



EUROCITIES statement on the ambient air quality directives fitness check

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Poor air quality leads to more than 400,000 premature deaths per year in Europe - the urgency to act for clearer air is clear. Cities and urban areas, where 75% of EU's population live, are where the effects of poor air are felt the most.

City authorities across Europe are responding by taking bold measures to deliver better air quality for people. Actions include ambitious low emission zones, cleaner public transport, promotion of modal shift through better urban infrastructure, introduction of nature-based solutions infrastructure, while also engaging and communicating with citizens on good practices in this transition to cleaner air.

However, there are emissions sources affecting the air quality in cities that are either located outside city boundaries or that are from sectors beyond the control of city authorities, although the pressure to act tends to be focussed on city governments. Air pollution can only be tackled effectively through coordinated action across local, national and EU levels, and across sectors including transport, agriculture, shipping and energy production. Better collaboration and dialogue among all stakeholders and levels of government is essential as well as more coherent EU legislation that aligns the goals of the air quality with the goals of EU source legislation.

The emissions limits imposed by the EU are below values recommended by the WHO. We believe that a thorough fitness check of the ambient air quality directives is necessary, with consideration given to updating the limit values according to the latest scientific knowledge as well as updating the methodology, tools and modelling.

The added value of EU level action on air

The added value of the ambient air quality directives has been immense. Air pollution does not respect national or city borders. The directives provide a vital Europe-wide framework to address air pollution, when pollution from one country can affect the local concentrations in a city in another country.

The directives also provide frameworks for common monitoring, reporting and assessment of air quality across the EU. There have been large improvements in air quality¹, not least due to the legally binding nature of the air quality limits. The fact that legal action could be taken by any citizen or any environmental organisation put considerable pressure on the responsible authorities to adopt more ambitious measures to improve air quality in favour of healthy living conditions in our cities. The EU is a global pioneer in air quality

¹ As shown by the data in the recently launched air quality index and 'Air quality in Europe - 2017' report by the European Environment Agency

protection, setting standards that have triggered industrial innovation, leading to job creation across Europe and giving a competitive advantage to our industrial sector.

There are however disagreements regarding the current allocation of responsibilities between and across different levels of government and economic sectors. The governance elements of article 3 and 4 particularly, must be improved in a revised directive to avoid the current provisions where member states can allocate assessment responsibilities as well as establish zones and agglomerations. We need a stronger, more systematic dialogue and coordination mechanisms between city and national/regional authorities. The regulation on the governance of the Energy Union could be used as inspiration to achieve these goals.

The EU has previously been generous with the time extensions given to member states to comply with air quality requirements. This has hindered the improvement of air quality in cities. The recent decision by the Commission to pursue legal action against non-compliant member states, as well as several national court cases across the EU, has triggered action in member states, such as the creation of funding schemes and dialogue platforms. Active enforcement of EU legislation is a necessity. However, we strongly oppose member states being able to pass down legal fines for non-compliance to cities.

Effectiveness and efficiency: health benefits

The cost of the measures designed to address poor air quality always need to be evaluated according to the benefits that such actions bring in terms of public health, closely linked to fewer premature deaths, less hospitalisations and healthier lifestyles.

The directives currently do not provide sufficient provisions to ensure that the distribution of sampling point criteria in annex III and annex V are representative or that the sampling points are representative of the population exposure and are distributed homogeneously. The methodology developed in the noise directive to assess the population exposure could serve as a model during the evaluation process.

Civil society is demanding more air quality information and are using new technologies to do so, such as air quality sensors. In parallel, city authorities are investing in collecting more data for air quality maps and deploying air quality remote sensors. However currently sensors still have technical limitations, like sensitivity to more than one component, which complicates data analysis. The use of air quality reference measurements is always necessary for calibration and validation purposes. The assessment of ambient air quality, reference methods for assessment of concentrations and location of sampling points should be evaluated based on new technologies and tools. The information and reporting chapter of the directive should also be updated. Moreover, the role of dispersion model calculations should be clarified and strengthened when identifying where limit values have been exceeded.

Coherence: air, climate, energy, transport

The EU has a very comprehensive approach towards air quality involving a combination of emissions control through source legislation as well as the national emissions ceiling directives. The urban agenda partnership for air quality has carried out an extensive

analysis on how different legislative requirements are not always coherent². The main points to be taken into account during the fitness check are:

- Inconsistent PM 2.5 values

The current limit value for the larger PM10 particles is much more stringent than that for the smaller PM 2.5 particles. This contradicts current research findings on the effects of these particles, which show that smaller particles are more harmful to human health. During the evaluation, there should be further scientific investigation of whether there is a need to recalibrate the PM2.5 metric so that more reliable assessments of impacts on health can be done.

- Discrepancy with EU sector legislation

The effectiveness of European ambient air policies has suffered as the legal provisions for limiting emissions in many sectors is not ambitious enough. Also, the time allowed for these regulations to take effect is not aligned with that of air quality limit values, further undermining implementation. Examples include

- Climate and energy: The implementation of climate and energy policy such as limiting the use of coal is key to achieving better air quality. However, in the past, climate and energy policies have not taken air quality sufficiently into account. For instance, diesel cars were encouraged as they produced less CO₂. This has contributed to lower air quality in cities, due also to the failure of an effective implementation of a diesel type approval regulation. Current energy policy to support climate objectives must not lead to more air pollution. It is imperative to avoid individual uncontrolled burning of biomass for heating as renewable energy by developing EU standards.
- Transport: Despite tightening EU emissions standards for diesel vehicles, no progress has been made in actual emissions for almost 20 years. The failure of EU type approval regulations for diesel cars and light goods vehicles, and the respective market surveillance led to the almost complete failure of related local measures. Cities have reacted by introducing urban access restrictions to polluting vehicles to address NO_x pollution, but more needs to be done to prevent the uncontrolled transfer of unsuitable diesel vehicles between EU countries, so avoiding a ‘second hand’ diesel car market within the EU. The EU should take a unified and ambitious approach for CO₂ and other pollutant emissions, while at the same time speeding up the transition to zero emission vehicles. Additionally, member states should swiftly implement the new type approval legislation and the EU should deliver effective and credible real driving emissions standards in vehicles by carrying out annual reviews to bring the long-term conformity factor down closer to one. The efficient delivery of low emission zones in urban areas depends on credible RDE standards.

- Address gaps and strengthen legislation

City authorities do not always have the jurisdiction or competence to develop standards to tackle emissions from several sectors. In some sectors such as agriculture, shipping, non-road mobile machinery, rail transport (diesel traction), we urge the EU to develop more ambitious standards and push enforcement at national level. These efforts would provide the flexibility for cities to discourage individual burners in households and to evaluate a more efficient control system for energy consumption and road traffic. There is also a need to legislate for air quality pollutants and emissions sources that currently do not fall under any jurisdiction such as black carbon, nano-particles, as well as emission sources such as non-exhaust traffic related particles, like tyre and brake wear, heavy goods vehicle refrigeration units, heating and power emissions.

² Urban agenda for the EU - Partnership for air quality - Final Draft Action Plan - <https://bit.ly/2sWXwaQ>