

11 December 2009

European Commission rejects United Kingdom application to delay compliance with health based air quality laws for dangerous airborne particles (PM₁₀) in London

“The Commission found the air quality plan for Greater London did not meet the minimum requirements of the Directive for a time extension”

‘Clean Air in London’ says today’s decision is a damning and long overdue indictment of the UK’s attitude to air pollution, complying with environmental deadlines and protecting public health

Announcement by European Commission

The European Commission announced on 11 December 2009 its decision to reject the United Kingdom’s (UK’s) application for a delay until 11 June 2011 to comply with air quality laws for dangerous airborne particles (PM₁₀) in London. See:

<http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/1908&format=HTML&aged=0&language=EN&guiLanguage=en>

Environment Commissioner Stavros Dimas said: “Air pollution has serious impacts on human health and compliance with the standards must be our utmost priority. The 2008 EU air quality Directive recognises the difficulties some Member States have experienced in meeting the standards for PM₁₀ by the initial deadline of 2005 and allows the possibility of a limited time extension. However, the Commission expects Member States to clearly demonstrate that they are doing their utmost to comply with EU standards in the shortest possible time.”

The Commission's assessment shows that in all UK air quality zones except the Greater London zone exemptions will not be necessary since compliance with the limit values has already been achieved. The Commission found the air quality plan for Greater London did not meet the minimum requirements of the Directive for a time extension.

Enforcement action is already underway against the UK for continuing to exceed the PM₁₀ limit values in London. This may now be escalated.

Quotes

Simon Birkett, Founder and Principal Contact, of the cross-party Campaign for Clean Air in London said:

“The Campaign for Clean Air in London (CCAL) applauds Commissioner Dimas for showing the determination needed to enforce rigorously Europe’s air pollution laws. Action now on air quality will trigger the technology, behavioural change and political will needed to solve wider air pollution and sustainability issues. It sends a strong positive message to all those involved in the Climate Change negotiations in Copenhagen.

“The government and the Mayor are both to blame for bringing this action upon themselves: the

former for letting air quality get steadily worse since the late 1990s; and the latter for taking nearly 18 months to produce a draft air quality strategy that is still not 'fit for purpose'. The fact that London was the only European city singled out, for not even meeting the minimum requirements of the Directive for a time extension, is a damning and long overdue indictment of the UK's attitude to air pollution, complying with environmental deadlines and protecting public health.

"With up to 8,000 people having died prematurely due to exposure to PM₁₀ in London in 2005 (when the relevant laws came into effect) it is time the government and the Mayor woke up and took air quality seriously. Action to enforce health based air quality laws for dangerous airborne particles (PM₁₀) is long overdue. These air quality laws were put in place in 1999 and had to be met by 2005.

"We need radical action, including one or more Berlin-style inner low emission zones, now: to reduce the number of premature deaths; and long before huge fines would be necessary. By failing to tackle this problem sooner the government and the Mayor have lost the chance to delay compliance until June 2011 and must ensure full compliance with health based standards for PM₁₀ within the 2010 calendar year. The consequences of the Mayor's decisions to backtrack on key air quality and transport measures are coming home to roost.

"The UK looks set to breach by a much wider margin than for PM₁₀ health based standards for nitrogen dioxide (NO₂) from 1 January 2010 when relevant laws come into effect. CCAL will be pressing the European Commission to take similar action on NO₂ as soon as the hourly limit for a whole year is breached in mid-January 2010. Over 100 UK cities and towns breached in 2008 what will be the legal standard for NO₂ from January 2010.

"Last but not least, CCAL wishes to thank its many supporters for their tireless campaigning to improve air quality in London. These include: leading Greens, Jean Lambert MEP and Darren Johnson (Leader of the London Assembly); leading Liberal Democrats, Edward Davey (Shadow Foreign Secretary), Simon Hughes (Shadow Energy and Climate Change Secretary), Sarah Ludford MEP and Mike Tuffrey (Leader of the Liberal Democrat Group in the London Assembly); leading Labour supporters such as Murad Qureshi (Chair of the London Assembly Environment Committee), Nicky Gavron and Ken Livingstone (former Mayor of London); and Gareth Bacon (Conservative, London Assembly Environment spokesperson), Mark Field MP, Sir Malcolm Rifkind MP and Charles Tannock MEP. John Bowis, now retired as a Conservative MEP, deserves a special mention for encouraging CCAL in 2007 to believe that the UK did not deserve a time extension to comply with air quality laws for PM₁₀.

"Four leading NGOs (the Campaign for Better Transport, ClientEarth, Environmental Protection UK (formerly the National Society for Clean Air) and Friends of the Earth) joined CCAL in writing to Commissioner Dimas, immediately after the Mayor published his weak air quality strategy, urging him to take the action we have seen today.

"Success from here depends on the Prime Minister and Mayor Johnson both supporting the urgent implementation of meaningful additional measures to improve air quality in London. Political deadlock and/or a lack of action by them will result in ridicule for the UK every year up to and including 2012 (and thereafter) as legal action over poor air quality widens and escalates. Decisive action is long overdue."

Notes:

1. Full list of the some 20 UK cities failing to comply with PM10 laws:

http://ec.europa.eu/environment/air/quality/legislation/pdf/pm10_exceedances_2007.pdf

2. Full list of countries submitting at least partial time extension notifications for PM10 (e.g. Germany, Italy, Poland and Spain):

http://ec.europa.eu/environment/air/quality/legislation/time_extensions.htm

1. Full list of 100 plus UK cities that failed to meet in 2008 what will become legal limits for NO₂ from January 2010:

http://uk-air.defra.gov.uk/data/exceedence?f_exceedence_id=E1&f_year_start=2008&f_year_end=2008&f_network_id=Array&f_group_id=4&f_region_reference_id=1&f_sub_region_id=9999&f_output=screen&f_parameter_id=NO2&action=exceedence3&go=Go

2. The European Commission started infringement proceedings on 29 January 2009 against 10 Member States, including the United Kingdom, for failing to comply with the European Union's (EU's) air quality standard for dangerous airborne particles known as PM10. These particles, mainly emitted by industry, traffic and domestic heating, can cause asthma, cardiovascular problems, lung cancer and premature death. The Commission's action followed the entry into force in June 2008 of the new EU air quality directive, which allows Member States to request, under certain conditions and for specific parts of the country, limited extra time to meet the PM10 standard in force since 2005.

Full details of this legal action can be seen via the attached link:

http://europa.eu/rapid/pressReleasesAction.do?reference=IP/09/174&format=HTML&age_d=0&language=EN&guiLanguage=en

3. For details of the six stage infringement process including fines please see:

http://ec.europa.eu/eu_law/infringements/infringements_en.htm

This typically involves sending a Member State (MS) a first and a final written warning (Letter of Formal Notice and Reasoned Opinion respectively) before the Commission takes the MS to the European Court of Justice for a decision requiring the MS to remedy the legal breach. If the MS still fails to comply, the Commission can issue again a first and a final written warning (Letter of Formal Notice and Reasoned Opinion respectively) before asking the European Court of Justice to impose unlimited lump sum and daily fines on the MS pending full compliance.