

**Question for written answer P-001019/2019  
to the Commission**  
Rule 130  
**Bernd Kölmel (ECR)**

Subject: Diesel driving bans

There has been a ban on driving older diesel vehicles in Stuttgart since 1 January 2019. Similar bans are in place in other German cities.

This is based on Directive 2008/50/EC of 21 May 2008 on ambient air quality and cleaner air for Europe.

Paragraph 25 states that:

‘Since the objectives of this Directive cannot be sufficiently achieved by the Member States by reason of the transboundary nature of air pollutants and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty.(...)’

The EU’s regulatory competence under the subsidiarity principle under Article 5(1) of the Treaty on European Union (TEU) is therefore justified by the ‘cross-border nature of air pollutants’.

Germany’s bans on diesel vehicles are a result of the limit values for nitrogen oxides and fine particulate matter laid down in the Directive being exceeded. Localised exceedances occur with both these pollutants. Only individual municipalities are affected, and the limit values are exceeded only in certain road sections.

1. In what form do the limit values for nitrogen oxide and fine particulate matter, which result in these diesel vehicle bans, have a ‘transboundary nature’?
2. Which of the pollutants listed in the Directive regularly cause pollution in a cross-border context?
3. Does the EU also have regulatory competence under the subsidiarity principle according to Article 5(1) TEU if the ‘cross-border nature of air pollutants’ is not given as the basis?