

EUROPEAN & EXTERNAL AFFAIRS COMMITTEE

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Date:	24 November 2005
Time:	09:00 - 12.00
Venue:	National Assembly for Wales, Cardiff Bay
Title:	Subsidiarity Monitoring Network of the Committee of the Regions

Subsidiarity Monitoring Network of the Committee of the Regions

Purpose

You have been invited by the Committee of the Regions to take part in a subsidiarity test project concerning the two EC documents on air quality referred to below. You are invited to come to a view on the appropriate level for a decision to be made on implementation of these measures; European Parliament, UK Government or the Welsh Assembly Government.

Recommendation

That you take note of the points raised below and in the discussion with officials in your response to the Committee of the Regions.

Background

Despite significant improvements in recent years due to the implementation of regulatory controls and technological improvements, serious air pollution impacts persist. The nature of emissions and airborne pollutants result in the need for air quality to be addressed at the European level. In line with this the European Commission released, on 21st September this year, its Thematic Strategy on air pollution and corresponding proposals for an all encompassing Directive to incorporate these and previous measures

for atmospheric pollutants adopted in the Air Quality Framework Directive 96/62/EC and subsequent Daughter Directives. These measures will fulfil part of the European Commission's 6th Environmental Action Plan which aims to achieve significantly reduce the impacts of air pollutants by 2020 based on the latest scientific and health research.

i. The Clean Air For Europe (CAFÉ) Thematic Strategy

The CAFÉ Strategy is the first of seven Thematic Strategies the Commission has issued. The purpose of the Strategies is to provide a researched scientific basis and direction to help achieve the objectives set out in the 6th Environmental Action Plan. The CAFE strategy establishes recommended objectives for air pollution in the EU and proposes appropriate measures for achieving them. This strategy does not however have a regulatory context and the recommendations proposed serve only as guidance as to what will be contained in the forthcoming air quality Directive.

The strategy sets out two major themes for improving air quality in the EU to 2020:

1. To propose environmental objectives and emissions reduction targets for the main pollutants such as nitrogen oxides (NO_x), sulphur dioxide (SO₂), volatile organic compounds (VOCs) and ammonia (NH₃). It is envisaged that most of these targets will be met through the implementation of existing measures, however, in some instances additional or revised measures will have to be adopted by Member States.
2. To improve the working of existing environmental legislation. The strategy proposes changes to the existing environmental commitments and targets that Member States are working towards in order to simplify and strengthen the overall regime. Such proposals include combining the Air Quality Framework Directive with its corresponding Daughter Directives, allowing flexibility in enforcing implementation and modernising monitoring and reporting requirements to result in a more focussed and integrated system with increased accessibility to the public.

ii. Proposal for a new Air Quality Directive

In order to provide a regulatory context to the findings and recommendations of the CAFÉ Strategy the European Commission proposes a new air quality directive. The aim of the current proposal is to revise and merge elements of the existing regime on ambient air quality into a single directive. This will simplify and streamline existing provisions, particularly in respect of monitoring and reporting.

The first draft of the Directive is yet to be published by the European Commission and it is envisaged that once this is released negotiations will begin, involving all Member States. When the draft directive is made available the Assembly will be able to input into the process of negotiation in several ways:

- The UK Government (in this case the Department for the Environment and Rural Affairs (DEFRA)) undertakes representation for the UK and the devolved administrations. The Assembly can therefore input formally into the UK's lobbying and negotiation strategy via our regular

contact with DEFRA at both official and Ministerial level.

- We have a permanent Assembly representative based in Brussels who covers environmental policy. He is responsible for advising on and communicating developments directly to both officials and Ministers. He can also liaise with UKREP informally on our behalf.
- There is also time available to lobby the European Commission when the draft directive is under consideration and many organisations in Wales can be expected to participate in this.

Action for Committee

The Committee is invited to note:

- the extent to which the National Assembly can seek to influence the drafting of this Directive at Ministerial and official level
- The nature of the subject matter of the CAFÉ Thematic Strategy and proposed directive and to note that air quality has been seen as a matter to be addressed at the European level.
- To consider the way this subject matter should be used, in response to the Committee of the Regions, on the application of subsidiarity.