

Defra response to Simon Birkett, CCAL, in response to his correspondence of 1 November regarding the 31 October deadline set by the Commission for submission of applications for additional time to meet the PM₁₀ limit value, as provided for under Article 22 of directive 2008/50/EC

We would refer you first of all to Lord Hunt's answer in the House to Baroness Gardner of Parkes on 4 November on the subject of seeking additional time to meet the limit value for PM₁₀ as provided for in Article 22 of Directive 2008/50/EC. Further detail of the UK Government's approach is set out below.

In their letter of 30 June the Commission:

- a) asked us to indicate by the end of September the steps being taken in response to breaches of PM₁₀ limit values reported in 2006 in order to achieve compliance.
- b) stated that in the absence of a notification in accordance with Article 22 of Directive 2008/50/EC by 31 October, they intended to propose pursuing legal enforcement action in relation to the reported breaches of the PM₁₀ limit value.

A similar letter was sent to all Member States that reported exceedences of PM₁₀ limit values in 2006.

We advised the Commission by the end of September of ongoing efforts to meet limit values in as short a time as possible. This aim is also set out in our National Air Quality Strategy, published in 2007. We also said that we intended, subject to public consultation, to submit an application for an exemption for those few parts of the UK where there have been breaches of limit values, including London, from the obligation to meet the limit value for PM₁₀ until June 2011, as provided for in Article 22 of directive 2008/50/EC. Public consultation is expected early in 2009.

For the purpose of submitting an Article 22 postponement application the Commission has asked for very detailed and complex data to support applications from Member States. The requirements are set out in full in the Communication from the Commission and accompanying Staff Working Paper published on 26 June. This, combined with our requirement for a 12 week consultation process has determined what timetable is possible.

In the Communication, the Commission acknowledges that a majority of Member States have not yet attained the limit values for PM₁₀ limit values, and notes the importance of equal treatment when it comes to implementation of Community legislation – zones where significant efforts have been made to comply should not be put at a competitive disadvantage. We understand that a number of Member States will be proposing to the Commission a similar timetable to ours. To date we have heard no response from the Commission to our September response. In the meantime we are pressing on with work to complete the application in preparation for consultation, after the completed application would be sent to the Commission.

London is the only area of the UK where we expect a challenge in meeting the 24-hour mean limit value by 2011, and we are working with the Greater London Authority to ensure that the limit value is met by 2011. Gathering all the information necessary on pre-2005 measures and existing and planned measures is a time consuming process if we are to tackle air pollution in a comprehensive way.

The Commission has committed to assessing Article 22 applications with 9 months of receipt. As you will be aware, to be successful an application must demonstrate how limit values will be achieved by 2011 in all areas where there have been breaches since 2005.

Defra

6 November 2008