

ANNEX B: EXTRACT OF LETTER FOR LA's (outside the zones identified by the Commission)

You may have heard that the European Commission has formally launched infraction proceedings against the UK for breach of nitrogen dioxide limit values under the EU Air Quality Directive. This is to give you some further background as to what that means although we are aware that your authority is not in one of the zones specifically identified by the Commission.

The Commission has formally written to the UK under article 258 of the Treaty on the Functioning of the EU. This is the first stage of an infraction process and we now have 2 months to respond to the Commission. After that the Commission may move to the next stage of the infraction process and issue something called a "reasoned opinion". The UK would then have 2 months to respond to that before the case may be referred to the European court. The European Court would then consider the case and all the arguments and decide on the course of action. If the court decides that the UK is in breach of its obligations then it will make a judgment to that effect. The Commission may then bring a further action to the European Court for it to set fines should the UK fail to comply with the court judgment.

The whole of this process may take several years to complete, however, throughout this the focus is for all parties to work together to try to ensure compliance as soon as possible. To this end the Commission has stated that it would like to "to achieve full compliance with existing air quality standards by 2020 at the latest".¹

Air quality has improved significantly in recent decades. However, meeting the nitrogen dioxide limit values alongside busy roads in urban areas continues to be a significant challenge for the UK and for most other Member States. The Government is committed to working towards full compliance with the Air Quality Directive and we will be working with the Commission to ensure compliance in the shortest possible time.

Local authorities have already done much to help improve air quality: not just to comply with legal duties for air quality management - especially action planning - but also because you appreciate the local public health benefits. We also know that achieving further NO₂ reductions will not be easy and will need us to work together and to take action by central government and its agencies as well as local authorities. We will use existing channels of communication to tell authorities how the case is progressing and to discuss steps for meeting the NO₂ limit values.

For completeness, we feel we ought to remind you of the discretionary power in Part 2 of the Localism Act under which the Government could require responsible authorities to pay all or part of an infraction fine. The procedures are set out in a

¹ See Clean Air Programme for Europe

[policy statement](#) published by DCLG. We strongly hope though, that through cooperative working between Government and Local authorities, the GLA and the Highways Agency and through engaging with the Commission we will be able to avoid the infraction reaching the European court, with the prospect of fines.

The GLA (which has responsibility for local air quality management in London) will also be writing separately to London Boroughs on this matter.

I hope this is helpful if you have any questions please respond to [air quality mailbox]

Defra