

Brussels, 17 November 2014

**TO:**

*Jean-Claude Juncker*, President of the European Commission

*Frans Timmermans*, Vice-President for Better Regulation, Inter-Institutional Relations, Rule of Law and Charter of Fundamental Rights, European Commission

**CC:**

*Maroš Šefčovič*, Vice-President for the Energy Union

*Karmenu Vella*, Commissioner for Environment, Maritime Affairs and Fisheries

*Miguel Arias Cañete*, Commissioner for Climate Action & Energy

*Violeta Bulc*, Commissioner for Transport,

*Elżbieta Bieńkowska*, Commissioner for Internal Market, Industry, Entrepreneurship and SMEs

*Tibor Navracsics*, Commissioner for Education, Culture, Youth and Sport

*Corina Crețu*, Commissioner for Regional Policy

*Phil Hogan*, Commissioner for Agriculture & Rural Development

*Vytenis Andriukaitis*, Commissioner for Health & Food Safety

Dear President Juncker, dear Vice-President Timmermans,

It has recently become public knowledge that as part of the preparation of the 2015 Work Programme of the Commission, you have written to your fellow Commissioners seeking their input, including in relation to new initiatives following the Mission letters, recurrent and REFIT initiatives, and possible withdrawals of pending proposals applying as appropriate the principle of “political discontinuity”.

We are writing to express our serious concern that in the table accompanying your letter to the Commissioners, in relation to the proposals mentioned in the mission letters, you list, inter alia, an in-depth evaluation of the Birds and Habitats Directives and the reassessment of the air and waste packages. In relation to pending legislative proposals ‘for review’ for possible withdrawal, you list, inter alia, no less than four pieces of environmental law<sup>1</sup>; two of which, the air and waste packages, were only published less than a year ago.

When the final Commission was proposed to the European Parliament, we were pleased to note that President Juncker had recognized the important role of ensuring that development and growth is sustainable and had reflected this within the remit of Vice-President Timmermans. This clearly acknowledged the legitimate concerns of the European Parliament and civil society organizations over the downgrading of environmental protection in the initial proposal. Vice-President

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<sup>1</sup> The Air Package, the Waste Package, the proposal on Classification, packaging and labeling of dangerous preparations, and the Energy Tax Directive.

Timmermans, in the hearing before the Parliament assured MEPs that ‘better regulation will fail if it is an attack on the environment.’

Withdrawing some of these important environmental legislative proposals would be both surprising and disturbing in several respects.

First, the supposed rationale for the withdrawal of legislative proposals in the present case is that there is a demand for less regulation from Brussels and the outcome of the European Parliament elections is sometimes cited as an excuse. However, the reality is that in the election process virtually no one publicly asked the EU to do less on environmental protection in general or to withdraw proposals on waste and air in particular. This is hardly surprising, because public polls show that 95% of Europeans say that protecting the environment is “important to them personally”; over half say “very important”.<sup>2</sup> In other words, the singling out of environmental measures as the primary target for deregulation has nothing to do with public demand.

Second, there are substantive reasons for maintaining the aforementioned legislative proposals. In particular the possible withdrawal of the Clean Air Package would be especially disturbing.

Many EU Member States are still falling short of agreed EU air quality limit values, and guidelines from the World Health Organization reflecting the level at which health is no longer substantially harmed. Air pollution does not respect national boundaries and EU-level action is required. 400 000 citizens die prematurely each year as a result of air pollution and the external health-related costs to society are in the range of €330-940 billion per year. The situation is especially severe in urban areas, which are now home to a majority of Europeans almost all of whom are exposed to harmful levels of particulate matter and ozone.

The air package is designed to address this public health crisis and is estimated to avoid 58 000 premature deaths each year with health benefits of €40-140 billion in external costs and provide about €3 billion in direct benefits due to higher productivity of the workforce, lower healthcare costs, higher crop yields and less damage to buildings. The proposal will also add the equivalent of around 100 000 additional jobs due to increased productivity and competitiveness, including the clean technology sector. It is estimated to have a positive net impact on economic growth. The package is in fact modest, as a more ambitious package would be scientifically sound and affordable. As the package stands it represents a step forward to sustainable development.

The Commission has already made detailed proposals for many elements of the air package including the National Emissions Ceiling Directive; a new Directive to reduce pollution from medium-sized combustion installations; and a Regulation on non-road mobile machinery. Proposals to tackle vehicle emissions through a new real-world driving emission test are well advanced.

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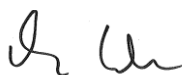
<sup>2</sup> Eurobarometer 2014, [http://ec.europa.eu/public\\_opinion/archives/ebs/ebs\\_416\\_en.pdf](http://ec.europa.eu/public_opinion/archives/ebs/ebs_416_en.pdf)

In a recent Eurobarometer survey 56% of Europeans say they are most concerned about air pollution and this concern is growing – up from 36% in 2011. Men and women irrespective of age and education are equally concerned. Citizens want the EU to improve their lives and the Air Package is a good example of an initiative that does this.

Third, it represents a waste of resources devoted to developing the package by the previous Commission. This represents an extraordinary inefficiency in a body which claims to promote better regulation. It is also contrary to the Commission's right of initiative. That right should be coupled with the responsibility to be a trustworthy and reliable player. Co-decision makers are already considering these proposals and the withdrawal of the package would deny their legitimate right to propose amendments.

We urge you to consider these points and build upon the previous Commissions proposals, not least with respect to the Clean Air Package, in the preparation of the Commission Work Programme for 2015 and the following years as well.

Yours sincerely,



Jeremy Wates

Secretary General of the European Environmental Bureau (EEB)

**On behalf of:**

AirClim - Air Pollution & Climate Secretariat  
Allergienet vzw  
Bert Brunekreef, Professor of Environmental Epidemiology and Director, Institute for Risk Assessment Sciences, Utrecht University  
Bond Beter Leefmilieu Flanders  
Bral vzw (Brusselse Raad voor het Leefmilieu)  
CEE Bankwatch Network  
Centre for Sustainable Alternatives / Centrum pre trvaloudržateľné alternatívy (CEPTA )  
Centrul De Consultantă Ecologică Galati  
Centrum pro dopravu a energetiku  
Childproof  
Clean Air in London  
ClientEarth  
Confederation of Family Organisations in the European Union (COFACE)

Děti Země (Children of the Earth)  
Deutscher Naturschutzring (DNR)  
Ecologistas en Acción  
Eco Counselling Centre Galati/Centrul de Consultanta Ecologica Galati (CEEG)  
ECOS, European Environmental Citizens' Organisation for Standardisation  
European COPD Coalition (ECC)  
European Environmental Bureau (EEB)  
European Federation of Allergy and Airways Diseases Patients' Associations (EFA)  
European Public Health Alliance (EPHA)  
European Respiratory Society (ERS)  
Finnish Association for Nature Conservation  
France Nature Environnement  
Fundación Alborada  
Geneeskunde voor het Volk vzw

Genitori Antismog  
German Environmental Aid Association (DUH)  
Gezinsbond  
Health & Environment Alliance (HEAL)  
INCHES - International Network on Children's  
Health, Environment and Safety  
Institut za trajnostni razvoj - Institute for  
Sustainable Development  
Instituto Internacional de Derecho y Medio  
Ambiente  
Justice and Environment (J&E), European  
Network of Environmental Law Organizations  
KOSID - Kosovo Civil Society Consortium for  
Sustainable Development  
Levegő Munkacsoport - Clean Air Action  
Group Hungary  
Leefmilieu (Human Unvironment)  
Longfonds (voorheen Astma Fonds)

Milieudefensie  
MOBilisation for the environment  
Nature And Biodiversity Conservation Union  
(NABU)  
Natuur & Milieu  
Quercus - Associação Nacional de  
Conservação da Natureza  
RESPIRE, Association Nationale pour la  
Préservation et l'Amélioration de la Qualité de  
l'Air  
Stichting Openbare Ruimte  
The Cancer Prevention & Education Society  
The Swedish Society for Nature Conservation  
Transport & Environment (T&E)  
VCÖ - Mobilität mit Zukunft  
Verkehrsclub Deutschland e.V. (VCD)  
Society for Sustainable Living  
Bellona Europa

