



TO:

Antonio Tajani, European Commissioner for Industry and Entrepreneurship and Vice-President of the European Commission

COPY TO:

Janez Potočnik, European Commissioner for the Environment

Brussels, 13 December 2013

Dear. Mr Tajani,

RE: Inadequate impact assessment and policy options for proposed Non Road Mobile Machinery legislation

We are writing to express our concerns at the inadequate impact assessment (IA) of options for reducing emissions from Non Road Mobile Machinery (NRMM) that has been performed by DG Enterprise. We fear this will lead the Commission to prepare a deficient proposal and thus the regulation to fail to achieve its goal, i.e. protect human health and the environment.

NRMM is an important source of urban air pollution with serious health effects. Diesel particles are carcinogenic and cause heart and breathing problems¹. 90% of the EU's city dwellers are exposed to damaging levels of air pollution (notably PM_{2.5}) that imposes huge costs on society². The overwhelming evidence of the effects of particles is continuing to grow as illustrated by this month's Lancet publication³.

A key limitation with the IA is that the method for estimating the cost of air pollution dates back to 2008 and fails to take into account recent scientific evidence, for example the WHO classifying diesel engine exhaust as carcinogenic to humans. The policy options being analysed also fail to achieve

¹ http://www.iarc.fr/en/media-centre/pr/2012/pdfs/pr213_E.pdf

² <http://www.eea.europa.eu/publications/air-quality-in-europe-2013>

³ <http://www.thelancet.com/journals/lancet/article/PIIS0140-6736%2813%2962158-3/abstract> (This article is accessible by registration only)

adequate pollutant emission reduction - the most ambitious scenario not even matching the stringency of the emissions limits set for current road vehicles (Euro VI standards). Furthermore, only one of the policy scenarios (Option 3) includes particulate number (PN) limits and even then only for some engine sizes. The Commission has also failed to analyse the introduction of PN limits for engines above 560kW.

There are also shortcomings in the economic data, which is both limited and obsolete. In order to cover some of the data gaps, the Commission uses data provided by engine and machine manufacturers, but this data has not been independently reviewed. Consequently, the IA contains some inappropriate assumptions leading to an erroneous analysis of the costs and benefits of introducing stringent emission limits. For instance, it suggests that Stage IV limits will require a diesel particulate filter (DPF) for most machines between 56 and 560kW. However, evidence from manufacturers shows this will not be the case. The IA also fails to take into account the economic opportunities of developing greener technologies to reduce air pollution through stricter emission limits.

We urge the Commission to strengthen the impact assessment and the resulting legislative proposal to ensure that the wider health and environmental costs of air pollution are properly quantified and taken into account. Emissions limits should be equivalent to Euro VI vehicles (rather than a step towards this) as there is no justification for the NRMM limits lagging behind those of vehicles while urban air pollution levels remain harmful to health.

The proposal should also ensure engines above 560kW have the same emission limits to those below (130-560kw) to avoid unnecessary emissions and market distortion. This will prevent the regulation from leading to a bias in favour of more powerful engines. This should include PN limits for all engine categories including engines over 560kW – as in Switzerland.

Will you ensure that the relevant Commission service will take these concerns into account?

We look forward to receiving your reply.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Jos Dings', written over a horizontal line.

Jos Dings,
Director
Transport and Environment