

Mr. Karmenu Vella  
Commissioner for Environment, Maritime Affairs and Fisheries  
European Commission  
Rue de la Loi 200 1049 Brussels

Brussels, 31 July 2018

Dear Commissioner,

We are writing on behalf of the European Environmental Bureau, AirClim and ClientEarth concerning the requests made by some Member States to adjust their emission inventories for air pollutants, using the provisions of article 5 of Directive 2016/2284 on the reduction of national emissions of certain atmospheric pollutants (“NEC Directive”).

As reported by the European Environment Agency<sup>1</sup> (EEA), in 2018 new adjustment applications were submitted by four Member States (Austria, Hungary, Ireland and the United Kingdom). In addition, nine Member States (Austria, Belgium, Denmark, Finland, France, Germany, Ireland, Luxembourg and Spain) reiterated their adjustment requests presented in 2017.

Some of the adjustments, in particular those related to higher than expected NO<sub>x</sub> (nitrogen oxides) and NH<sub>3</sub> (ammonia) emissions are particularly worrying. Recalling what was communicated to you last year through a letter<sup>2</sup>, once again the undersigned organisations would like to highlight the impact that such requests have on the achievement of existing air quality standards (established by the Ambient Air Quality Directives) and the achievement of the national emission ceilings and reduction commitments established by the NEC Directive.

In addition to the arguments submitted last year to support the rejection of the requested adjustments, we would like to make a few additional points, in particular:

- The requests to justify the excessive NO<sub>x</sub> emissions for the year 2016 (and before) are among other things based on the argument that cars were emitting more than expected when the emission factors were established. We would like to highlight that the “Dieselgate” scandal became publicly known in September 2015, so industries responsible for producing cars which were polluting more than what was allowed, and national authorities responsible for not having ensured that approved cars were complying with the law, were surely informed about this issue by then. Therefore, in 2016 Member States should have possessed all needed information to take the necessary steps to remedy the situation (as also illustrated in our last year’s letter).

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<sup>1</sup> [NEC Directive reporting status 2018](#), European Environment Agency, 9 July 2018;

<sup>2</sup> [Joint letter to Commissioner Vella on NEC adjustment requests](#), 28 July 2017;

- The requests to justify the excessive NH<sub>3</sub> emissions for the year 2016 and before are, once again, emphasising the need to tackle emissions from the agricultural sector. As reported by the EEA<sup>3</sup> "*emissions of NH3 increased by 0.5 % across the EU from 2015 to 2016. Over the period 2014-2016, the overall increase was about 2.0 %. These increases are mainly because of higher emissions from the agriculture sector*". Ammonia is dangerous both for human health, because it forms secondary particulate matter (which affects air quality also in urban areas), and for the environment, because it endangers biodiversity, by contributing to eutrophication and acidification of soil and water. It is therefore fundamental that the national emission ceilings and reduction commitments established for each Member State by the NEC Directive are respected in order to achieve effective emission reductions of this pollutant.

We therefore call upon the European Commission, when assessing the requested emission inventory adjustments, to:

- Limit the use of emission inventory adjustment to the strict minimum – bearing in mind the negative effects on human health and on the environment and the failure of the Member States to take the necessary and needed action to avoid the exceedances;
- Consider whether Member States have taken any actions to compensate for possible “excessive” emissions from e.g. the road transport or the agriculture sectors before applying for adjustments of emission inventories.

We appreciate the efforts made by the European Commission through the legal action taken towards some Member States in May 2018 for failure to comply with air quality targets after the expiration of the relevant deadlines. We also want to highlight that the Commission should thoroughly oversee and make sure that Member States take early steps to be on track to comply with air pollution objectives (such as the the national emission ceilings and reduction commitments under the NEC Directive). As pointed out in our letter last year, in case some of the requested adjustments are approved, we call upon the European Commission to demand immediate action by those Member States in order to ensure that legally binding limits are met and to prevent the reiteration of the adjustment request for the following periods, making it clear that infringement proceedings will eventually follow if the required actions are not taken.

We look forward to receiving your reply.

Yours sincerely,



Jeremy Wates  
EEB Secretary General

On behalf of:  
European Environmental Bureau  
AirClim  
ClientEarth

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<sup>3</sup> As footnote 1.