



## **Consultation on EU air quality legislation October 2011**

*These notes summarise the IAQM's response to the European Commission's consultation on reform in 2013 to the Air Quality Directive*

The European Union has developed comprehensive legislation in order to protect health and environment from the harmful effects of air pollution. The most important pieces of legislation include the air quality directives, the national emission ceilings directive and directives that address sector emissions. In October 2011 the Commission initiated a consultation on the Air Quality Directive and the Fourth Daughter Directive to which the IAQM responded. Below our views are summarised. It is not easy to succinctly summarise the IAQM views because of the way the questionnaire was constructed, but some of the main points made by the IAQM are summarised. Discussion within the IAQM revolved around the question of how forceful our criticisms should be.

### *Present*

It is important to highlight the different, but complementary functions of the air quality Directives on the one side and the emission-related Directives on the other. The air quality Directives define air quality criteria for the various pollutants, common methodologies for monitoring air quality and procedures for reporting, but do not address concrete action to achieve the criteria set out. The emission-related directives address the requirements for controls at specific sources. Though quantifying the required degree of emission controls, while taking into account the costs for control, these Directives, usually do not establish formal links to the air quality criteria.

Current legislation requires the assessment of the ambient air quality existing in Member States on the basis of common methods and criteria. Whereas minimum assessments requirements are written, these are very vague, and create room for a huge variety of assessment methods and results. This includes both monitoring and modelling.

For instance, how do we define monitoring station representative areas so we can actually compare the assessment of air quality across the EU for cases where only monitoring data is used? Where monitoring is the main method of assessment, the equivalence of methods is not enough, some consistency of assessment procedures need to be addressed by the Directive.

While in specific cases continuous monitoring is required, modelling is encouraged in order to provide better information on the spatial distribution of concentrations and is becoming a principal assessment tool at a national level. Modelling for air quality assessment needs to be the subject of general guidance to show compliance with minimum requirements and demonstrate equivalence. The same applies at a local level.

### *Future*

The Air Quality Directive and the consultation questionnaire addressing its reform constrain thinking into a certain direction (the operation of a prescriptive system based on the strict application of limit values, with limited guidance on how the Directive should be applied). Some general comments about the current approach are appropriate. Everyone would support the improvement of air quality, which should be based on the aim to protect public

health. Limit values provide minimum standards. Tighter standards may not necessarily bring about improvements if the way to meet limit values is not clear or achievable. We have reached a stage where in the best managed air quality areas (zones) broader considerations would be needed to bring further improvements. There are no easy further technical measures to apply.

The evidence base is such that one cannot be too prescriptive or precise when setting future standards. The new Directive will have to take account of developing science on a continuous basis. The emphasis should be on particles and ozone, unless the evidence changes and we recognise that not everything is known. There needs to be regularly updated guidance on how the new Directive is implemented. It needs to be applied consistently and this guidance requires improved and detailed checking of the performance in each Air Quality Management zone. The guidance should advise on measures and this should not be a Directive Annexe, because the evidence concerning the effectiveness of measures is not definitive.

Penalties have to be directed to those who are responsible, that is the polluter. Public awareness is needed to win public support for measures and to widen the appreciation of the risks air pollution poses. The Directive should not appear as an imposition from outside. It requires public acceptability and consensus.

It is important to make sure we monitor how member states are doing in terms of air quality management by more effectively linking emission and ambient air quality legislation. Whereas it cannot be prescriptive in the text of the Directive, some sort of "equivalence" method needs to be demonstrated for assessment procedures at national and local levels through suitable guidance.

#### *Links*

Climate change needs to be tied in the air quality legislation or at least have strong connections. Linkages to noise are another example where integration would yield benefits to both fields.

Effective and relevant linkages between air quality legislation and INSPIRE guidelines and legislation is vital to promote public information and participation.

Bernard Fisher  
November 2011