



**EUROPEAN COMMISSION**  
Impact Assessment Board

Brussels,  
D(2013)

**Opinion\***

**Title**                    **DG ENV – Impact Assessment on an EU initiative on a Review of the Air Quality Policy Framework**  
**(draft version of 5 June 2013)**

**(A) Context**

Air pollution is caused by a range of pollutants with multiple effects. Pollutants such as sulphur and nitrogen oxides, volatile organic compounds, particulate matter and ammonia cause a range of health and environmental impacts. Lives are lost due to the induced ill health, associated medical costs are high, and lost working days reduce productivity in the economy. Poor air quality affects the quality of fresh waters, soils, and the ecosystem services they host, including significant losses of agricultural and forest yields. To address these, a body of air pollution policy has been developed since the 1970s, both in the EU itself and under the UN Convention on Long Range and Transboundary Air Pollution (CLRTAP). The main elements of the EU policy are (i) the objective in the EU's 6<sup>th</sup> Environment Action Programme to achieve 'levels of air quality that do not give rise to significant negative impacts on and risks to human health and the environment', (ii) the 2005 Thematic Strategy on Air Pollution setting interim objectives towards this target, and (iii) the main legislative instruments comprising the Ambient Air Quality Directives (AAQDs), the National Emission Ceilings Directive (NECD), and a range of legislation controlling pollution at the source.

**(B) Overall opinion: NEGATIVE**

**The report should be significantly improved on a number of important points. First, the report should actually review the strategy, presenting available information from various evaluations and supporting studies to show what worked, what did not, and what are the main problems to be addressed and their drivers, both from a short and a longer term perspective. Second, it should better explain the relationship between legislative measures that address the sources or particular types of air pollution and the National Emission Ceilings Directive. It should underline which measures exist at national/sub-national level to close possible gaps and discuss their feasibility. The necessity and expected impacts of a separate Medium Combustion Plants initiative in this package should be discussed in a separate chapter in the main text. Third, the report should present the costs and benefits of the different options in more (quantitative) detail, especially for the short run part of the package, and critically review the robustness of the longer term estimates for different plausible assumptions. Fourth, it should better describe arrangements to monitor the proposed revised policy framework and clearly set out**

\* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted

**when and how the policy will be evaluated. Finally, the report should provide more references to the views of different stakeholder groups and national authorities throughout the report.**

**Given the nature of these concerns, the IAB requests DG ENV to submit a revised version of the IA report on which it will issue a new opinion.**

### **(C) Main recommendations for improvements**

**(1) Bring out the problem analysis and underlying evidence more clearly.** The report should describe more clearly the review itself, explaining what is reviewed, on what basis, and how evaluations have been used to identify what worked in the current policy framework, what did not, what are the main problems still to be addressed and their drivers, both from a short and a longer term perspective, and how this information has been taken into account in this review, especially in the problem definition. It should indicate which supporting studies and evaluation reports are already in the public domain, and provide precise references to these sources throughout the analysis. More in particular, the report should explain how underlying problem drivers such as insufficient compliance have been analysed, how the authorities responsible for implementation and enforcement have been involved in the problem identification process and which concrete results have been achieved. It should then explain whether the scope and original objectives of the reviewed policy are still valid. On that basis, the problem definition should more clearly separate the issues that relate to the functioning of the current policy framework and the need to revise long term goals. For example, the presentation of the policy drivers in the main text and the more detailed analysis in Annex 4 should focus more on the underlying causes of: (i) why diesel emissions remain high; (ii) why small scale combustion and geographical conditions could not be adequately addressed by the current system or under other on-going initiatives, such as the Eco-Design Directive; (iii) why so far tackling agricultural ammonia emissions has been so difficult; and (iv) why the present interplay of national, regional and local implementation regimes lead to lower compliance and higher compliance costs.

**(2) Better explain the scope of the package.** The report should better explain to what extent the effects of source/pollutant legislation and the national initiatives to achieve the National Emission Ceilings are complementary and sufficient to reach the objectives. It should clearly identify remaining short-term and long-term gaps and discuss which measures at EU and national/sub-national level would be needed, as well as the feasibility of these measures and the concrete contribution they can make to close the gaps. It should strengthen the logical link between the key short and longer terms problems that the initiative aims to solve, and should explain how they are linked to other relevant EU legislation in force, upcoming initiatives and the current regulatory frameworks in Member States. In particular, the report should explain how this initiative relates in terms of substance and timing with relevant climate or energy policies, especially the announced Climate and Energy Package, but also initiatives on vehicle and ship emissions. The necessity and expected impacts of a separate initiative on Medium Combustion Plants should be discussed in more detail in a separate chapter in the main text. This should include an assessment of the expected impact on SMEs and the possible need for mitigating measures.

**(3) Set out the costs and benefits of the options in more concrete terms.** The report should be more concrete about the expected costs and benefits of the options in the short run. It needs to address the phenomenon that the quantification of costs and benefits

appears to be much more comprehensive for the (uncertain) post-2020 part of the initiative than for the measures proposed to improve compliance with given requirements up to 2020. In particular the report should provide a much fuller overview of current implementation and compliance costs, and of the impact of the different options on those costs. With regard to the longer term impacts, the report should indicate whether tests were carried out to establish the robustness of the estimates of the longer term costs and benefits for different plausible assumptions. It should also explain how sensitive these are for different chosen values for the losses of health and life. Finally the report should clarify whether there are options that could give more responsibilities to individual Member States, especially in areas where EU action is not strictly necessary.

**(4) Better present monitoring and evaluation arrangements.** The report should present a set of indicators that allow for monitoring the overall effectiveness, efficiency, and coherence of the proposed revised policy framework. These indicators should be better linked to the stated objectives of the initiative, the way in which they will be monitored and who will be responsible for their monitoring. Furthermore, the report should describe evaluation arrangements in more detail. It should also explain if any interim reporting is foreseen, or how preliminary results from the monitoring exercise will be made available to the public, given the long term time horizon of the proposal.

*Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report*

**(D) Procedure and presentation**

The report should provide more relevant references to the views of different stakeholder groups and national authorities throughout the problem, options and impacts sections. To improve accessibility for the reader, it should be restructured by elaborating less on the broad context, and instead focusing as much as possible on the concrete problems, their drivers, and the impacts of the various options and of the overall package on these problems. Technical concepts should be better explained in their relevant context. Finally, a better coherence of the relevant information between the extended annexes and the main text should be achieved, e.g. by presenting precise references in the text to relevant passages in the annex. A literature list with links to all publicly accessible information should be added.

**(E) IAB scrutiny process**

Reference number	2013/ENV/001
External expertise used	No
Date of IAB meeting	3 July 2013