



EUROPEAN COMMISSION
DIRECTORATE-GENERAL ENVIRONMENT
Directorate A - Legal Affairs and Cohesion
ENV.A.2 - Compliance promotion, governance and legal issues

Brussels, 26 JUN 2012
ENV.A.2/SG/ym/3628-12-ENVI

Clean Air in London
Simon Birkett
Director



THE UNITED KINGDOM

Dear Mr Birkett,

Subject: CHAP file (2012) 00246 concerning PM10 and NO2 levels in London

Further to our acknowledgement of receipt of 9 February 2012, I should inform you that we have now closed your CHAP (2012) 00246 file and transferred it into the EU pilot system. The new file number is EU Pilot file 3628/12/ENVI. Please could I ask you in future correspondence to refer to this new reference number?

It is the Commission's established practice to contact the authorities of the Member State concerned to request information or seek solutions to problems. Only in this way can all the facts and the legal position be confirmed and appropriate conclusions reached.

The Commission has agreed with Member States to work to improve the speed and efficiency of this information exchange and problem resolution process through a project called 'EU Pilot'. The Commission aims to ensure that you receive a complete response as quickly as possible through this process. Although you may get a response more quickly, the EU Pilot operates on the basis of a ten week deadline.

Through the EU pilot the United Kingdom authorities will have access to your complaint. We have asked the United Kingdom authorities to provide us with clarification on the consultation process which was undertaken for the Updated air quality plan for London in 2011, on the exceedances at Neasden Lane, Horn Lane and Upper Thames Street, the future monitoring stations they will propose to use to communicate compliance to the Commission, the use of dust suppressants near monitoring stations and the situation with regard to air quality plans and programmes for NO2.

With regard to your request that the Commission instigate immediate infringement action against the United Kingdom for breaches of the PM10 limit values in London and the consultation process on the Update air quality plan, I will decline this request at this moment in time. It is current Commission practice to contact Member States through the

EU pilot first before deciding whether infringement action is required and appropriate. Furthermore, the power to initiate infringement action is one which the Commission has discretion in deciding whether or not to exercise. For breaches of PM10 limit values in 2011 we would need to verify first the data which the United Kingdom is required to provide by end September 2012 before any decision in this regard can be taken.

You are referred to the following Commission documents which explain the Commission's general approach to the management of correspondence and complaints:

- Code of good administrative behaviour for staff of the European Commission in their relations with the public, available on the EUR-Lex website (<http://eur-lex.europa.eu>), published in Official Journal L 267 of 20 October 2000, p. 63.
- Commission Communication on relations with the complainant in respect of infringements of Community law, accessible on the EUR-Lex website (<http://eur-lex.europa.eu>) under the reference of its document number, COM final – year 2002 – number 0141.
- Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (Article 5) accessible on the EUR-Lex website (<http://eur-lex.europa.eu>), published in Official Journal L 8 of 12 January 2001, pp. 1–22.

Yours sincerely,

