



# The NECD review process

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# NEC Directive evaluation: Legal and policy framework

- Article 13.1: “[...] the Commission shall **review** this Directive **no later than 31 December 2025** with a view to **safeguarding progress towards achieving the objectives referred to in Article 1(2)**, in particular by taking into account scientific and technical progress and the implementation of Union **climate and energy policies.**”
- Article 13.2: “As regards **ammonia**, the Commission, in its review, shall assess in particular: (a) the latest scientific evidence; (b) updates of the UNECE Guidance Document(s) [... on ammonia]; (c) updates of the BAT as defined in [the IED]; (d) agri-environment measures in the framework of the CAP.”
- **Methane** declaration: “The Commission considers that there is a strong air quality case for keeping the development of methane emissions in the MS under review in order to reduce ozone concentrations in the EU and to promote methane reductions internationally”
- 2020 Commission **Methane** strategy: “The Commission will also review the National Emission Reduction Commitments Directive by 2025 and, as part of this review, explore the possible inclusion of methane among the regulated pollutants.”

# Indicative timeline NECD review



# The 5 key criteria to be used in an evaluation

Based on Better Regulation Framework, assess whether the Directive is:

- **Effective** in meeting objectives
- **Efficient** (cost-effectiveness / proportionality of costs to benefits)
- **Relevant** to current and emerging needs
- **Coherent** (internally and externally)
- **EU added value**: produces results beyond what would have been achieved by MS alone

# Public consultation

- Evaluation initiative published on ‘Have your say’ portal: [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13968-National-Emission-Reduction-Commitments-Directive-evaluation\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13968-National-Emission-Reduction-Commitments-Directive-evaluation_en)
- **Call for Evidence** was open from mid-Feb to mid-March 2024, 53 responses received (available on Have your say)
- Further **online public consultations** and **targeted stakeholder consultation + event** around autumn 2024

CALL FOR EVIDENCE FOR AN EVALUATION / FITNESS CHECK	
This document aims to inform the public and stakeholders about the Commission's work, so they can provide feedback and participate effectively in consultation activities.	
We ask these groups to provide views on the Commission's understanding of the problem and possible solutions and to share any relevant information that they may have.	
TITLE OF THE EVALUATION	Directive (EU) 2016/2284 on the reduction of national emissions of certain atmospheric pollutants – evaluation
LEAD DG – RESPONSIBLE UNIT	DG.ENV.C3 Clean Air and Urban Policy
INDICATIVE TIMETABLE (PLANNED START DATE AND COMPLETION DATE)	Q1-2024 – Q4-2025
ADDITIONAL INFORMATION	<a href="https://environment.ec.europa.eu/topics/air/reducing-emissions-air-pollutants_en">https://environment.ec.europa.eu/topics/air/reducing-emissions-air-pollutants_en</a>
<i>This document is for information purposes only. It does not prejudice the final decision of the Commission on whether this initiative will be pursued or on its final content. All elements of the initiative described by the document, including its timing, are subject to change.</i>	

A. Political context, purpose and scope of the evaluation
<b>Political context</b>
<p><a href="#">Directive (EU) 2016/2284</a> sets national emission reduction commitments for each EU Member State for the period 2020 to 2029 (and more ambitious commitments from 2030) covering five air pollutants responsible for significant negative impacts on human health and the environment. The pollutants are sulphur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>), non-methane volatile organic compounds (NMVOC), ammonia (NH<sub>3</sub>) and fine particulate matter (PM<sub>2.5</sub>). The Directive also aligns emission reduction commitments under EU law with international reduction commitments (following the revision of the <a href="#">Gothenburg Protocol</a> in 2012).</p> <p>Article 13 of the Directive calls on the Commission to ‘review’ the Directive no later than 31 December 2025. The Commission intends to evaluate the Directive pursuant to its policy and guidelines on better regulation. The evaluation will assess to what extent the Directive has reached its objective of protecting human health and the environment by reducing national emissions of the five main air pollutants, considering also the targets set in the 2021 <a href="#">zero pollution action plan</a>. Furthermore, the evaluation will assess how the Directive has contributed to Union air quality policy and to achieving synergies with other Union policies. This is particularly relevant given the <a href="#">Commission's proposal of 24 October 2022</a> to revise EU air quality standards.</p>
<b>Purpose and scope</b>
<p>The evaluation will review Directive (EU) 2016/2284 and its implementation in all EU Member States since its adoption. The assessment will be based on the standard evaluation criteria of the <a href="#">Better Regulation</a> guidelines (effectiveness, efficiency, relevance, coherence and EU added value) and will cover elements such as:</p> <p><b>Effectiveness</b></p> <ul style="list-style-type: none"><li>• Has the Directive been successful in reducing emissions of the five main pollutants and thus in contributing to improving air quality to avoid significant impacts on and risks to human health and the environment?</li><li>• Have the tools prescribed by the Directive, such as the national air pollution control programme and reporting requirements, as well as the possible use of flexibilities, proven effective? (This will include assessing relevant implementing and delegated acts.)</li><li>• Have other EU policies, in particular climate and energy policies, or external factors, affected emission levels?</li></ul>

# Evaluation questions: Effectiveness

1. To what extent has the Directive been **successful in reducing emissions** of the five main pollutants and thus in contributing to **improving air quality to avoid significant impacts on and risks to human health and the environment?**
2. To what extent have the **tools** prescribed by the Directive, such as the national air pollution control programme and reporting requirements, as well as the possible use of flexibilities, proven effective?
3. To what extent has the use of **Gothenburg Protocol related documents** (guidelines, templates etc) contributed to the effective implementation of the Directive?
4. To what extent have **other EU policies**, in particular climate and energy policies, or **external factors**, affected emission levels?

# Evaluation questions: Efficiency

5. What are the **costs of the implementation** of the Directive (abatement and administrative costs, for Member States and businesses), **and its benefits**? Do the benefits **outweigh** the costs?
6. Have **inefficiencies** been identified, including in the handling and use of **reported information**? Is there potential for simplification and reduction of **administrative costs**?
7. Have **other policies or factors** affected the costs of compliance?

# Evaluation questions: Coherence

8. Are the requirements under the Directive **coherent with each other**?
9. Has the Directive proved **coherent with other clean air legislation** and targets, i.e. the Ambient Air Quality Directives and with the objectives of the zero pollution action plan?
10. Has the Directive proved **coherent with other sectoral legislation** regulating the main sources of air pollutant emissions, such as industrial emissions, vehicle emission standards, Ecodesign, climate and energy policies, common agricultural policy, biodiversity related provisions?
11. To what extent has **EU funding** contributed to the efficient implementation of the NEC Directive?
12. Have the Directive and the Gothenburg Protocol proved sufficiently coherent?
13. To what extent has the non-inclusion of **methane** in the NEC Directive hampered stronger synergies with climate and energy policy at EU and international level?
14. Has coherence **changed over time**?



# Evaluation questions: Relevance

15. Has the relevance of the **objectives** of the NEC Directive and of the **means** of achieving them **changed over the years**, in particular in light of developments in related policy fields and technical and scientific progress?
16. How have the **needs** which the NEC Directive was meant to address evolved and how would they evolve in the future? Would the current objectives of the NEC Directive still address them?
17. Does the **scope** of the Directive remain pertinent, in terms of coverage of pollutants and their sources, ecosystem impacts covered?

# Evaluation questions: EU added value

18. To what extent is the initial subsidiarity analysis still valid?

19. Do needs and objectives addressed by the Directive continue to require action at EU level?