

## **AIR QUALITY POSITION PAPER**

### **(Dutch position on new EU air quality legislation)**

A large number of Member States, including the Netherlands, are experiencing practical difficulties implementing EU air quality directives, particularly the 'first daughter Air Directive' 1999/130/EC, and wish to seek solutions in cooperation with the Commission and the other Member States.

All EU Member States suffer from the adverse effects of European air pollution. An ambitious European air quality policy is required and the Netherlands supports the objectives of existing EU directives. Precisely because air pollution has a demonstrably harmful effect on public health, the Netherlands attaches a great deal of importance to compliance with well-founded standards based on a high level of protection.

Many Member States, however, will not be able to comply with the EU air quality standards on time. This is primarily because cross-border pollution, particularly by fine particles, is so great that national and local measures alone will not enable the Member States to comply with the standards. An EU-wide package of measures is required. To tackle breaches of the standard for fine particles it is therefore necessary to draft or amend EU legislation (e.g. the EU standards on car emissions).

The cost of the measures necessary to comply with the standards on time is also far higher than estimated in 1999-2001. The Commission initially estimated the cost at several hundred million euros for the EU as a whole. It is now clear that the physical interventions necessary to comply with the standards on time will run into several billion euros per Member State, chiefly to counter breaches at persistent hotspots.

Member States are experiencing difficulty implementing the legislation because:

- air pollution is a cross-border problem that can be addressed only by means of EU-wide legislation and EU-wide instruments;
- the absence or delayed introduction of these measures is exerting more pressure on national policy, while national policy is far more difficult to implement (no level playing field) and cannot lead to complete compliance with the standards;
- when the directive's provisions were agreed it was not known whether the standards on fine particles in particular were technically feasible and the evaluation of the directive's provisions requested by several Member States in 2003 has not yet been completed.

The Netherlands has called the Commission's attention to these issues on several occasions. The Commission has admitted that there are clearly implementation problems in the Member States, due in part to current policy. The Netherlands therefore firmly believes that long and short-term solutions to improve European air quality and to bring compliance with the air quality standards within reach should be sought jointly.

**The Netherlands is calling for:**

- a. greater emphasis on both the financial and scientific underpinning of the EU standards with a new and improved financial impact analysis by the Commission;
- b. EU-wide legislation and instruments;
- c. the inclusion of a force majeure clause for those situations in which a Member State can show that it is doing all that it reasonably can at national level but is still unable to comply with the EU standards, e.g. in the case of cross-border pollution;
- d. a transitional provision for cases in which the term for compliance is too short (for technical reasons or at specific problem locations ('hotspots'));
- e. a specific exemption for non-anthropogenic fine particles, i.e. those that occur naturally;
- f. recognition that purely national and local policy has a limited effect on cross-border air pollution that cannot be controlled nationally;
- g. the option of including threshold values (duty to achieve a given result) as well as target values (duty of best efforts) in the amended legislation if there is insufficient insight into the technical, financial and social feasibility of a given standard for certain substances;
- h. sufficiently ambitious but realistic values to be set in the new standards (e.g. on fine (PM2.5) particles) based on scientifically founded, realistic risks to people and the environment and a sound analysis of the costs;
- i. an emphasis on the importance of public health and the need to prioritise those areas in which air quality is most under pressure.