



Ministry of Housing,
Spatial Planning and the Environment
State Secretary

P.O. Box 30945
2500 GX The Hague, The Netherlands
Internal Postal Code 100

www.vrom.nl

Mr Stavros Dimas
Commissioner for the Environment
Avenue de Beaulieu 5
1160 Brussels

Date
16 September 2005

Our reference
KVI 2005160859

Dear Mister Dimas,

I was pleased to learn that on 21 September the Executive Office of the Commission will probably discuss the adoption of the draft Thematic Strategy on Air Pollution and the draft Ambient Air Quality Directive. I hope that the Commission will soon be able to present both these drafts to the European Council and the European Parliament.

As you know, the Netherlands is keen that they both be presented and dealt with as soon as possible. The Netherlands is doing all it can nationally and regionally to comply with existing air quality legislation, as Prime Minister Jan Peter Balkenende has informed President Barroso. When the Dutch Government presents its policy for 2006 to the Dutch Parliament this month, it will include a national package of additional measures – costing €900 million – aimed at ensuring that the Netherlands can comply with air quality requirements as far as reasonably possible.

Yet even with these measures and other extra efforts, it is becoming increasingly clear that the Netherlands cannot comply with current requirements, partly owing to national legal problems. The Dutch Government has therefore amended the air quality decree implementing the European legislation to make it resemble the European legislation more closely. This should solve some practical problems facing the Netherlands in particular.

On the other hand, the goals of EU air quality policy will be difficult to achieve unless underpinned by a strict EU-wide emissions policy. The lack of Community policy to ensure compliance with the requirements is regarded as an obstacle by all the Member States. The problem is of such a universal nature that it can be solved only by tightening EU-wide emissions policy.

Other major obstacles lie in existing EC legislation, especially with regard to the normative guidelines (PM 10 daily average, “applicability everywhere”, and the achievement of the PM 10 and NO₂ targets over five years). Many other Member States face similar problems. This was evident at the Workshop on Regional



Air Quality Initiatives, held in Brussels on 25 August and organised by the Netherlands with the European Commission, where 13 Member States reported similar problems.

The new air quality legislation must therefore aim to solve these problems in the current daughter directive. I would therefore strongly urge you and your colleagues in the Commission to pay careful attention to the problems in the Member States and address them in the draft legislation.

In this connection, I am pleased to inform you in advance – partly in order to facilitate discussions in the European Council – of the areas in which the Netherlands foresees problems with the wording of the draft Ambient Air Quality Directive, as currently being discussed in the Commission.

I have described some of these areas in the annexe to this letter, but I want to emphasise the three that I consider the most serious:

- The normative guidelines: a new limit value for fine particles (PM 2.5) is not acceptable because it lacks a sound scientific basis. If PM 2.5 is nevertheless introduced, it should be in the form of a target value rather than a hard limit value. Once evaluated, this target value could later be made compulsory. In addition, almost all the Member States face problems with the daily average for PM 10. Given the existing EU source policy, this standard appears to be unachievable; it is exceeded in all the big cities. What is more, the daily average affects health no more than the annual average.
- The Netherlands is pleased with the proposal of a derogation, but finds that it should be accompanied by realistic conditions. These conditions should not prevent its use in practice. The five-year deadline seems too short to achieve the necessary reductions.
- The principle of "applicability everywhere" (the standard for fine particles applying to the whole territory): I would urge the Commission to be less stringent in its interpretation of the requirement that the standard must be achieved everywhere at the same time. Only thus can the Member States concentrate on those areas where the impact on public health is the greatest.

The Netherlands would appreciate it if the Commission would incorporate Dutch concerns in these areas into its discussion of the draft Ambient Air Quality Directive. The Netherlands thanks the Commission for its sincere efforts to improve air quality in Europe.

Finally, I would like to inform you that I will shortly be writing your colleague Mr Verheugen a letter, a copy of which I will send you, concerning the Netherlands' intention to make soot filters for new cars and vans obligatory nationally in 2007 in anticipation of the introduction of the Euro 5 emission limits. Consultations with the Commission concerning the notification procedure have already started.

Yours sincerely,

Pieter van Geel
State Secretary for Environment and Sustainability

ANNEXE

Dutch input for the proposed draft Ambient Air Quality Directive

The Dutch input focuses on the following points in the proposed draft Ambient Air Quality Directive:

- The Netherlands opposes the use of two “compulsory” standards alongside each other (PM 10 and PM 2.5). A new limit value for fine particles (PM 2.5) is unacceptable because there is no solid scientific basis to support it. If PM 2.5 is nevertheless introduced, it should be a **target value** rather than a fixed limit value. Following an evaluation, the target value can be converted into a compulsory value at a later stage. In addition, most member states have a problem with the daily average for PM 10. With the current EU source policy, this standard appears not to be feasible; it is exceeded in every big city. Furthermore, the daily average has no added impact on health relative to the annual average.
- The Netherlands is pleased with the proposed derogation option, but feels it should be accompanied by realistic conditions. These conditions should not rule out use of the derogation option in practice.
- The Netherlands calls for a specific exemption for non-anthropogenic fine particles, i.e. those that occur naturally.
- The Netherlands strongly urges the Commission to moderate its interpretation of the requirement that the standard be met everywhere. Only this will enable Member States to concentrate on the areas where the impact on public health is the greatest.
- The Netherlands requests clarification of the definitions of “concentration cap” and “limit value”, and the use of the current definition of “pollutants”.
- The Netherlands opposes the definition of the stand-still principle in this directive. As it is formulated, it would mean that all developments could be obstructed, since every development causes more emissions. The Netherlands would prefer to use the definition of this principle used in the Air Quality Framework Directive.
- Since the outcomes of measurement reports are sometimes impossible to compare, the Netherlands supports the Commission’s effort to develop uniform measuring methods.
- Finally, the Netherlands again pleads for a more stringent EU emissions policy, starting with the tightening of the proposed Euro 5 emission limits.