

EURACOAL Response to Inception Impact Assessment

Revision of the Ambient Air Quality Directives (Ares(2020)7689281 – 17/12/2020)

The European coal industry is subject to strict EU pollution control legislation, and has successfully implemented this to meet some of the world's highest standards. The coal sector has invested heavily in pollution control technologies and achieved impressive results – for example, sulphur dioxide (SO₂) and oxides of nitrogen (NO_x) emissions from coal use in the EU have fallen by between 60% and 90% since 1990.

Background

In the framework of the European Commission President's political guidelines on a zero-pollution ambition for a toxic-free environment, the European Green Deal communication of December 2019 (COM(2019) 640) announced that the Commission would draw on the lessons learnt from the Fitness Check review of the Ambient Air Quality Directives and strengthen provisions on monitoring, modelling and air quality plans in order to help local authorities achieve cleaner air, as well as align EU air quality standards closely with World Health Organization (WHO) recommendations. The Commission cites over 400 000 premature deaths every year in the EU due to air pollution – so exceeding Covid-19 related deaths – and indirect annual costs in the order of EUR 330 to 940 billion. In relation to Covid-19, the Commission notes the improved air quality in certain locations due to the temporary measures taken to address the pandemic.

EURACOAL response

EURACOAL welcomes the aim of more effective pollution control policies. We support the UN Sustainable Development Goals and the aim of creating a cleaner environment in the EU. Current legislation already sets high standards and contributes to a cleaner planet for all. Future progress will be guided by the 8th Environmental Action Programme for the period up to 2030, which the Commission has published in draft, and progress towards meeting climate targets by shifting away from fossil fuel combustion. Hence, no revision of the air quality directives is needed, and care should be taken when targeting “zero pollution”. The costs of reaching zero would tend towards infinite and a disaggregation would be needed between “natural” pollution (*e.g.* SO₂ from Mount Etna) and “man-made” pollution. A risk-based approach would recognise the concentrations at which substances are safe, posing no risk to health or the environment. Nevertheless, we agree that shortcomings remain, especially with implementation and enforcement of existing legislation.

A revision of the European air quality directives is not necessary

In its recently published report on the review of the Ambient Air Quality Directives (SWD(2019) 427), the Commission concludes that the current legislation has already led to measurable improvements in air quality. The directives provide the necessary instruments to meet existing challenges: if air quality standards have not yet been fully achieved, this is essentially due to a lack of transposition or poor application of European law in the member states, and not due to any weaknesses in the European legislation itself.

Support pollution control in the EU neighbourhood

To further improve European air quality, we encourage the Commission to also work closely with neighbouring countries. Some of the highest levels of air pollution in Europe are registered in candidate and neighbourhood countries, often affecting EU member states. Assistance to these countries, to support their alignment with EU air quality standards, would be a very cost-effective way of improving overall air quality for EU and neighbourhood citizens.

Allow existing legislation to deliver

In 2016, the revised National Emissions Ceilings Directive set ambitious new mass limits for five pollutants that must be met by 2030. Member states have only just implemented this directive through national programmes that pose a major challenge for the member states and private actors. Additional revisions would undermine trust in the reliability of European environmental legislation.

Streamline monitoring and reporting

In principle, we are open to improved monitoring (policy area 3), if such solutions do not create additional administrative burdens, but rather simplify existing measuring and reporting procedures. The European Commission's report stated that "redundant provisions have been identified in the Ambient Air Quality Directives as well as elements that could reduce administrative burden in terms of air quality reporting" (SWD(2019) 427, p.85). The European coal and lignite industry would welcome a streamlining of administrative burdens. A further expansion of the already substantial monitoring requirements would pose an additional burden for companies that are still struggling to implement the latest obligations.

Don't ignore the impacts of climate legislation

The European coal and lignite industry is already under the double pressures of implementing very recent revisions to air pollution directives and climate-related legislation that aims to transition away from fossil fuels within the next years. Additional burdens would threaten the survival of companies that are still needed for energy-security reasons during the transitional phase to cleaner energy sources. Adding new burdens on existing coal power plants, many of which are moving towards the end of their commercial operating lives, would shift investment away from long-term needs, such as renewable energy sources and CCS technologies.

Political decisions, not expert decisions

The Commission speaks of an explicit mechanism for adjusting air quality standards to technical and scientific progress, including for air pollutants that are presently not covered by the Ambient Air Quality Directives. This should be avoided as decisions on air quality are ultimately of a political nature – trade-offs have to be balanced and judgements made by elected representatives, taking into consideration all the facts presented by scientific experts. This complex process cannot be short-circuited because there is no algorithmic solution.

Of relevance to the political decisions that must be made is the annual costs of air pollution cited by the Commission. These are now so high that they can be used to justify almost any policy measure. As it appears doubtful whether the costs of air pollution can really amount to 6% of GDP, the Commission should consider more practical and meaningful ways to carry out cost-benefit analyses.

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