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Subject: A Clean Air Programme for Europe
- Comments from delegations

With a view to the WPE meeting on 24 March, delegations will find in Annex comments from Poland on the above-mentioned Communication and proposals.

POLAND**General comments**

In the introduction to this document the authors make reference to the fact that the assessment in question is an ex-post assessment and in authors' opinion it offers an analytical basis necessary for updating the EU Thematic Strategy on Air Pollution. During the analysis of the above mentioned Strategy, wide-ranging consultations with stakeholders representing diverse circles were conducted within the structures of the European Commission, yet despite such impressive public consultations, in our opinion, the Commission's proposals have failed to include the so-called specificity and diversity of European Union Member States, either due to the lack of this very important subject in comments or because of its depreciation in the course of summarising the above mentioned comments.

It should be reminded that the EU is not a cohesive uniform social and economic organism with identical or at least similar living conditions for citizens, level of economic development, technological advancement etc. The European Union is a structure diversified in almost every aspect, which consists of many Members States, often differing greatly in conditions, thus also with varying range and intensity of problems related to managing, preventing pollution, protecting the environment and its state, and also with problems of protecting human health and the level of economic development. Often even regions in particular states vary in character. Therefore generalisation in this field, drawing common conclusions, and, what is worse, proposing analogous way of conduct, reduction of "everything for everyone" as a remedy for the current situation has to be, and is, far from reality – it is one of the greatest disadvantages of the package of the Commission's proposals as well as of this assessment.

It is not the matter of taking some individual views or proposals into account, but of considering the basic conditions, capabilities and limitations resulting from the current stage of development in a given Member State, its history etc. We ought to remember that all the environmental initiatives should, above all, serve EU citizens, their health and natural environment, but also cause the improvement of living conditions, or at least do not make them worse, and therefore must not negatively impact their vital interest.

Without rejecting the necessity to intensify the action for the improvement of air quality in EU, Poland once again calls for prudence and consideration in proposing extensive solutions with far-reaching consequences for society and economy. We deem it right to deal with present problem first – compliance with current air quality standards and national emission ceilings in individual Member States, before the regulations are tightened. We must bear in mind that ca. 85% of the Member States do not comply with air quality standards for PM10, and 17 of those countries, including Poland, have infringement procedures.

Poland, just like the remaining Member States, is in a specific situation related to its geographical location, available resources (coal as the dominant fuel) etc., which results in a significant problem with air quality, caused particularly by the municipal sector within cities and urban agglomerations, but also by the transport.

While air quality standards concerning fine particulate matter and benzo(a)pyrene are infringed, other environmental indicators within most protection zones are satisfactory. For example Poland complies with national emission ceilings for SO₂ and NO_x (NEC Directive), and as far as afforestation is concerned, according to *2012 Report on the State of Forests in Poland*, this share is 29.3%, therefore we belong to states with the largest forest area in the region (following France, Germany and Ukraine).

Poland has not have problems with complying with emission ceilings for nitrogen oxides, thus, this problem indubitably does not concern Poland. Petrol cars (or petrol and LPG cars) are dominant in Poland, diesel motors constitute a minority, therefore the states where it is a major problem should be indicated.

On the other hand, taking into consideration the average age of cars in Poland, which is about 15, in the near future it will not be possible to comply with Euro 6, or even Euro 5 norms.

What is more, when speaking of the main fuel – hard coal, used in Polish power and heat industry, it should be clearly stated that non-compliance with current air quality standards results from improper combustion of low quality coal (in outdated units and installations) in the municipal sector, i.e. in small sources with short emitters of ca. 10-12 m, used mainly for heating, i.e. emitting pollutants in the heating season. In late autumn and in winter there tend to be so-called low inversion with up to three inversion layers, at relatively low altitudes, which is a significant obstacle for transmitting pollutants from the above mentioned very low emitters to higher atmosphere layers and their transfer to more distant areas, and it constitutes only a local nuisance. At the same time it causes large local concentrations and large non-compliance with air quality standards for particulate matter. Research works, commissioned by the Polish Ministry of the Environment twice in the last year, document the above situation.

In PL's opinion, suggestion that inaccurate emission inventory is one of the causes of insufficient achievements in air quality improvement, which has been included in this assessment, is erroneous, illegitimate, as it has been shown in research projects carried out in Poland, that the so-called stocktaking conducted within the preparation of Air Protection Programmes, performed inductively-“bottom up”, and then modelling carried out using the above gathered data had 50% verifiability (confirmed with the results measured by local Voivodship Inspectorates for Environmental Protection), which is a very good evidence of reliability of both the stocktaking and the modelling applied to the above mentioned APPs.

In regard to the insufficient pace of improving local air quality, the dominant problem is the lack of funds because, as it has been indicated in this opinion, the necessity to make improvements, carry out modernisation etc. concerns a particularly sensitive sector – housing.

Poland has informed the Commission on its specific nature, especially related to the municipal sector and non-compliance with air quality standards many times in various documents. Therefore it should be stated that our problem was defined erroneously – because it is not coal combustion which is the problem, but the combustion of low quality solid fuels in outdated units, not complying with proper emission standards.

What is more, as noted by the Commission in one of its documents, combustion of, e.g., solid biomass in improper units, not adjusted to such application, causes even greater particulate matter emission including soot (significantly more harmful than this from black carbon), that coal combustion.

Poland continuously implements comprehensive corrective action aiming at modernisation and replacement of old units, and the change of fuel, but with high availability of coal and very high prices of gas (significantly higher for Poland than for other Member States) it is very difficult, and often simply impossible. Thus Poland, performing actions under corrective programs implemented in every zone with exceeded levels of the so-called APPs, aims at compliance with air quality standards and reduction of national emission levels, but this cannot happen at the expense of Polish society or Polish economy, without the regard to real social and economic conditions.

In PL's opinion there should be an individual approach to each Member State, its problems regarding the necessity and capability to make required reductions of pollutant emission levels. For example, as far as ammonia emission is concerned, Poland has never had even the least problems with complying with the national emission ceilings resulting from the NEC Directive. The national emission size was even significantly below our national ceiling. The situation resulted from relatively lower level of nitrogen fertiliser use in Polish agriculture (in the previous period it amounted to about 30% of average use in the Member States of the so-called old EU), therefore there are no reasons to establish new, drastic, unjustified emission reduction levels, while it would lead to great problems in Polish agricultural sector.

Moreover, Polish food, due to the application of more natural methods of crop and livestock production and lower amount of fertilisers, is healthier and more ecological, which has a favourable impact on citizen's health.

Reduction of emission size in the field of the above mentioned substances should be carried out mainly in areas where fertiliser use is high, with particular regard to nitrogen fertilisers, or where animal husbandry is intensive.

It ought to be remembered that the protection of the environment, not only of human health, is expensive, so only entities/ economies in good financial condition can afford it. In such a situation imposing restrictive reductions – obligations without regard to local social and economical conditions – on individual economic sectors/ Member States, might result in hindering the development of the above mentioned economic sectors and regions or will lead to decline of social and economic situation in a particular Member State, and in consequence to insufficient funds for the actions mentioned above. Hence in our opinion it is better to undertake realistic reduction commitments and make possibly slower, yet consistent, progress and reach the assumed goal, than to ambitiously set unrealistic aims and cease to pursue them immediately afterwards due to bad financial condition of society and economy.

In PL's opinion the choice of the solution to problems related to air quality within the Commission should be made with the full awareness and knowledge of all the factors that influence the future development of economies, their competitiveness and the welfare of societies, without ignoring or depreciating difficult matters, connected with excessively high energy prices in EU, crisis, economic slowdown etc., observed all over the EU, including Poland, as well as exclusion of some social groups or energy poverty.

In PL's opinion the range and the level of ambition visible in the Commission's proposals far exceeds the real possibilities of implementing them in such a scope in the present social-economic situation of the EU, both in term of the reduction level, implementation time and the related necessary future expenses.

The situation regarding insufficient air quality has already been identified in individual Member States, including Poland, and wide-ranging intensive actions aiming at the quickest possible improvement are implemented under Air Protection Programmes – corrective programmes in each zone with exceeded air quality standards. However, taking into consideration the scale of tasks necessary to be implemented in most large cities and urban agglomerations in Poland (all the places where air quality standards are exceeded), whose overall cost was initially estimated by the Ministry of the Environment at about 70 billion zloty according to current prices, the necessity of ensuring funds for such expensive and extensive actions should be borne in mind, and it certainly cannot be carried out at the expense of the society.

Poland's conclusions, comments and suggestions concerning individual approach to the problem of air pollution in the EU – individual Member States

1. Amendments to the Gothenburg Protocol which defined the reduction levels of individual emissions for 2020 were accepted under the LRTAP Convention. The new proposal by the Commission should not exceed the international obligations resulting from the above Convention in the situation when the most significant problem on the EU level is the insufficient air quality – non-compliance with air quality standards.
2. If a Member State does not comply with the national emission ceilings set out in the NEC Directive (2001/81/EC), it should focus its actions on compliance, but if a given Member State complies with emission ceilings, it means that there is no problem with a particular pollutant within this state. In such a situation it cannot be expected that it will attempt to implement similar or even greater reduction level than the Member States that currently fail to comply with the above mentioned ceilings. Therefore the Commission ought to identify the most important problems in air protection which exists in the given Member State (compliance with air quality standards or emission ceilings) and set out the deadline and the framework for solution.
3. In the case of Poland this is the issue of the quickest air quality improvement possible – the compliance with the standards in relation to PM10 and PM2.5 fine particulate matter and benzo(a)pyrene. Therefore, Poland, with the awareness of the basic issue within the scope of air protection/quality, supports the Commission's efforts aimed at including the middle combustion plants – MCP Directive and small combustion plants – the Ecodesign Directive. At the same time it should be stressed that in Poland a regulation of the Minister of the Environment that defines emission standards for combustion plants with a thermal output of more than 1 MW has been in force for a long time, hence we deem it justified to regulate this matter all around the EU. Of course, it should be stated here that in order to prevent the Directive on medium combustion plants from becoming impossible to enforce, it should provide for realistic emission standards, possible to be complied with by medium combustion plants, and not identical with the standards for large combustion plants, regulated by the LCP Directive.
4. Poland supports also actions included in the work on the Ecodesign Directive, especially in relation to solid fuels, and suggests the extension of the above mentioned regulations for combustion plants with a thermal output of up to 1 MW in order to cover the whole range of emission sources with EU legal regulation, but in a realistic manner, so that the producers can comply with the requirements.

5. What is more, Poland suggests cumulating and channelling forces and funds for the most important issues in the field of air protection/ quality – i.e. specific matters, appropriate for an individual Member State, thus leading to a quick solution, so that another problem could be dealt with next.
6. In the case of climate policy, the level of additional investment for strategies related to adaptation and climate mitigation within the EU should reach at least 20% of EU funds. Hence, in order to make the possibility to attain air quality standards in the EU real, we suggest directing at least a portion, e.g. 5% of the above mentioned funds for adapting to climate change, to action related to the so-called air protection/ air quality improvement. In our opinion the national funds of individual Member States will not be sufficient to achieve the planned air quality improvement and comply with the standards in relation to particulate matter.
7. Unfortunately, as shown above, despite the most important European problem, which is currently poor air quality within the EU Member States, i.e. non-compliance with air quality standards in relation to fine particulate matter, there has not been hedged the aid funds under the *New Financial Perspective 2014-2020* with any requirements, and has not been individuated the priority for air quality protection/improvement. Hence the substantial majority of the above mentioned funds will be invested in other sectors, not the municipal sector, which is the basic sector responsible for poor air quality in Poland, so the funds will only slightly contribute to the improvement in this field. Due to separate treatment of the issues of climate change and air protection within the Commission, and thus in the Member States, the priorities related to climate change have dominated over the remaining issues, especially air quality improvement.
8. We disagree with the thesis that the social and economic effect of implementing new regulations on air protection would be neutral for the economies of individual Member States. In our opinion there has been underestimated the planned cost of undertaking corrective actions to a large extent, and thus has failed to define negative impact for economic sectors of Member States or significantly depreciated them, focusing mostly on health and environmental benefits.
