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The Rt Hon Liz Truss MP
Department for Environment, Food and Rural Affairs
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By email

10 June 2015

Dear Secretary of State

The revision of the National Emission Ceilings (NEC) Directive

We are a group of UK-based charities greatly concerned by the damage to public health caused by air pollution. We are writing concerning the Environment Council's discussion on the revision of the NEC Directive for 15 June.

Poor air quality causes great harm to our health and environment. Every year, more than 400,000 Europeans are estimated to die prematurely because of poor air quality, including around 30,000 people in the UK.[1] The damage to health from air pollution is estimated to cost the UK £16bn a year.[2]

Air pollution does not respect national borders so we need cross-border solutions. There was a timely reminder of this fact in March and April this year as the UK experienced high pollution events triggered by emissions from neighbouring countries.[3] The NEC Directive is a unique instrument to reduce emissions across the continent. Without this, the UK Government's work to improve air quality risks being undermined by pollution coming from elsewhere.

The NEC Directive could not only deliver further benefits to human health, but also to the wider environment and the economy. Even in the most ambitious policy scenario considered by the Commission, the benefits would exceed the costs.[4] You can build a more sustainable future that will save lives and deliver substantial economic benefits to the UK.

Recommendations

The NEC Directive will only deliver sufficient health and socio-economic benefits if the UK and other Member States support ambitious emission reduction commitments. We are concerned that discussions so far have largely ignored the possibility of improving the European Commission's proposal.

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[1] Cost-benefit Analysis of Final Policy Scenarios for the EU Clean Air Package, March 2014, pages 48-49

[2] http://webarchive.nationalarchives.gov.uk/20130402151656/http://archive.defra.gov.uk/environment/quality/air/airquality/panels/igcb/documents/100303-aq-valuing-impacts.pdf Page 5

[3] http://www.londonair.org.uk/london/asp/PublicEpisodes.asp?species=All&region=0&site=&postcode=&la_id=&level=All&bulletindate=17/03/2015&MapType=Google&zoom=9&lat=51.4750&lon=-0.119824&VenueCode=&bulletin=explanation&episodeID=PM10PM25midMarch2015

[4] The Final Policy Scenarios of the EU Clean Air Policy Package, IIASA TSAP Report #11, February 2014, MTFR data, page 21

We therefore call upon you to support the following recommendations:

1. **Emission reduction commitments for 2020, 2025 and 2030 must be greater**
   The NEC Directive should ensure the achievement of the EU's air quality objective i.e. attain "levels of air quality that do not give rise to significant negative impacts on, and risks to, human health and the environment".[5] Greater emission reductions would bring greater benefits, in particular for people's health. They can be achieved by implementing both technical and non-technical measures which are cost-effective. A recent study showed that the implementation of climate and energy policy as agreed by the European Council in October 2014 would result in greater emission reductions for the same or lower cost.[6]

2. **Emission reduction commitments for 2025 should be legally binding**
   The Commission's proposal to set legally binding commitments for 2030 is too late, particularly in view of the relatively low ambition level for 2020. Earlier action to cut air pollution must be a priority.

3. **Methane should remain within the scope of the Directive**
   We are concerned to hear the Council is considering deleting methane from the Directive. Methane needs to be covered by the NEC Directive in order to reduce the formation of ground-level ozone. This is not the case under current EU legislation.[7]

4. **Mercury should be added to the scope of the Directive**
   Mercury is a toxic and highly trans-boundary pollutant causing great damage to health and ecosystems. Its inclusion in the NEC Directive would ensure overall emission reductions which will help reduce people's exposure to mercury, thereby contributing to the implementation of the EU's obligations under the Minamata convention.[8]

This is an issue on which the UK can and must take a lead. There is a great opportunity to improve public health and drive technological innovation in the UK. We urge you and your fellow ministers to agree on a formal position which goes significantly beyond the Commission's proposals. ClientEarth will write separately to request information concerning the UK's position on the Directive.

More detailed recommendations can be found in the annex to this letter. We would welcome the opportunity to meet with you and your team to discuss this further at your earliest convenience.

Yours sincerely,

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[5] As agreed in the 7th Environment Action Programme in 2013

[6] http://www.europarl.europa.eu/RegData/etudes/STUD/2014/528802/EPRS_STU%282014%29528802_REV1_EN.pdf

[7] The Effort Sharing Decision (ESD) requires Member States to meet GHG emission reductions but leaves flexibility as to which greenhouse gas must be reduced. For instance, ESD targets could be met by addressing CO2 only, leaving ground level ozone levels unchanged.

[8] More information about mercury and air pollution:
http://www.eeb.org/index.cfm/library/air-mercury-cutting-mercury-emissions-improving-people-s-health/

ClientEarth

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Lawyer, Health and Environment

[redacted]

CO-SIGNATORIES

LSx
London Sustainability Exchange

British Heart Foundation

CIWEM Chartered Institution of Water and Environmental Management

GREENPEACE

friends of the earth
see things differently

asthma UK

UK HEALTH PREVENTION FIRST FORUM

E3G

LIVING STREETS
PUTTING PEOPLE FIRST

LONDON CYCLING CAMPAIGN

CleanAir IN LONDON

Campaign for Better Transport

ClientEarth

ANNEX

COMMENTS ON COMMISSION'S PROPOSAL FOR A DIRECTIVE ON THE REDUCTION OF NATIONAL EMISSIONS OF CERTAIN ATMOSPHERIC POLLUTANTS (REVISION OF THE NEC DIRECTIVE)

The revision of the National Emission Ceilings (NEC) Directive proposed in December by the European Commission is essential. The proposal sets Emissions Reduction Commitments (ERCs) for five air pollutants for 2020 and six pollutants for 2030, as well as non-binding intermediary objectives for 2025. There are also provisions to achieve those objectives, notably via national programmes. Unfortunately, the Commission's proposal is insufficient and fails to reach levels that would adequately protect our health and environment.

The proposed ERCs for 2020 are extremely weak. In practice, the current proposal would even allow Member States to emit more pollution than what they are expected to emit under current legislation (so called 'baseline scenario'). Such ERCs would therefore not bring any extra benefits to human health or the environment. It is estimated that 340,000 Europeans would still die prematurely in 2020.[9]

The proposed ERCs for 2030, which were initially designed for 2025[10], are both too late and too weak to solve the EU's air pollution problems. The European Commission's concept of a 67% "gap closure" between the baseline (what is happening anyway before the NEC revision process) and the maximum of what is currently technically feasible is a narrow one. It excludes a whole range of technical and non-technical measures which could take the EU far beyond what is perceived as 'technically' feasible, and often at lower cost. For instance, energy efficiency measures are not part of the scenarios used, despite the fact that they would reduce air pollution at a very low cost. A recent study commissioned by the European Parliament shows that the implementation of climate and energy policy as agreed by the Council in October 2014 would result in greater emission reductions for the same or lower cost.[11]

The inclusion of methane in the Directive is welcome. In addition to being a powerful greenhouse gas, methane contributes to the formation of ground level ozone. Exposure to ozone can lead to more frequent hospital admissions and increase deaths from heart and respiratory diseases as well as reduced agricultural crop yields and decreased forest growth. The inclusion of methane in the NEC Directive is also a complementary tool to EU climate policies which set GHG reduction goal but do not tackle methane or ozone formation specifically. However, methane reduction commitments should also be set for 2020 and 2025, not only for 2030 as in the Commission's proposal.

The Commission missed the opportunity to propose emission reductions for mercury, a global pollutant with severe adverse impacts on human health and the environment. The inclusion of mercury into the NEC Directive is the only way to ensure overall mercury emission reductions and address transboundary mercury air pollution in the EU. Such ERCs

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[9] European Commission's Impact Assessment, page 24

[10] See DG Environment's earlier reports and studies: http://ec.europa.eu/environment/air/review_air_policy.htm

[11] http://www.europarl.europa.eu/RegData/etudes/STUD/2014/528802/EPRS_STU%282014%29528802_REV1_EN.pdf

have been quantified in previous Commission's studies[12] and would be in line with the EU's 2005 Community Strategy on Mercury and the recently adopted Minamata Convention on Mercury, bringing high benefits for human health, ecosystems, wildlife populations and the environment.[13]

EU source policy and national measures are key in order to cut air pollution and achieve the EU's long term air quality objectives. The measures adopted at national level should not only ensure compliance with the various ERCs but also with the EU's 7th Environmental Action Programme, in particular with the World Health Organisation's recommended limits. Such measures should be designed with the participation of the public and be regularly updated.

We call therefore call upon you to support:

- 2020 ERCs going beyond the Gothenburg Protocol's levels in order to improve air quality in the coming years;
- Strengthened 2030 ERCs achieving the EU's air quality objective i.e. attain "levels of air quality that do not give rise to significant negative impacts on, and risks to, human health and the environment";
- Additional legally binding ERCs for 2025;
- Methane and mercury ERCs for all three target years;
- EU-wide measures supporting the attainments of the ERCs and the EU's long term objectives by 2030, with a focus on most problematic sources of pollution including domestic heating, road, non-road, shipping, agriculture and solvents;
- Ensure better coherence between the objectives of the different pieces of EU air legislation;
- Include an express right of access to justice for citizens and NGOs;
- Call upon the alignment of EU ambient air quality limit values with the latest WHO health guidelines.

[12] TSAP Report #10, page 42: http://ec.europa.eu/environment/air/pdf/review/TSAP-Report-10.pdf
[13] More information about air pollution and mercury can be found here: http://www.eeb.org/index.cfm/library/air-mercury-cutting-mercury-emissions-improving-people-s-health/