

Opinion of the Committee of the Regions on:

- the 'Commission's Proposal for a Directive of the European Parliament and of the Council on national emission ceilings for certain atmospheric pollutants', and
- the 'Proposal for a Directive of the European Parliament and of the Council relating to ozone in ambient air'

(2000/C 317/13)

THE COMMITTEE OF THE REGIONS,

having regard to the Commission's proposal for a European Parliament and Council directive on national emission ceilings for certain atmospheric pollutants and proposal for a European Parliament and Council directive relating to ozone in ambient air (COM(1999) 125 final — (COD) 99/0067 — (COD) 99/0068);

having regard to the decision taken by the Council on 13 October 1999, under Articles 175(1) and 265 of the Treaty establishing the European Community, to consult the Committee of the Regions on the matter;

having regard to the decision by the Bureau on 2 June 1999 to instruct Commission 4 — Spatial Planning, Urban Issues, Energy and Environment — to draw up the relevant opinion;

having regard to the Draft Opinion CdR 358/99 rev. 2 adopted by Commission 4 on 3 March 2000 (rapporteurs: Mr Flensted-Jensen, DK, PSE and Mr Kouloumbis, GR, PSE),

adopted the following opinion at its 34th plenary session on 14 and 15 June 2000 (meeting of 14 June).

1. Introduction

1.1. The Committee has received the Commission's final proposals for European Parliament and Council directives on national emission ceilings for certain atmospheric pollutants (the 'NEC Directive') and on ozone in ambient air (the 'Ozone Directive'), as presented on 9 June 1999.

1.2. The proposed NEC Directive focuses on the environmental problems linked with acidification, eutrophication and ground level ozone. These stem from an interaction of both local and crossborder emissions of sulphur dioxide (SO₂), nitrogen oxides (NO_x), volatile organic compounds (VOC) and ammonia (NH₃).

1.3. The proposal's ultimate aim in limiting emissions of these four substances, in addition to improving local air quality, is to prevent critical concentrations and critical loads being exceeded or infringements of WHO health guidelines.

1.4. National Emission Ceilings (NEC), to be attained in 2010, are specified. The aim is, by the end of 2010, to reduce the area where critical acidification loads are exceeded by at least 50 % on the 1990 situation. No rules are laid down as to

how these NECs are to be achieved. The intention is for each Member State to attain its target in the most appropriate way for that country. However, the Committee recommends that records be made of best practice with a view to useful exchanges of experiences.

1.5. The proposed directive on ozone in ambient air is the third daughter directive of the Council directive on ambient air quality assessment and management. It contains three main strands. Firstly, it specifies short term levels of ozone in ambient air. Secondly, it sets long term goals. And thirdly, it lays down common rules for advising and alerting the population in the event of WHO ozone limits being exceeded. In the immediate future the aim is to ensure that the EU Member States, in 2010, will respect the ceilings set in order to protect health and the environment.

1.6. The two proposed directives are mutually complementary since the Ozone Directive sets quality limits for ozone while the NEC Directive limits total emissions of substances that can cause ozone formation. They are presented together for the purpose of coordinated, cost-effective management of air pollution problems. In addition, they both are closely interlinked with other EU environmental legislation, and more specifically the VOC and IPPC Directives and other directives of relevance to local environmental administration.

2. General comments

2.1. In the Committee's view, the Commission's proposals are well-substantiated and the proposed rules will be of great value in preserving and restoring an acceptable quality of the environment in Europe. The Commission takes a coordinated, wide-ranging approach to combating air pollution and the Committee welcomes both the proposed directives.

2.2. The two directives' aims are highly ambitious and, if realised, the result will be major progress towards improving air quality in general; even if some aims seem difficult to attain, it is essential for purposes of protecting public health and the physical environment to set such high targets.

2.3. Both consider major emission problems in a global perspective and should be seen in relation to the EU's strategy on climate — which the Committee supports. In view of the many, and sometimes overlapping, legal frameworks for Community environmental policy, the Committee feels that it might be desirable to align the proposed directives as far as possible with the existing directives in this field so as to achieve greater transparency and simplify the rules. The Committee would recommend, at the very least, that future proposals for directives include references to directives etc., if they cannot be incorporated directly.

2.4. In its explanatory memorandum, the Commission indicates the expected costs of achieving the targets set in the two proposed directives. The expense is considerable but the Committee notes that, for the European Union, the potential economic benefits of implementing the directives are expected in the long term to outweigh the costs. The memorandum provides maximum estimates for the potential economic impact on the individual Member States. However, it is presumed that some aims will be achieved through the implementation of other measures already adopted as part of EU and the Member States' national commitments under international agreements (e.g. the Kyoto Protocol). Nonetheless the targets set in the two proposals will place a financial strain on both national and regional levels. The positive impact is calculated for the EU as a whole but the Committee feels that the Commission needs to indicate how the costs are to be met.

2.5. A strategy for the crossborder areas seems to be lacking. The Committee is well aware that it is not the Commission's official task to frame such strategies but in its view the Commission should assist in so doing. The directives will necessitate close crossborder cooperation since emissions know no bounds and the requisite measures will have to be

taken on both sides of a border in order to make an impact on the region concerned. This situation will also arise in regions adjoining non-EU countries, including the applicant countries. The proposed directives fail to put forward any strategy or analysis of these problems and possibilities. Such proposals could be constructive, even if it is obviously impossible to regulate conditions outside the EU area.

3. Comments on the NEC Directive

3.1. The directive in question requires the Member States to draw up national plans setting out how the fixed emission ceilings and levels of concentration are to be achieved. In the Committee's view, it is most important for regional and local authorities to be official partners in the process of framing the national implementation programmes. In most countries local and regional authorities bear responsibility for the environmental aspects of transport, agriculture, power plants, local industry and sewage, along with the environmental inspection and control arrangements described in the IPPC Directive.

3.2. These authorities are in direct contact with the players whose practices the directive seeks to regulate or change. Ultimately they may be required to implement a large share of the national strategies. The Committee therefore considers that the success of the directive depends on the involvement of local and regional authorities in both the planning and implementation of the national strategies to attain the directive's aims.

3.3. The economic impact assessment contained in the proposal anticipates that some sectors will be hit harder than others by the measures needed to attain national emission ceilings. Generally, however, it is expected that, taking the EU as a whole, this negative impact will be outweighed by the economic growth and employment generated in sectors supplying pollution abatement technologies. The Committee would point out that cutbacks and growth may well occur in different regions and countries, with potential spin-off effects on the local economy and jobs. In its view, the likely economic implications for local and regional business bear out the importance of involving local and regional authorities in the task of framing the national implementation plans. The Committee also stresses that the Commission must indicate how the costs of implementing the directives are to be met.

3.4. The Committee is of the view that national emission ceilings must be supplemented by Community provisions in order to achieve the ambitious reduction targets. The Directive should therefore set deadlines for the preparation of further directives setting emission ceilings for the most important sources and activities which may pollute the atmosphere; steps should also be taken to ensure that the remaining daughter directives of the Council Directive on ambient air quality assessment and management are carried through by the set deadlines.

3.5. The proposal covers assessment of eutrophication of land-based ecosystems caused by air pollution (NH_3 and NO_x). Corresponding assessments should be carried out for atmospheric pollutants in respect of the eutrophication of marine and wetland areas and lakes. Local and regional authorities are often responsible for the environmental regulation of such areas. The Committee therefore advocates that the NEC Directive should take account of the higher quality of surface water resulting from lower air pollution levels.

3.6. The NEC Directive assesses emissions from the transport sector. However, there would seem to be an imbalance in that the proposal solely covers emissions from rail and road traffic and exempts emissions from air traffic, beyond the landing and take-off cycle, and international maritime traffic. In the Committee's view, the directive should therefore either cover this form of load or indicate how it is regulated. A shift between these alternative forms of transport can mean that a local environmental load becomes a crossborder environmental problem.

4. Comments on the Ozone Directive

4.1. The Committee supports the aims underpinning the Ozone Directive. The proposal recognises that regional measures to attain the fixed target values will need to differ. It also acknowledges that situations may arise where the cost of implementing local measures would be disproportionate to the awaited impact; in such cases, local measures need not be required. The Committee is in favour of retaining these conditions. The Committee of the Regions believes that the Ozone Directive should highlight the specific meteorological conditions of Mediterranean regions, given that as a result of natural processes, the formation of tropospheric ozone in these areas is greater than in other EU regions. This higher tropospheric ozone concentration compared with elsewhere in the EU means that measures and plans to reduce ozone levels will have less impact in the Mediterranean regions.

4.2. To attain the targets, national regulations will be necessary. For instance, most countries and regions will need to halve their ammonia emissions — which essentially derive from agriculture. It will therefore be virtually impossible to reduce ammonia emissions without regulating agriculture.

4.3. Ozone effects spread over long distances and local action often has to be taken in a completely different place than the area where the ozone is to be found in harmful concentrations. The proposed directive specifies that, in view of ozone's crossborder impact, the adjoining Member States need to be involved in implementation. In the Committee's opinion, it is also essential to involve local and regional authorities, in view of their considerable local expertise. However, it feels that the main responsibility rests with the EU and national authorities, and that the Commission has a major role to play in preventing crossborder pollution.

4.4. Article 6.1 provides that the Member States shall take appropriate steps to disseminate up-to-date information on ambient concentrations of ozone to the public and to organisations representing the interests of sensitive population groups and other relevant health care bodies. This can be done through the broadcasting media, the press, information screens, computer network services, etc. In the Committee's view, it is vital to associate local and regional authorities in such action because of their close contacts with the population groups to be informed. The Committee urges that research be undertaken to improve and consolidate the databases so that up-to-date, realistic and reliable data for each Member State can be fed into the model.

4.5. Though ozone pollution is primarily a crossborder phenomenon, it is likely that the Member States will call on local and regional authorities to shoulder major responsibilities in connection with implementation of the directive in view of the large amount of relevant expertise these authorities have acquired in connection with other directives (e.g. the IPPC Directive).

5. Technical comments

5.1. The current proposals for directives differ in their definition of 'volatile organic compounds' (VOC). The Ozone Directive defines VOC as all organic compounds capable of producing photochemical oxidants by reaction with nitrogen oxides in the presence of sunlight, while the NEC Directive covers anthropogenic organic compounds other than methane.

The use of this abbreviation to denote various volatile organic compounds could give rise to expensive misunderstandings. The Committee therefore advocates that the proposed definition be clarified to avoid such misunderstandings and asks the Commission to ensure that definitions are ultimately standardised.

5.2. Article 7.2 of the proposed NEC Directive provides that the Member States shall establish their emission inventories and projections using the methodologies specified in Annex III thereto. This annex refers to a joint EMEP/Corinair guidebook. In the Committee's view, the directive should contain direct references to the relevant sections of this guidebook, and guidelines for updating them, so as to ensure adequate specification of the monitoring, calculation and forecasting system. This would also contribute to greater transparency.

5.3. In the Committee's view, it may be difficult to achieve the desired degree of uniformity in the required reports and inventories since the level at which emissions are to be reported is not indicated clearly. The Commission's VOC Directive 1999/13/EC of 11 March 1999 establishes this limit by indicating specific activities covered by its provisions. The Committee suggests that the levels at which reporting is required should be determined, for instance accompanied by direct references to the relevant sections of the EMEP/Corinair guidebook. Monitoring will then be possible without unnecessary overregulation of the national programmes.

5.4. The Member States are to draw up programmes for future reduction of their annual national emissions and report to the Commission before the end of 2002. These programmes are subsequently to be updated and revised in 2006. The Member States are to prepare and regularly update national emission inventories and emission projections for SO₂, NO_x, VOC and NH₃. These inventories are to be reported to the Commission each year. On the basis of these reports, the Commission is to report to the European Parliament and the Council on progress made towards meeting the emission ceilings. Though the Committee is happy that monitoring is guaranteed, guidelines will have to be determined in good time before 2002 if the deadlines are to be kept.

5.5. Article 1.B of the Ozone Directive states that the directive is to ensure that common methods and criteria are used to assess concentrations of ozone and, as appropriate, ozone precursors (NO_x and VOC) in ambient air in the Member States. The Committee is pleased to see that the key principle underlying the proposal is to ensure use of uniform methods

and criteria. However, the English text talks of 'common methods', which can be interpreted in different ways and does not necessarily produce a uniform methodology.

5.6. Article 3.2 of the Ozone Directive specifies that the Member States shall draw up a list of zones and agglomerations in which the levels of ozone in ambient air, as assessed in accordance with Article 9, are higher than the set target values. Rules are also laid down for the guidelines to be prepared. Article 3.1 states that the target values laid down in the directive are to be achieved by 2010. In the Committee's view, the guidelines must be drawn up relatively speedily if the target values for 2002, and subsequently for 2010, are to be achieved without unnecessary administrative costs.

6. Conclusion

6.1. The Committee welcomes the two proposals for directives. They set ambitious targets and spearhead the drive to improve air quality and minimise crossborder pollution from tropospheric ozone-producing substances. The Committee feels that it is important for the EU to pioneer in this way the fight against wide-ranging cross-frontier air pollution and to prevent global climate changes.

6.2. The Committee considers that successful implementation of these directives will depend on the local and regional authorities being involved in both the planning and implementation of the national strategies to attain the targets set out in the directives. Local and regional authorities are in close contact with the players whose practices need to change and it is important, in the Committee's view, that the national strategies should draw on this asset. Action by local authorities to introduce stricter environmental protection standards in the case of environmentally-sensitive areas should also be authorised, or encouraged.

6.3. The Committee applauds the careful preparation that has gone into the directives, as reflected in the Commission's memorandum. The memorandum's economic impact estimates show, by a clear margin, that the economic benefits of implementing the directives to the EU will in the long term outweigh the expense. However, in the first instance, substantial costs will be necessary to attain the set targets. The economic impact will differ significantly from one country or region to another. The Committee would point out that potential financial problems could result in failure to attain the desired goals. It urges the Commission to indicate how costs are to be met.

6.4. The Committee observes that the proposed target values can be achieved at reasonable expense if all the requisite relevant guidelines are drawn up in the near future.

6.5. The Committee would point out that the Commission must ensure that the remaining daughter directives of the Council Directive on ambient air quality assessment and management are carried through by the set deadlines.

6.6. Emissions know no boundaries. Hence the Committee feels that the Commission should assist in framing strategies and provisions for cooperation, between both the Member States and applicant and other non-EU countries so that, in the event of cross-border atmospheric pollution, all local and regional authorities affected can call on the polluters to draw up and implement plans and programmes jointly in order to

achieve the set target values or long-term objectives. To prevent, in connection with the Directive on national emission ceilings for certain atmospheric pollutants, a proliferation of legislation with the same content, the eastern European countries should be brought in on the same basis as is decided for the Member States.

6.7. The proposed directives add two further sets of rules to the Community's environmental legislation. The Committee calls for a drive to create greater transparency and simpler rules. It recommends that future proposals for directives should at the very least contain direct references to relevant directives.

Brussels, 14 June 2000.

The President
of the Committee of the Regions
Jos CHABERT
