bavaria)
<http://www.env-it.de/luftdaten/pollutants.fwd> (German national air quality information system)

<p>8. Governance</p> <p>The air quality directives constitute a common policy framework for EU Member States to reduce harmful effects of air pollution. It aims to establish a level playing field by setting uniform air quality standards while leaving flexibility at the national level in choosing appropriate measures where needed.</p> <p>You are kindly requested to present your views on the provisions on governance related issues in the directives. Please also provide any additional information that you consider helpful for the review or for substantiating your views.</p> <p>You may consider addressing in your reply in particular (note you do not have to reply to every issue):</p> <ol style="list-style-type: none">1. any barriers to fully implement effective measures;2. the role of the public in setting up air quality plans;3. the administrative burden within Member States in relation to the protection provided by the directives:<ol style="list-style-type: none">a. for air quality monitoring and assessment;b. for reporting;c. for developing air quality plans;d. for implementing air quality plans.4. the distribution of obligations under EU legislation and national (and where appropriate regional and local) responsibilities (subsidiarity);5. any other issue.
<p>Barriers to implementation</p> <p>Local authorities have limited means to improve air quality, especially since they cannot change source policies, and significant amounts of pollution come from outside their boundaries. These problems must be addressed effectively at national, EU and international level (also see the comments on source policies and transboundary air pollution above).</p> <p>In addition, there are cases in which national legislation prevents local authorities from taking additional or stricter measures. For instance</p> <ul style="list-style-type: none">• In Belgium low emission zones cannot be introduced at the local level, and federal policy promotes diesel cars. The introduction of specific parking spaces for electric vehicles has also been delayed.• Restricting or guiding heavy duty vehicles in city areas remains difficult under German traffic regulations.• The introduction of road pricing has been significantly delayed in the Netherlands.• Finnish national legislation makes it difficult to restrict traffic on major highways in the city.• Danish legislation currently prevents the City of Copenhagen from introducing a congestion charge and from extending the application of its low emission zone from heavy vehicles over 3.5 tonnes to passenger cars and vans. <p>The costs of air quality measures can be a major barrier as well. While member states have signed up to limit values and are in principle responsible for achieving them, it is mostly cities that have to take action and pay for it.</p> <p>Moreover, while road traffic is the most significant source of air pollution in many cities, local authorities often find it difficult to implement access restrictions, such as low emission zones or congestion charges, due to opposition by the public and businesses.</p> <p>The role of the public</p> <p>Cities inform their citizens about air quality plans, and value their input on the best solutions. However, as mentioned above, public acceptance for some measures is rather low.</p>

Reports on air quality, while in principle a useful tool for public information, should be very clear with regards to the influence of weather conditions on air quality to avoid giving false impressions and signals to politicians and inhabitants on the effectiveness of air quality measures.

Monitoring and assessment

For air quality monitoring and assessment, in general the administrative burden is acceptable for cities. However,

- regarding particulate matter monitoring, reference methods are not suited for informing the public in real time, so that continuous methods are widely used. Equivalency testing of these methods is expensive and demanding, and the lack of testing limits the use of continuous methods. The monitoring standards were published after the methods had already been implemented. For PM₁₀ the monitoring standard could be improved, e.g. to allow for determination of uncertainty;
- as previously mentioned, cities would appreciate a reduction of administrative burden when it comes to reporting. The current forms for reporting air quality plans to the Commission are very complicated and do not necessarily help implementation of the plans at the local level.

Non-compliance

Cities are committed to support the achievement of limit values with the means at their disposal. However, these means are limited as they exclude for example measures on emission sources and they cannot influence longer range pollution or weather conditions. Therefore, in cases where limit values are not respected and derogations are deemed to be unfounded, member states should remain responsible for paying the respective fines. EUROCITIES opposes any 'handing down' of fines to local authorities.

Please provide any additional information (e.g. links or references to internet pages, reports, studies):

Please give your reply here...

9. Scientific and technological innovations

New scientific and technological developments may open possibilities for improving legislation on air quality. These developments may occur in various fields, e.g. better measurement techniques and modelling methods, new insight in harmful effects to health and environment, new technologies in air pollution abatement, better prognoses of air pollution.

You are kindly requested to present your views on scientific and technological developments relevant for the review of the directives and your ideas on how they could be taken into account. Please also provide any additional information that you consider helpful for the review or for substantiating your views.

You may consider addressing in your reply in particular (note you do not have to reply for every field):

1. air quality assessment technology (measurement, modelling);
2. health impacts of air pollution;
3. harmful effects of air pollution on vegetation and ecosystems;
4. innovation potential of abatement measures for air pollution sources;
5. expected trends in future air pollution;
6. any other field.

Health effects

More information on the health effects of already regulated pollutants and of pollutants not yet covered by the directives would make it possible to improve the legislation. This concerns in particular black/elemental carbon, but also particle number concentration and benzo(a)pyrene. More research is needed not only on health effects but also on measurement methods and possible abatement policies.

Assessment technology

Improvement of air quality modelling would be helpful to assess the benefit of measures to reduce pollution. One way of achieving this would be to enhance the reliability of source information, such as on traffic density. Modelling should however not become mandatory or replace monitoring (also see the remarks on monitoring and modelling above)

Please provide any additional information (e.g. links or references to internet pages, reports, studies):

Please give your reply here...

10. Your most important issues

Article 32 of 2008/50/EC and Article 8 of 2004/107/EC give a minimum list of issues for the Commission to consider in the review of these directives. Other issues may also be important for the review.

You are kindly requested to present your views – based on your views expressed above or other considerations – on the most important issues for the review of the directives.

For the Air Quality Directive 2008/50/EC:

Strong and timely source policies

The best solution to improve air quality is to limit emissions at the source. This includes notably road vehicles, ships and industry. Source policies will have to be strengthened considerably to achieve the EU goals on air quality and respect existing limit values. **Air quality standards, such as the ones in the NEC Directive, should be clearly linked to source policies and take into account their effectiveness.**

In particular, EURO standards need to be improved, including through timely design and entry into force of better test cycles that yield results as close as possible to real-life emissions.

The timing of air quality standards therefore needs to take into account the time it takes for source policies, e.g. vehicle emission standards, to lead to real-world improvements.

Derogations/time extensions

As mentioned above, a number of factors that influence air quality cannot be changed through policies, such as the geographical location of a city or weather conditions. In addition, member states and their cities cannot influence air quality in neighbouring countries, despite its influence on air quality in other national/local territories. Certain derogations or additional time extensions should therefore be possible if justified by landform and location or transboundary pollution, or by extreme, exceptional weather conditions.

Moreover, due to lack of reliable information, it is not yet possible to determine if it will be possible to comply with the PM_{2.5} limit values for 2015 and 2020. Additional time extensions or derogations may thus be necessary for this pollutant as well.

A general solution to the problems surrounding NO₂ should be found, including notably the gap between EURO emission standards for vehicles on NO_x and PM and air quality standards on NO₂ and PM.

Health effects

More research on the health effects of already regulated pollutants and of pollutants not yet covered by the directives is needed to improve the legislation. **This concerns in particular black/elemental**

carbon, but also particle number concentration and benzo(a)pyrene. More research is needed not only on health effects but also on measurement methods and possible abatement policies.

Resources

Cities are already taking a great deal of action on issues like improving public transport and increasing the attractiveness of soft modes (walking and cycling), on promoting cleaner and more energy-efficient propulsion technologies and more. However, budget cuts at the national, regional and local level make it increasingly difficult to achieve progress. In addition to member state and regional funding, EU support is a vital element as well. The upcoming Multi-Annual Financial Framework should strive to ensure that available funding gets to the local level.

For the Fourth Daughter Directive 2004/107/EC:

Please give your reply here...

Please provide any additional information (e.g. links or references to internet pages, reports, studies):

Please give your reply here...

11. Your own involvement in the review process

For an effective review of the air quality directives intensive stakeholder involvement is indispensable. The Commission has established the *Stakeholder Expert Group on the Review of the EU Air Policy* to provide direct support in the review process. Your country / organisation has been invited to become a member of this group.

You are kindly requested to present any further views on the possible involvement of your country / organisation in the review of the directives or any ideas on how you or others could contribute to the review process.

EUROCITIES welcomes its involvement in the Stakeholder Expert Group and is ready to actively contribute to the air policy review, by means of this group and other means that are seen as useful.

Please provide any additional information (e.g. links or references to internet pages, reports, studies):