

April 2013

Harmonisation key to EU Thematic Strategy on Air Pollution

Past air quality measures in the EU have led to good results, and the concentration levels of many pollutants have decreased and are expected to decrease further.

However, some of the objectives set in the Thematic Strategy on Air Quality have not been met. To move forward, it is important to assess what worked well, what did not work as expected and to identify the reasons why.

This document outlines the American Chamber of Commerce to the European Union's (AmCham EU) recommendations on the general principles that should guide any further actions on Air Quality, as well as more detailed comments on regulatory overlaps, target settings, international requirements, market surveillance and the special role transport has to play.

General Principles

Ensure proper implementation of existing tools

Many sectoral policies already tackle emissions into the air. These policies should remain the priority focus for these sectors and greater emphasis should be placed on their implementation and deployment:

- The Industrial Emissions Directive defines 'best available technologies' and should remain the reference instrument to deal with industrial emissions; and
- Euro VI norms are the best instruments for passenger and commercial vehicles

Holistic approaches

We strongly encourage the EU institutions to ensure there is consistency between EU environmental laws and that a coherent approach — based on scientific evidence and socio-economic impact — is followed to avoid duplication of effort and regulatory overlap.

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POSITION STATEMENT

Consistency with international action and a level-playing field

EU legislation should be aligned with the internationally agreed Gothenburg protocol.

Innovation and new technologies

The Commission's continued and accelerated support for alternative fuels, renewables and new technologies can be an effective instrument in reducing air quality emissions.

Assessment of options and impacts

The Commission should ensure that any new regulation it proposes is proportionate to the desired outcome and provides cost-effective solutions.

Avoiding overlap and contradictions between regulations

Effort should be made to avoid overlap and contradictions between air quality measures and legislation aiming at reducing CO₂ and other emissions (e.g. existing CO₂ limits for cars and vans, the Euro standards for motor vehicles).

In some cases, there may be a trade off between CO₂ efficiency and particulate matter emissions. We ask that the EU allows for flexibility in this field, and not be too prescriptive in setting preferences for either. This is the case for example in the case of Euro VI vehicles. Investments needed to meet the objectives in both fields require a certain amount of regulatory stability.

Setting targets

Before setting any new target, the Commission should run an impact assessment on the reasons why the objectives set in the first Ambient Air Quality and National Emissions Ceilings Directives were not met. This is especially relevant in cases where Member States have adopted measures to meet their obligations that proved insufficient. The level of ambition for new regulations should also be set after a thorough evaluation of what are the current implementation shortcomings.

AmCham EU members do not recommend targeting the maximum technically feasible reduction, as this does not take into account cost. We support measures to reduce emissions that are proportionate and cost effective to society.

When it comes to fine particulate matter (PM_{2.5}), we recommend building a more comprehensive picture about sources, measurements, modelling and relative impact of particulate matters on ambient air quality. For instance, monitoring requirements could be developed to fill the various knowledge gaps and uncertainties concerning these emissions, and in particular to distinguish between anthropogenic and natural sources of PM_{2.5}.

International requirements and creating a level playing field

International requirements are the best tool to tackle air quality. AmCham EU members believe that EU measures should not be more stringent than those established by international protocols in order to maintain an international level playing field.

UNECE (Gothenburg protocol) should be the basis for the harmonisation of international legislation. International norms should take precedence over national proposals and become the norm to follow in close collaboration with EU efforts.

For example, much could be achieved for non-road mobile machinery, including inland waterway transport, by catching up with international limit values, such as USA Tier 4 final, in areas where we still see gaps. Both the EU and the US are aiming for a similar level of ambition with respect to reduction commitments, and a harmonisation of the transatlantic technical regulations would enable more stringent emission source controls in the EU.

In a capital-intensive global market, which enables major exports from Europe and the US, the EU should avoid breaking up technical harmonisation and overshooting current international standards by developing its own unique requirements.

As companies of American parentage, we recommend greater consultation and collaboration between transatlantic authorities. The need for global standards is even more important in the context of the EU-US Transatlantic Trade and Investment Partnership (TTIP), which aims at better regulatory cooperation between the EU and US

Finally, zone specific requirements should only be considered where they have been carefully assessed, are proportionate and cost effective for society. In no way should zone specific requirements be used as de facto non-tariff trade barriers to favour local suppliers. If zone specific requirements are deemed necessary, they should still fit under a harmonised umbrella with mandatory coordination. Such zones should set similar requirements to avoid a costly duplication of measures.

Market surveillance

Market surveillance is major gap in Europe. It is too easy for a third country to introduce a new brand with new components that are not compliant with EU legislation, and commercialise them on the Single Market for months before any measures are taken. AmCham EU members spend millions every year to ensure their products comply with EU legislation, investing in R&D, technologies, solutions, manufacturing control procedures and record management. Lack of enforcement gives a de facto comparative advantage to economic players that are non-compliant with EU norms, but still have access to the EU market because of lacking enforcement.

Contribution of transport

While looking at the contribution of road transport to air quality, we strongly recommend the Commission assess existing requirements on the sector both in CO₂ and noise reduction, and that it takes in to account efficiency in all domains before proposing new requirements in an already highly regulated sector.

Emission levels from passenger and commercial vehicles have already decreased substantially over the past decade. The new Euro VI levels proposed by industry will reduce NO_x and particulate matter emissions by 95 and 98% respectively, compared to Euro 1.

Rather than setting new standards, the EU and Member States should focus on incentives to support the deployment of Euro VI vehicles on the market that will help to comply with current national emission ceilings.

Furthermore, accelerated support from the Commission for the uptake of alternative fuels, low carbon technologies and light-weighting applications would also contribute to emissions reductions. For example, by facilitating urban and peri-urban use of electrical vehicles.

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AmCham EU speaks for American companies committed to Europe on trade, investment and competitiveness issues. It aims to ensure a growth-orientated business and investment climate in Europe. AmCham EU facilitates the resolution of transatlantic issues that impact business and plays a role in creating better understanding of EU and US positions on business matters. Aggregate U.S. investment in Europe totaled €1.7 trillion in 2010 and directly supports more than 4.2 million jobs in Europe.

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