

EURACOAL Position Paper

on revisions to the National Emission Ceilings Directive and on why the EU should not go beyond its international obligations (A8-0249/2015, rapporteur: MEP Julie GIRLING)

Implementation in the EU of an international Convention that aims to reduce air pollution has become entangled with the EU's unilateral target to reduce greenhouse gas emissions by 2030. The Convention will lead to an improved environment for people living in the Northern Hemisphere, at a fair cost to all. Administered by the UN, it reflects scientific collaboration, policy negotiation and a final agreement between over fifty countries. However, that agreement might now be gold-plated by the European Commission in revisions to the National Emission Ceilings Directive that even Vice President Timmermans tried to stop.

EURACOAL urges Members of the European Parliament to vote against measures which would go beyond our international commitments and which would impose higher costs on EU Member States than on other parties to the Convention, such as the US.

Background

The Convention on Long-range Transboundary Air Pollution (LRTAP), agreed in 1979 and ratified by 51 countries in the Northern Hemisphere, aims to limit and gradually reduce air pollution. Eight protocols to the convention cover specific measures: the 1999 Gothenburg Protocol deals with acidification, eutrophication and ground-level ozone by setting national emission ceilings and emission limit values for sulphur dioxide (SO₂), nitrogen oxides (NO_x), *non-methane* volatile organic compounds (VOCs), ammonia (NH₃) and, in a revision to the Protocol agreed in May 2012, for fine particulate matter (PM_{2.5}) including black carbon (soot). The Convention and protocols are administered by the UNECE.

National emission reduction commitments for 2020 for the EU are shown in Table 1. Other LRTAP parties that intend to become members of the revised Protocol – notably Canada, the US, Russia and countries in Southern and Eastern Europe, the Caucasus and Central Asia – will need to provide 2005 data and their commitment figures upon ratification of or accession to the amended Protocol. The US has provisionally indicated that it will aim for a level of ambition similar to that of the EU.

National Emissions Ceiling Directive

The Commission's proposal for a revision to the National Emission Ceilings (NEC) Directive¹ was presented on 18 December 2013 as part of a package of measures:

1. a communication on a Clean Air Programme for Europe;
2. a proposal to ratify the revised Gothenburg Protocol; and
3. a proposal on Medium Combustion Plants (<50 MW).

Commission First Vice President Frans Timmermans announced on 16 December 2014 that the proposal to introduce more stringent limits on certain air pollutants in the revised NEC Directive was "controversial"; it would be dropped from the Commission's 2015 work plan and replaced by a modified proposal. Despite his announcement, work continued on the original proposal.

The proposal revises the NEC Directive to align it with the revised Gothenburg Protocol's national emission ceilings for 2020 and beyond. However, it goes further than the Protocol by introducing another pollutant and proposing new ceilings for 2030. The proposal:

- requires Member States to limit their annual emissions of six pollutants, including fine particulate matter (PM_{2.5}) and methane (CH₄);
- indicates which emission sources do not have to be accounted for;
- requires Member States to adopt, implement and regularly update their national air pollution control programmes to meet their reduction commitments;
- requires Member States to monitor air pollutant emissions and prepare and update national emission inventories and projections;
- requires Member States to monitor the adverse impacts of air pollution on water and ecosystems; and
- promotes international co-operation to better address air pollution at a global level.

Table 1: Emission reductions agreed by EU Member States in the revised Gothenburg Protocol, reductions proposed by the European Commission in a revised National Emission Ceilings Directive and amendments proposed by the European Parliament ENVI committee (all compared with 2005)

EU28	SO ₂			NO _x			PM _{2.5}			
	from:	2020	2025	2030	2020	2025	2030	2020	2025	2030
Gothenburg Protocol	59%			42%			22%			
EC NEC proposal	59%		81%	42%		69%	22%			51%
EP ENVI amendments	59%	80%	83%	42%	66%	72%	22%	51%		58%

¹ Directive on National Emission Ceilings for Atmospheric Pollutants (2001/81/EC)

Current Status of the Proposal

The Committee on Environment, Public Health and Food Safety (ENVI) voted in the European Parliament on 15 July 2015 to support tighter limits than proposed by the Commission and added binding emission ceilings for 2025 (Table 1).

As justification, ENVI refers to a study that presents emission reductions as being now less costly, because they are a side benefit of the EU's tough climate and energy policy targets for 2030.² That is circular reasoning. It is like saying that provision of the public services required by law costs nothing, because they have to be paid for anyway. The same study claims that the benefits of going *beyond* the revised Gothenburg Protocol would save up to 870,000 life-years, with annual cost benefits of up to €300 billion. If adding 2% to EU GDP were so easy, then there would be no question about going *beyond* the Gothenburg Protocol. Unfortunately, the benefits are hypothetical and hyperbolic, while the real costs would fall only on the EU. It is noteworthy that Mount Etna is the largest point source emitter of SO₂ in the EU and would come to dominate EU SO₂ emission inventories if its emissions were included in the revised NEC.³

Amendments tabled by MEPs in the ENVI committee report call for the inclusion of national emission ceilings for mercury in the revised NEC Directive, going beyond the agreed aim of the Gothenburg Protocol.

EURACOAL Position

Coal-fired power plants emit the pollutants specified in the NEC Directive, although their emissions of PM_{2.5} and NH₃ are relatively small. It seems to be politically expedient to impose new targets on the energy sector, especially for NO_x, rather than on the transport, agricultural or household sectors. Given the current uncertainty concerning NO_x emissions from diesel-engined road vehicles, which may be many times higher than reported, the assumptions underlying the NO_x ceilings in the proposed revision of the NEC Directive should be thoroughly re-examined before enacting any new limits.⁴

The Industrial Emissions Directive (IED) already limits emissions from coal-fired plants. To meet these limits, substantial investment projects are currently in progress or are planned. These investments should not be put at risk by a revised NEC Directive that triggers further

² *Complementary Impact Assessment on interactions between EU air quality policy and climate and energy policy*, International Institute for Applied Systems Analysis for European Parliament's Committee on Environment, Public Health and Food Safety, PE 528.802, European Parliamentary Research Service, Brussels, October 2014.

³ Pyle, D. M, T. A. Mather & J. Biggs (editors), *Remote Sensing of Volcanoes and Volcanic Processes – integrating observation and modelling*, Geological Society Special Publication 380, London, 2013.

⁴ *Analyzing on-road emissions of light-duty vehicles with Portable Emission Measurement Systems (PEMS)*, European Commission Joint Research Centre, EUR 24697 EN – 2011, Luxembourg: Publications Office of the European Union.

obligations. Our fear is that the revised NEC Directive could lead to expensive retro-fitting measures or to the premature closure of conventional power plants, with an adverse impact on security of energy supply and the affordability of electricity, but with little or no improvement to the poor air quality in our cities.

Recommendation: vote against ENVI Amdts. 92 & 93 (and hence ENVI Amdts. 8, 77, 78 & 83).

EURACOAL recommends rejecting the inclusion of mercury in the NEC Directive. In September 2015, the European Commission released a roadmap on mercury aimed at ratifying and implementing the Minamata Convention on Mercury. This Convention includes measures that are similar or identical to current EU legislation on, for example, emissions from large point sources. Additional measures under consideration include a revision of the mercury export ban regulation⁵ and other EU legislation that regulates the use of mercury in particular products and processes. These measures will likely come before Parliament as a package in 2016. It is therefore untimely to include mercury in the NEC Directive.

Recommendation: vote for Amendment 3.

The Commission says that measures to reduce short-lived climate pollutants, namely methane and black carbon, will provide direct climate co-benefits whilst also preparing the ground for international action. The Commission vaguely states that this will reduce “hemispheric air pollution”, but it is neither necessary nor desirable to muddle the control of GHG emissions, such as methane, with the control of air pollutants.

Recommendation: vote for Amendment 1.

Timeline

20 October Council Working Party on Environment, comprising Member State experts, meets to discuss the Presidency compromise text.

w/c 26 October European Parliament Plenary vote on ENVI Committee report.

H1 2016 Final legislative act adopted.

The Council has yet to agree a clear position and there are dissenting opinions, especially from Eastern Europe. Hence a second reading in Parliament and Council can be anticipated. Given the lack of consensus, it is likely that negotiations on the revised NEC Directive will continue into next year.

21 October 2015

⁵ Regulation (EC) No. 1102/2008