



# Measuring and Enforcing Clean Air Regulations

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# Legal basis for EU air legislation

- *“Community policy on the environment shall aim at a high level of protection” (Art 174, EU Treaty)*
- *“achieving levels of air quality that do not give rise to significant negative impacts on and risks to human health and the environment” (Art. 7.1, 6EAP)*
- *“(…) to reach the long term objective of no-exceedence of critical loads and levels” (Art.7.2, 6EAP)*

# EU air legislation

3 main types of EU air-related directives

- Ambient air quality standards (*limit values for outside air*)
- National emission ceilings (*maximum emission limits per country*)
- Directives addressing pollution sources (*power plants, fuels, petrol stations, cars, heavy-duty vehicles, etc.*)

# Enforcement in the EU

- Member states have to report
- Commission has to assess reports and take follow-up action
- Other players can intervene (MS, commercial interest groups or citizen's groups can go to court nationally or send complaints)

# Enforcement in the EU

- Tools of the Commission:
  - Communication + correspondence
  - Guidance
  - Structural funds, LIFE projects
  - Naming and shaming
  - Court-action and financial penalties

# Complications with enforcement

- Lack of Member State discipline – absence of reports
- Lack of Commission capacity to assess reports
- Limited possibilities of NGOs to intervene
- Enforceability of the directive ?

# Solutions

- Political will
- Increase capacity in the Member States to implement and capacity of the Commission to do the follow-up
- Facilitate civil society involvement in enforcement

# Political will

	City	More than 35 days in 2002?	More than 35 days in 2003?	More than 35 days in 2004?	More than 35 days above legally binding limit value in 2005?	Plan and/ or programme adopted before 2005?	Date of plan
14	Berlin	✓	✓	✓	✓	☹ No	02/2005
15	Vienna	✓	✓	✓		☹ No	03/2005
16	Düsseldorf	?	✓	✓	✓	☹ No	04/2005

# Member state capacity

- **Confusion:** competencies between different levels not always clear
- **Power-vacuum:** devolution of powers to level of the regions, however national level cannot sanction in case of inaction or inadequate measures

# EEB's activities

- We discuss improvement of the complaints procedure with Commission
- We made surveys on air quality implementation (and other issues)
- We organise capacity-building workshops with NGOs
- We have produced a Handbook on EU Environmental Policies

Thank you for your attention