



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 25.4.2001
COM(2001) 243 final

1999/0067 (COD)

OPINION OF THE COMMISSION

**pursuant to Article 251 (2) (c) of the EC Treaty,
on the European Parliament's amendments
to the Council's common position regarding the
proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

on national emission ceilings for certain pollutants

AMENDING THE PROPOSAL OF THE COMMISSION
pursuant to Article 250 (2) of the EC Treaty

EXPLANATORY MEMORANDUM

Article 251, paragraph 2, letter c) of the Treaty establishing the European Community establishes that the Commission gives an opinion on the amendments proposed by the European Parliament in the second reading.

The Commission hereafter gives its opinion on the nine amendments adopted by the European Parliament.

1. BACKGROUND

Transmission of the Proposal to the Council and the European Parliament (COM(1999)125 final) (in accordance with Article 175 (1) of the Treaty) 14 July 1999

Opinion of the Economic and Social Committee 8 December 1999

Opinion of the Committee of the Regions 14 June 2000

Opinion of the European Parliament – first reading 15 March 2000

Adoption of the Common Position 7 November 2000

Communication from the Commission to the European Parliament concerning the Common Position (SEC (2000)1936 final) 10 November 2000

Opinion of the European Parliament – second reading 14 March 2001

The second reading of the European Parliament aims to strengthens the Common Position in a number of areas. It introduces more ambitious national emission ceilings for sulphur dioxide, oxides of nitrogen and volatile organic compounds and dates by which long-term environmental objectives should be met. It also includes emissions from international maritime shipping and aircraft beyond the landing and take-off cycle into the national emission ceilings and requests the Commission to come forward with proposals for EC-wide economic instruments which aim to ensure that the ceilings are met.

2. OBJECTIVE OF THE COMMISSION PROPOSAL

The Commission's proposal for a directive on National Emission Ceilings (NEC) sets upper limits for each Member State for the total emissions of the four pollutants responsible for acidification, eutrophication and ozone, but leaves it largely to the Member States to decide which measures to take in order to comply. These pollutants are transported in large quantities from Member State to Member State. The emission ceilings must be met by 2010.

The long-term objectives of the proposal are that there should be no exceedance of critical loads and levels for acidification and eutrophication and no exceedance of WHO guidelines for ozone. It is not possible on present evidence to predict dates by which these objectives could be met. The emission ceilings proposed by the Commission were therefore designed to meet interim objectives for acidification that have already been agreed by Council and Parliament, plus proposed new objectives for ozone, in the least- cost way for the Community

as a whole. Individual Member States could not in general meet the objectives within their territory by domestic action alone.

3. COMMISSION OPINION ON THE AMENDMENTS ADOPTED BY THE PARLIAMENT

On 14 March 2001 the European Parliament adopted 9 amendments. 1 amendment has been accepted by the Commission in full (Amendment 2), 2 have been accepted in part or in principle (Amendments 3 and 8). The remaining amendments cannot be accepted.

3.1 Amendment accepted by the Commission

The Commission agrees that emissions from shipping make a significant contribution to the problems of acidification, eutrophication and ground level ozone in the Community and that this should be tackled. Emissions from aircraft above the landing and take-off cycle are thought not to contribute greatly, but additional work should be carried out to check this. In general, emissions from international shipping are best tackled by action in the International Maritime Organisation and from aircraft by action within the International Civil Aviation Organisation. Article 9 already mentions international regulations concerning ship and aircraft emissions. Amendment 2 brings recital 11 into line with this article.

3.2 Amendments accepted in principle by the Commission

Amendment 3 also deals with emissions from shipping. It adds a new recital noting the importance of emissions from shipping and referring to the requirements of article 7(3) of Directive 1999/32/EC of 26 April 1999 relating to the sulphur content of certain liquid fuels. The Commission would prefer to follow the wording of Article 7(3) as close as possible. In pursuance of this requirement, the Commission, the Member States and Norway last year successfully proposed to the IMO that the North Sea should be declared a low sulphur area. In addition, the Commission has developed an inventory of emissions from shipping in the Mediterranean and Black Sea for use by the EC and the wider international Commission. Before this there were inventories only for the Baltic and the North Sea. It has also completed a first study on the potential for Community action to reduce emissions from shipping. The Commission services are now carrying out further technical work on ship emissions to air, including sulphur dioxide, oxides of nitrogen and volatile organic compounds, with a view to presenting a report on future strategy to Council and Parliament by the end of 2001.

Amendment 8 seeks to require the Commission to bring forward by the end of 2001 proposals for economic instruments designed to meet the objectives of the present proposal. The Commission will look at the scope for using economic instruments when it reviews the Directive in 2004 and 2008 in accordance with Article 9. The Commission can therefore accept this amendment in principle and in part by replacing Parliament's wording with "the possible use of economic instruments".

3.3 Amendments not accepted by the Commission

Amendments 1, 6, 7 (2nd part) and 10 directly concern national emission ceilings. Amendment 10 would reinstate in Annex I the emission ceilings originally proposed by the Commission for sulphur dioxide, oxides of nitrogen and volatile organic compounds where these are more ambitious than Council's Common Position. Common Position would be retained for these pollutants in cases where it is more ambitious than the Commission's proposal. Common Position would be retained completely for ammonia, even where it is less ambitious than the Commission's proposal.

The national emission ceilings originally proposed by the Commission were designed to meet interim environmental objectives to be met in 2010. The Commission remains committed to these objectives. Council has endorsed them strongly, but considers that there are a number of uncertainties which prevent Member States from agreeing the ceilings calculated by the Commission as legally binding commitments at present. The Common Position of Council includes reviews, scheduled for 2004 and 2008, with the aim of making up the shortfall. The Commission can accept that the combination of Council's Common Position and the Common Position on the Large Combustion Plant are a significant first step toward meeting objectives. The Commission therefore does not accept amendment **10**.

Amendment **6** would delete the word "broadly" from the chapeau of Article 5 in the Common Position. This states that "The national emission ceilings in Annex I shall have as their purpose to meet broadly" the interim environmental objectives listed in the Article. Amendment **1** deletes the word "broadly" from recital 11. Both the emission ceilings of the Common Position, and the emission ceilings adopted by Parliament at its second reading fall short of those which have been calculated as necessary to meet the environmental objectives throughout the Community. They will however make a positive contribution towards meeting them, and the term "broadly" is a good description of the expected outcome. The Commission does not therefore accept amendments **1** and **6**.

Amendment **7** (second part) deletes the requirement in Article 9 (1) for the Commission to review the extent to which further emission reductions might be necessary to meet the interim environmental objectives set out in Article 5 of the proposal when it reports to Parliament and Council in 2004 and 2008. As explained above, both the emission ceilings of Council's Common Position and of the Common Position as amended by Parliament fall short of those needed to meet interim environmental objectives. The Commission cannot therefore accept the amendment. (The Commission stated during debate in Plenary on 13 March that it could in principle accept Amendment 7 part 2 subject to satisfactory wording of a new article that would have been inserted by amendment 9. Parliament however rejected amendment 9.)

Amendment **4** would set dates for meeting the long term objectives of no exceedance of critical loads and levels for acidification and eutrophication and no exceedance of WHO guidelines for ozone. The Commission is committed to pursuing these long-term objectives. However, it is impossible on present knowledge to predict when they could be met, how, and at what cost. The Commission does not therefore accept the amendment.

Amendments **5** and **7** (first part) again deal with emissions from international maritime traffic and aircraft above the landing and take-off cycle. As explained above, the Commission agrees that emissions from shipping require further action and that emissions from aircraft should be examined in more detail. The Commission cannot however accept amendments **5** and **7** (first part) which would include such emissions within national emission ceilings. Firstly, it is not clear how emissions from ships and aircraft travelling between non-Member States could be allocated to Member States. Secondly, for legal reasons these emissions cannot be controlled by Member States. They must be tackled by international action.

3.4 Re-examined proposal

Having regard to Article 250, paragraph 2 of the EC Treat, the Commission modifies its proposal as indicated above.