

# Official Journal

of the European Communities

ISSN 0378-6986

C 83

Volume 42

25 March 1999

English edition

## Information and Notices

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<sup>(1)</sup> Text with EEA relevance.

## II

(Preparatory Acts)

## COMMISSION

**Amended proposal for a Council Directive on the availability of consumer information on fuel economy and the emission of carbon dioxide (CO<sub>2</sub>) in respect of the marketing of new passenger cars<sup>(1)</sup>**

(1999/C 83/01)

(Text with EEA relevance)

COM(1999) 66 final — 98/0272 (SYN)

(Submitted by the Commission pursuant to Article 189 a (2) of the EC-Treaty on 11 February 1999)

<sup>(1)</sup> OJ C 305, 3.10.1998, p. 2.

ORIGINAL PROPOSAL

AMENDED PROPOSAL

## Title

Proposal for a Council Directive relating to the availability of consumer information on fuel economy in respect of the marketing of new passenger cars

Proposal for a Council Directive relating to the availability of consumer information on fuel economy and the emission of carbon dioxide (CO<sub>2</sub>) in respect of the marketing of new passenger cars

## Recital 6

whereas information plays a key role in the operation of market forces and the provision of accurate, relevant and comparable information on the specific fuel consumption of passenger cars may influence consumer choice in favour of those cars which use less fuel and thereby emit less CO<sub>2</sub>, thus prompting manufacturers to take steps to reduce the fuel consumption of the cars that they manufacture;

whereas information plays a key role in the operation of market forces and the provision of accurate, relevant and comparable information on the specific fuel consumption and CO<sub>2</sub> emissions of passenger cars may influence consumer choice in favour of those cars which use less fuel and thereby emit less CO<sub>2</sub>, thus prompting manufacturers to take steps to reduce the fuel consumption of the cars that they manufacture;

## Article 1

The purpose of this Directive is to ensure that information relating to the fuel economy of new passenger cars offered for sale or lease in the Community is made available to consumers.

The purpose of this Directive is to ensure that information relating to the fuel economy and CO<sub>2</sub> emissions of new passenger cars offered for sale or lease in the Community is made available to consumers.

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## AMENDED PROPOSAL

## Article 2 (5)

'point of sale' means a location, such as a car showroom or forecourt, where passenger cars are displayed and offered for sale or lease to potential customers;

'point of sale' means any location where new passenger cars are displayed to potential customers with a view to promoting their sale or leasing;

## Article 5

The Member States shall ensure that a fuel economy guide is produced at least on an annual basis in accordance with the requirements of Annex II.

The Member States shall ensure that a fuel economy guide is produced at least on an annual basis in accordance with the requirements of Annex II.

The guide shall be compact, portable and be available free of charge to consumers upon request both at the point of sale and also from a designated body within each Member State. The Member State shall also ensure that the guide is available through electronic means, such as the Internet, and that this form of the guide is kept up-to-date with changes in the range of new passenger car versions available for purchase in the Member State.

The guide shall be compact, portable and be available free of charge to consumers upon request both at the point of sale and also from a designated body within each Member State. The Member State shall also ensure that the guide is available through electronic means, such as the Internet. Any electronic version of the guide shall be kept up-to-date with changes in the range of new passenger car versions available for purchase in the Member State.

## Article 10

Any amendments which are necessary in order to adapt the Annexes to this Directive to take account of progress shall be adopted by the Commission in accordance with the procedure set out in Article 11 and following consultation with consumer organisations and other interested parties.

Any amendments which are necessary in order to adapt the Annexes to this Directive to take account of progress shall be adopted by the Commission in accordance with the procedure set out in Article 11 and following consultation with consumer organisations and other interested parties.

In order to assist this adaptation process, five years after this Directive has entered into force each Member State shall transmit to the Commission a report on the effectiveness of the provisions of this Directive.

In order to assist this adaptation process, three years after this Directive has entered into force each Member State shall transmit to the Commission a report on the effectiveness and application of this Directive, and in particular the application of the Annexes. On the basis of these reports the Commission shall also assess whether there is a need for further harmonisation, and if appropriate shall present proposals to amend this directive.

Furthermore, the Commission shall, in accordance with the procedure laid down in Article 11, take measures aiming at the creation of categories of passenger cars.

## Annex I (4)

contain the numerical value of the official fuel consumption and the official specific emissions of CO<sub>2</sub>. The value of the official fuel consumption shall be expressed in either litres per 100 kilometers (l/100 km), miles per gallon (mpg), kilometres per litre (km/l), or an appropriate combination of these and be quoted to one decimal place. The official specific emissions of CO<sub>2</sub> are to be quoted to the nearest whole number in grams per kilometre (g/km).

contain the numerical value of the official fuel consumption and the official specific emissions of CO<sub>2</sub> for the urban cycle, the extra urban cycle and the combined cycle. The value of the official fuel consumption shall be expressed in either litres per 100 kilometers (l/100 km), miles per gallon (mpg), kilometres per litre (km/l), or an appropriate combination of these and be quoted to one decimal place. The official specific emissions of CO<sub>2</sub> are to be quoted to the nearest whole number in grams per kilometre (g/km).

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## AMENDED PROPOSAL

## Annex I (7)

In addition to the fuel efficiency of a car, driving behaviour as well as other non-technical factors play a role in determining a car's fuel economy and CO<sub>2</sub> emissions. CO<sub>2</sub> is the main greenhouse gas responsible for global warming.

In addition to the fuel efficiency of a car, driving behaviour as well as other non-technical factors play a role in determining a car's fuel economy and CO<sub>2</sub> emissions. CO<sub>2</sub> is the main greenhouse gas responsible for global warming. Extra equipment such as air conditioning and pre-heating systems may increase fuel consumption substantially.

## Annex II (1)

The numerical value of the official fuel consumption and the official specific emissions of CO<sub>2</sub>. The value of the official fuel consumption shall be expressed in either litres per 100 kilometres (l/100 km), miles per gallon (mpg), kilometres per litre (km/l) or an appropriate combination of these and be quoted to one decimal place. The official specific emissions of CO<sub>2</sub> are to be quoted to the nearest whole number in grams per kilometre (g/km).

The numerical value of the official fuel consumption and the official specific emissions of CO<sub>2</sub> for the urban cycle, the extra urban cycle and the combined cycle as well as the fuel type shall be indicated. The value of the official fuel consumption shall be expressed in either litres per 100 kilometres (l/100 km), miles per gallon (mpg), kilometres per litre (km/l) or an appropriate combination of these and be quoted to one decimal place. The official specific emissions of CO<sub>2</sub> are to be quoted to the nearest whole number in grams per kilometre (g/km).

## Annex II (4a) (new)

The fuel economy guide shall also include detailed information on how fuel consumption is increased by extra equipment such as air conditioning and pre-heating systems.

## Annex II (6) (new)

A reference to the updated version on the Internet or in any other electronic format.

## Annex III (3)

New car versions must be grouped and listed separately according to fuel type (petrol or diesel). For each car in the list the make, variant, version, official CO<sub>2</sub> emissions, official fuel consumption and fuel cost associated with 10 000 kilometres or 6 000 miles shall be included for the particular vehicle in question. Within each fuel type, versions are to be ranked in order of increasing CO<sub>2</sub> emissions, with the most fuel efficient vehicle being placed at the top of the list.

New car versions must be grouped and listed separately according to fuel type (petrol, diesel). For each version in the list, the make, type, the fuel type, the numerical value of the official fuel consumption and the official specific emissions of CO<sub>2</sub> for the urban cycle, the extra urban cycle and the combined cycle and the fuel cost associated with 10 000 kilometres or 6 000 miles, based on the combined cycle, shall be given. Within each fuel type, versions are to be ranked in order of increasing CO<sub>2</sub> emissions, based on the value for the combined cycle, with the most fuel efficient vehicle being placed at the top of the list.

Amended proposal for a Council Regulation (EC) on substances that deplete the ozone layer<sup>(1)</sup>

(1999/C 83/02)

(Text with EEA relevance)

COM(1999) 67 final — 98/0228 (SYN)

*(Submitted by the Commission pursuant to Article 189 a (2) of the EC-Treaty on 11 February 1999)*

<sup>(1)</sup> OJ C 286, 15.9.1998, p. 6.

ORIGINAL PROPOSAL

AMENDED PROPOSAL

Recital 3

whereas it is established that continued emissions of ozone-depleting substances at current levels continue to cause significant damage to the ozone layer; whereas it is therefore necessary to take further steps in order to ensure sufficient protection for human health and the environment;

whereas it is established that continued emissions of ozone-depleting substances at current levels continue to cause significant damage to the ozone layer; whereas ozone depletion in the southern hemisphere reached unprecedented levels in 1998; whereas in three out of four recent springs severe ozone depletion has occurred in the Arctic region; whereas increased UV-B radiation resulting from ozone depletion poses a significant threat to health and environment; whereas it is therefore necessary to take further steps in order to ensure sufficient protection for human health and the environment;

Recital 9

whereas the growing availability of alternatives to methyl bromide should be reflected in an accelerated phaseout of methyl bromide compared to the Montreal Protocol; whereas such an accelerated phaseout is also provided for by other parties of the Protocol; whereas there might be specific critical agricultural uses and conditions for which the phasing out of methyl bromide would lead to severe technical or economic difficulties; whereas exemptions should be foreseen for those cases for which the production and placing on the market of methyl bromide may be permitted after phaseout;

whereas the significant contribution of methyl bromide to ozone depletion, its high toxicity and the growing availability of alternatives to methyl bromide should be reflected in an accelerated phaseout of methyl bromide compared to the Montreal Protocol; whereas such an accelerated phaseout is also provided for by other parties of the Protocol; whereas there might be specific critical agricultural uses and conditions for which the phasing out of methyl bromide would lead to severe technical or economic difficulties; whereas exemptions should be foreseen for those cases for which the production and placing on the market of methyl bromide may be permitted after phaseout; whereas, to ensure that exemptions are granted only for genuine critical uses, there should be a mechanism to enable the use of methyl bromide to be monitored on a Community-wide basis;

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## Recital 8a (new)

whereas even after the phaseout of controlled substances the Commission may under certain conditions grant exemptions for essential uses; whereas care must be taken that exemptions are granted mainly for medical uses;

## Recital 11a (new)

whereas the phaseout of controlled substances requires conversions to new technologies or alternative products; whereas this could pose a burden to small and medium-sized undertakings (SMU) in particular; whereas Member States should therefore consider providing appropriate forms of assistance specifically to enable SMU to make the necessary changes;

## Article 2 (new definition)

*Add after the definition of 'hydrochlorofluorocarbons', and preceding the definition of 'feedstock':*

- 'new substances' shall mean substances listed in Annex IA. This definition shall cover substances whether alone or in a mixture, and whether they are virgin, recovered, recycled or reclaimed. This definition shall not cover any substance which is in a manufactured product other than a container used for transportation or storage of that substance, or insignificant quantities of any new substance, originating from inadvertent or accidental production during a manufacturing process or from unreacted feedstock;

## Article 5 (1) (d)

(iii) from the 1 January 2003, for the production of polyurethane foams for appliances, of polyurethane flexible faced laminate foams and of polyurethane sandwich panels, except where these latter two are used for insulated transport;

(iv) from 1 January 2004, for the production of all foams;

(iii) from 1 January 2003, for the production of all foams;

## ORIGINAL PROPOSAL

## AMENDED PROPOSAL

## Article 5 (6)

The Commission may, following a request of a competent authority of a Member State and in accordance with the procedure laid down in Article 17, authorise a temporary exemption to allow the use and placing on the market of hydrochlorofluorocarbons in derogation from paragraph 1 and Article 4 (3) where it is demonstrated that, for a particular use, technically and economically feasible alternative substances or technologies are not available or cannot be used.

The Commission may, following a request of a competent authority of a Member State and in accordance with the procedure laid down in Article 17, authorise a time-limited exemption to allow the use and placing on the market of hydrochlorofluorocarbons in derogation from paragraph 1 and Article 4 (3) where it is demonstrated that, for a particular use, technically and economically feasible alternative substances or technologies are not available or cannot be used.

## Article 15

Chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, hydrobromofluorocarbons and hydrochlorofluorocarbons contained in:

- refrigeration equipment and air-conditioning equipment,
- equipment containing solvents,
- fire-protection systems and fire extinguishers, and
- rigid foams

shall be recovered if practicable for destruction by technologies approved by the parties or by any other environmentally acceptable destruction technology, or for recycling or reclamation during the servicing and maintenance of equipment or before the dismantling or disposal of equipment.

Member States shall promote, as appropriate, the establishment of destruction, recycling and reclamation facilities. Member States shall define the minimum qualification requirements for the servicing personnel involved.

Member States shall report to the Commission by 31 December 2001 on the systems established to promote the recovery of used controlled substances, including the facilities available and the quantities of used controlled substances recovered, recycled, reclaimed or destroyed.

Chlorofluorocarbons, other fully halogenated chlorofluorocarbons, halons, carbon tetrachloride, 1,1,1-trichloroethane, hydrobromofluorocarbons and hydrochlorofluorocarbons contained in:

- refrigeration equipment and air-conditioning equipment,
- equipment containing solvents,
- fire-protection systems and fire extinguishers, and
- rigid foams

shall be recovered if practicable for destruction by technologies approved by the parties or by any other environmentally acceptable destruction technology, or for recycling or reclamation during the servicing and maintenance of equipment or before the dismantling or disposal of equipment.

Controlled substances for use as refrigerants and for fire-protection may not be placed on the market in disposable containers.

Member States shall promote, as appropriate, the establishment of destruction, recycling and reclamation facilities. Member States shall define the minimum qualification requirements for the servicing personnel involved.

Member States shall report to the Commission by 31 December 2001 on the systems established to promote the recovery of used controlled substances, including the facilities available and the quantities of used controlled substances recovered, recycled, reclaimed or destroyed.

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This provision shall be without prejudice to Council Directive 75/442/EEC<sup>(1)</sup> or to measures adopted following Article 2 (2) of that Directive.

This provision shall be without prejudice to Council Directive 75/442/EEC<sup>(1)</sup> or to measures adopted following Article 2 (2) of that Directive.

## Article 19 (2)

When requesting information from an undertaking the Commission shall at the same time forward a copy of the request to the competent authority of the Member State within the territory of which the undertaking's seat is situated, together with a statement of the reasons why that information is required.

When requesting information from an undertaking the Commission shall at the same time forward a copy of the request to the competent authority of the Member State within the territory of which the undertaking's seat is situated.

## Article 19 (3)

The competent authorities of the Member States shall carry out the investigations which the Commission considers necessary under this Regulation.

The competent authorities of the Member States shall carry out the investigations which the Commission considers necessary under this Regulation. The Member States shall also conduct random checks on imports of controlled substances, and communicate the schedules and results of those checks to the Commission.

## Article 19 (5)

The Commission shall take appropriate steps to protect the confidentiality of information obtained under this Article.

The Commission shall take appropriate action to promote adequate exchange of information and cooperation between national authorities and between national authorities and the Commission. The Commission shall take appropriate steps to protect the confidentiality of information obtained under this Article.

## Article 20 a (new)

## CHAPTER Va

## NEW SUBSTANCES

*Article 20 a*

## New Substances

1. The production, release for free circulation in the Community and inward processing, placing on the market and use of substances in Annex IA are prohibited.

<sup>(1)</sup> OJ L 194, 25.7.1975, p. 39.

<sup>(1)</sup> OJ L 194, 25.7.1975, p. 39.



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ORIGINAL PROPOSAL

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2. The Commission shall, as appropriate, make proposals to include in Annex IA any substances that are not controlled substances but that are found by the Scientific Assessment Panel under the Montreal Protocol to have significant ozone-depleting potential, including proposals on possible exemptions from paragraph 1.

Annex IA (new)

**NEW SUBSTANCES**

Bromochloromethane

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Amended proposal for a Council Decision establishing a scheme to monitor the average specific emissions of carbon dioxide from new passenger cars<sup>(1)</sup>

(1999/C 83/03)

(Text with EEA relevance)

COM(1999) 58 final — 98/0202 (SYN)

(Submitted by the Commission pursuant to Article 189 a (2) of the EC-Treaty on 12 February 1999)

<sup>(1)</sup> OJ C 231, 23.7.1998, p. 6.

ORIGINAL PROPOSAL

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Recital 1

Whereas the Community recognises that greenhouse gas concentrations in the atmosphere should be stabilised at such a level that would prevent dangerous anthropogenic interference with the climate system;

Whereas the Community recognises that greenhouse gas concentrations in the atmosphere should be stabilised at or reduced to such a level that would prevent dangerous anthropogenic interference with the climate system;

Recital 3a (new)

whereas the Kyoto Protocol requires Annex I parties to have made demonstrable progress in achieving their commitments by 2005;

Recital 5a (new)

whereas any agreement entered into with the automobile industry will need to be closely monitored on a neutral basis;

Recital 5b (new)

whereas the European Parliament, in its September 1998 resolution, recalled that Parliament and the Council had jointly formulated an objective of 120 g/km (5 litres/100 km for petrol engines and 4–5 litres/100 km for diesel engines) as a mean value for carbon dioxide emissions in 2005 (2010 at the latest) and that this objective could only be attained if action is also taken on instruments to provide tax incentives and on provisions concerning uniform description of the mean consumption of new vehicles;

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## Recital 6a (new)

Whereas only the specific CO<sub>2</sub> emissions of vehicles of category M1 are measured in accordance with Directive 80/1268/EEC; whereas the Commission will examine how other vehicle categories could be included under Directive 80/1268/EEC;

## Recital 7

whereas it is necessary to establish procedures to monitor the specific emissions of CO<sub>2</sub> from new passenger cars sold throughout the Community in order to monitor the effectiveness of the Community strategy, as referred to in the Commission Communication of 20 December 1995;

whereas it is necessary to establish procedures to monitor the specific emissions of CO<sub>2</sub> from new passenger cars sold throughout the Community in order to monitor the effectiveness of the Community strategy, as referred to in the Commission Communication of 20 December 1995; whereas the data collected will also serve to monitor the voluntary obligation to reduce emissions of CO<sub>2</sub> from passenger cars, agreed between the European Automobile Manufacturers Association and the European Commission;

## Article 4(1)

In each calendar year Member States shall calculate the following according to the methods described in Annex III.

In each calendar year Member States shall calculate the following according to the methods described in Annex III, both by manufacturer and for the total of all manufacturers.

## Article 5

Member States shall designate a body responsible for the collection and communication of the monitoring information and shall inform the Commission thereof by 31 July 2000.

Member States shall designate the competent authorities as the body responsible for the collection and communication of the monitoring information and shall inform the Commission thereof by 31 July 2000.

## Article 8

For each calendar year, the Commission shall submit to the Council a report based upon the monitoring data it receives from the Member States.

For each calendar year, the Commission shall submit to the Council and to the European Parliament a report based upon the monitoring data it receives from the Member States.

## Annex I

With regard to the operation of a Community-wide scheme to monitor the specific emissions of CO<sub>2</sub> from new passenger cars, Member States shall collect a minimum amount of information for each new passenger car that is registered in the Community for the first time. Only petrol and diesel are to be considered, as these are the only fuels included in the European type-approval legislation.

With regard to the operation of a Community-wide scheme to monitor the specific emissions of CO<sub>2</sub> from new passenger cars, Member States shall collect a minimum amount of information for each new passenger car that is registered in the Community for the first time. Only petrol and diesel are to be considered, as these are the only fuels included in the European type-approval legislation.

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1. The following data shall be collected and stored by the Member States when a new passenger car is registered for the first time in the Community:
- specific emissions of CO<sub>2</sub> (g/km)
  - fuel type (e.g. petrol, diesel)
  - manufacturer
  - mass (kg)
  - maximum net power (kW)
  - engine capacity (cm<sup>3</sup>).

1. The following data shall be collected and stored by the Member States when a new passenger car is registered for the first time in the Community:
- specific emissions of CO<sub>2</sub> (g/km)
  - fuel type (e.g. petrol, diesel)
  - manufacturer
  - mass (kg)
  - length times width (i.e. body size of vehicle)
  - maximum net power (kW)
  - engine capacity (cm<sup>3</sup>).

## Annex III(4)

4. The distribution of CO<sub>2</sub> emissions from new passenger cars

The number of newly registered passenger cars of each fuel type which fall into each of the following CO<sub>2</sub> emission categories is to be recorded. The CO<sub>2</sub> emission categories are <60, 60—80, 81—100, 101—120, 121—140, 141—160, 161—180, 181—200, 201—250, 251—300, >300 g/km.

4. The distribution of CO<sub>2</sub> emissions from new passenger cars

The number of newly registered passenger cars of each fuel type which fall into each of the following CO<sub>2</sub> emission categories is to be recorded. The CO<sub>2</sub> emission categories are <60, 60—80, 81—100, 101—120, 121—140, 141—160, 161—180, 181—200, 201—250, 251—300, 301—350, 351—450, >450 g/km.

## Annex III(5)

5. The mass distribution of new passenger cars

For each of the following mass categories, <650, 650—750, 751—850, 851—950, 951—1 050, 1 051—1 150, 1 151—1 250, 1 251—1 350, 1 351—1 550, 1 551—1 750 and >1 750 kg the number of newly registered passenger cars of a given fuel type, the average mass of these vehicles and also their average specific emissions of CO<sub>2</sub> are to be recorded.

5. The mass distribution of new passenger cars

For each of the following mass categories, <650, 650—750, 751—850, 851—950, 951—1 050, 1 051—1 150, 1 151—1 250, 1 251—1 350, 1 351—1 550, 1 551—1 750, 1 751—2 000, 2 001—2 250, 2 251—2 500, 2 501—2 800 and >2 800 kg the number of newly registered passenger cars of given fuel type, the average mass of these vehicles and also their average specific emissions of CO<sub>2</sub> are to be recorded.

## Annex III(6)

6. The distribution of maximum net power of newly registered passenger cars

For each of the following maximum net power categories, <30, 30—40, 41—50, 51—60, 61—70, 71—80, 81—90, 91—100, 101—110, 111—120, 121—130, 131—140, 141—150, 151—160, 161—170 and >180 kW the number of newly registered passenger cars of a given fuel

6. The distribution of maximum net power of newly registered passenger cars

For each of the following maximum net power categories, <30, 30—40, 41—50, 51—60, 61—70, 71—80, 81—90, 91—100, 101—110, 111—120, 121—130, 131—140, 141—150, 151—160, 161—170, 171—180, 181—200, 201—250, 251—300 and >300 kW the number of newly

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type, the average maximum net power of these vehicles, and also their average specific emissions of CO<sub>2</sub> are to be recorded.

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registered passenger cars of a given fuel type, the average maximum net power of these vehicles, and also their average specific emissions of CO<sub>2</sub> are to be recorded.

## Annex III(7)

**7. The distribution of engine capacity of newly registered passenger cars**

For each of the following engine capacity categories, <700, 700—800, 801—900, 901—1 000, 1 001—1 100, 1 101—1 200, 1 201—1 300, 1 301—1 400, 1 401—1 500, 1 501—1 600, 1 601—1 700, 1 701—1 800, 1 801—1 900, 1 901—2 000, 2 001—2 100, 2 101—2 200, 2 201—2 400, 2 401—2 600, 2 601—2 800, 2 801—3 000, >3 000 cm<sup>3</sup> the number of newly registered passenger cars of a given fuel type, the average engine capacity of these vehicles and also their average specific emissions of CO<sub>2</sub> are to be recorded.

**7. The distribution of engine capacity of newly registered passenger cars**

For each of the following engine capacity categories, <700, 700—800, 801—900, 901—1 000, 1 001—1 100, 1 101—1 200, 1 201—1 300, 1 301—1 400, 1 401—1 500, 1 501—1 600, 1 601—1 700, 1 701—1 800, 1 801—1 900, 1 901—2 000, 2 001—2 100, 2 101—2 200, 2 201—2 400, 2 401—2 600, 2 601—2 800, 2 801—3 000, 3 001—3 500, 3 501—4 500 and >4 500 cm<sup>3</sup> the number of newly registered passenger cars of a given fuel type, the average engine capacity of these vehicles and also their average specific emissions of CO<sub>2</sub> are to be recorded.

**Amended proposal for a Council Directive on assessment of the effects of certain plans and programmes on the environment<sup>(1)</sup>**

(1999/C 83/04)

(Text with EEA relevance)

COM(1999) 73 final — 96/304 (SYN)

*(Submitted by the Commission pursuant to Article 189 a (2) of the EC-Treaty on 22 February 1999)*

<sup>(1)</sup> OJ C 129, 25.4.1997, p. 14.

ORIGINAL PROPOSAL

AMENDED PROPOSAL

Recital 1

Whereas Article 130 r of the Treaty provides that Community policy on the environment is to contribute to the preservation, protection and improvement of the quality of the environment, the protection of human health and the prudent and rational utilisation of natural resources and that it should be based on the precautionary principle; whereas that necessitates, *inter alia*, the proper integration of environmental considerations into the plans and programmes which are adopted within Member States as part of the town and country planning decision-making process for the purpose of establishing the framework for subsequent development consents (in particular those to which Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment applies<sup>(2)</sup>);

Whereas Article 130 r of the Treaty provides that Community policy on the environment is to contribute to the preservation, protection and improvement of the quality of the environment, the protection of human health and the prudent and rational utilisation of natural resources and that it should be based on the precautionary principle; whereas that necessitates, *inter alia*, the proper integration of environmental considerations into the plans and programmes which are prepared and adopted within Member States for setting a framework for future development consents (in particular those to which Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment applies<sup>(2)</sup>);

Recital 1a (new)

whereas sustainable development, being a key objective of the Community, depends on sound management of natural resources and on the preservation of the equilibrium of the different ecosystems so that the needs of the present generation are met without compromising the ability of future generations to meet their own needs;

Recital 2

whereas this Directive aims at a high level of protection of the environment through the attainment of the objectives provided for in Article 130r (1) of the Treaty and is of a procedural nature, setting out an environmental assessment procedure to be followed by the competent authority before the final decision is taken in relation to plans and programmes likely to have an environmental impact;

whereas this Directive aims at a high level of protection of the environment and for progress towards sustainable development through the attainment of the objectives provided for in Article 130r (1) of the Treaty and is of a procedural nature, setting out a minimum environmental assessment procedure to be followed by the competent authority before the final decision is taken in relation to plans and programmes likely to have environmental impact;

<sup>(2)</sup> OJ C 175, 5.7.1985, p. 40.

<sup>(2)</sup> OJ C 175, 5.7.1985, p. 40.

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AMENDED PROPOSAL

## Recital 3a (new)

whereas the adoption of environmental assessment procedures at the planning and programming level will benefit undertakings by providing a more consistent framework in which to operate, and contribute to economically more efficient or cost-effective solutions, leading to the inclusion of a wider set of factors in decision-making;

## Recital 5

whereas the different environmental assessment systems operating within Member States are deficient because they do not cover all of the core plans and programmes which establish the framework for subsequent consent decisions and because they do not always contain the minimum procedural requirements necessary to ensure a high level of protection of the environment;

whereas the different environmental assessment systems operating within Member States are deficient because they do not cover all of the core plans and programmes which set a framework for future consent decisions and because they do not always contain the minimum procedural requirements necessary to ensure a high level of protection of the environment;

## Recital 7

whereas action is therefore required at Community level to establish a general environmental assessment framework which will remedy these deficiencies and thereby contribute to the pursuit of the environmental objectives set out in the Treaty;

whereas action is therefore required at Community level to lay down a minimum environmental assessment framework which will remedy these deficiencies and thereby contribute to the pursuit of the environmental objectives set out in the Treaty;

## Recital 9

whereas the plans and programmes which should be assessed under this Directive are those plans and programmes which are adopted as part of the town and country planning decision-making process for the purpose of establishing the framework for subsequent development-consents, including strategic plans and programmes adopted in the energy, waste, water, industry (including mineral extraction), telecommunications and tourism sectors, and certain transport infrastructure plans and programmes;

whereas the plans and programmes which should be assessed under this Directive are those plans and programmes which are prepared and adopted within Member States for setting a framework for future development consents, including strategic plans and programmes in areas such as energy, waste, water, industry (including mineral extraction), telecommunications, tourism, certain transport infrastructure plans and programmes, town and country planning or land use;

## Recital 11a

whereas, given the importance of the quality of the environmental statement being an important factor for the success and usefulness of environmental assessment, Member States shall communicate to the Commission how they ensure the quality of the environmental statement;

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## Recital 12

whereas in order to ensure that the decision-making process is transparent and that the information supplied for the assessment is comprehensive and reliable, it is necessary to provide that authorities and/or bodies with relevant environmental responsibilities and the public are to be consulted during the assessment of plans and programmes;

whereas in order to ensure that the decision-making process is transparent and that the information supplied for the assessment is comprehensive and reliable, it is necessary to provide that authorities and/or bodies with relevant environmental responsibilities and the public concerned are to be consulted during the assessment of plans and programmes, and that appropriate time frames are set, allowing sufficient time for consultations including the submission of comments;

## Recital 14

whereas the results of the assessment should be taken into account by the competent authority before it adopts the plan or programme or submits it to the legislative procedure, on the understanding that the power of assessment and the final decision remain within the sole competence of this authority;

whereas the results of the assessment should be taken into account by the competent authority in particular by making such alterations to the plan or programme as it considers appropriate before it adopts the plan or programme or submits it to the legislative procedure, on the understanding that the power of assessment and the final decision remain within the sole competence of this authority;

## Recital 15

whereas the application and effectiveness of this Directive should be reviewed seven years after its entry into force;

whereas a first report on the application and effectiveness of this Directive should be done by the Commission five years after its entry into force, and at seven-year intervals thereafter;

## Article 1

the objective of this Directive is to provide for a high level of protection of the environment by ensuring that an environmental assessment is carried out of certain plans and programmes and that the results of the assessment are taken into account during the preparation and adoption of such plans and programmes.

the objective of this Directive is to provide for a high level of protection of the environment and for progress towards sustainable development by ensuring that in accordance with the provisions of this Directive an environmental assessment is carried out of certain plans and programmes which are likely to have environmental impact.

## Article 2

For the purposes of this Directive:

(a) 'plan' and 'programme'

(i) refer only to town and country planning plans and programmes

— which are subject to preparation and adoption by a competent authority or which are prepared by a competent authority for adoption by legislative act, and

For the purposes of this Directive:

(a) 'plans' and 'programmes'

(i) refer to plans and programmes

— which are subject to preparation and adoption by a competent authority or which are prepared by a competent authority for adoption by a legislative act, and



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- which are part of the town and country planning decision-making process for the purpose of establishing the framework for subsequent development consents, and
- which contain provisions on the nature, size, location or operating conditions of projects

(ii) include modifications of existing plans and programmes as described in point (i);

this definition includes town and country planning plans and programmes in sectors such as transport (including transport corridors, port facilities and airports), energy, waste management, water resource management, industry (including extraction of mineral resources), telecommunications and tourism;

(b) 'competent authority' means the authority which the Member States designate as responsible for performing the duties arising from this Directive;

(c) 'development consent' means the decision of the competent authority which entitles the developer to proceed with a project;

...

(e) 'environmental assessment' means the preparation of an environmental statement, the carrying out of consultations and the taking into account of the environmental statement and the results of the consultations in accordance with Articles 5—8;

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- which set a framework for future development consents of projects by making reference to their location and, *inter alia*, their nature, size or operating conditions, and

(ii) include modifications of existing plans and programmes as described in point (i);

this definition includes plans and programmes in areas such as transport (including transport corridors, port facilities and airports), energy, waste management, water resource management, industry (including extraction of mineral resources), telecommunications, tourism, town and country planning or land use;

(b) 'competent authority' means the authority or authorities which the Member States designate as responsible for performing the duties arising from this Directive;

(c) 'development consent' means the decision which entitles the developer to proceed with a project;

...

(e) 'environmental assessment' means the preparation of an environmental statement, the carrying out of consultations, the taking into account of the environmental statement and the results of the consultations in decision-making and the information on the decision in accordance with Articles 5—9;

(ea) 'environmental statement' means a document containing the information required in Article 5 and the Annex;

## Article 4, 4a (new)

4a. The competent authority shall make available to the public concerned a statement of how and why the plan or programme was exempted under paragraphs 3 or 4;

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## Article 5

1. Where an environmental assessment is required under Article 4, the competent authority shall prepare an environmental statement containing the types of information referred to in the Annex.

2. The information included in the environmental statement prepared pursuant to paragraph 1 shall be in such detail as may reasonably be required for the purpose of assessing the significant direct and indirect effects of implementing the plan or programme on human beings, fauna, flora, soil, water, air, climate, landscape, material assets and the cultural heritage, taking into account the level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters can be more appropriately assessed at different levels in that process.

...

4. The environmental statement shall include a non-technical summary of the information contained in it.

1. Where an environmental assessment is required under Article 4, and for achieving the objectives set out in Article 1 the competent authority shall prepare an environmental statement containing the types of information referred to in the Annex.

2. In the environmental statement the significant direct and indirect effects of implementing the plan or programme on human beings, fauna, flora, soil, water, air, climate, landscape, material assets and the cultural heritage as well as the interaction between these factors shall be identified, described and assessed in an appropriate manner.

2a. The information included in the environmental statement prepared pursuant to paragraph 1 shall be in such detail as may reasonably be required taking into account the level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process.

## Article 6 (2)

2. The environmental authorities and/or bodies concerned and the public concerned shall be given an opportunity to express their opinion on the draft plan or programme and the accompanying environmental statement before the adoption or submission to the legislative procedure of the plan or programme.

2. The environmental authorities and/or bodies concerned and the public concerned shall be given an opportunity within appropriate time frames allowing sufficient time for expressing their opinion on the draft plan or programme and the accompanying environmental statement before the adoption or submission to the legislative procedure of the plan or programme.

## Article 8

The competent authority responsible for the adoption or submission to the legislative procedure of the plan or programme concerned shall take into consideration, prior to such adoption or submission, the environmental statement prepared pursuant to Article 5, any opinions expressed pursuant to Article 6 and the results of the consultations entered into pursuant to Article 7. The competent authority may, in particular, make such alterations to the plan or

The competent authority responsible for the preparation and adoption or submission to the legislative procedure of the plan or programme shall take into consideration, during the preparation and prior to such adoption or submission, the environmental statement prepared pursuant to Article 5, any opinions expressed pursuant to Article 6 and the results of the consultations entered into pursuant to Article 7. The competent authority may,

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programme as it considers appropriate on the basis of the environmental statement and any such opinions and consultations.

## Article 11(2) and (3)

2. Seven years after the entry into force of this Directive, the Commission shall send a report on the application and effectiveness of the Directive to the European Parliament and to the Council.

3. Where appropriate, in the light of the report referred to in paragraph 2, the Commission may submit to the Council a proposal containing amendments to this Directive.

## Article 12

1. Member States shall take the necessary legislative, regulatory and administrative provisions to comply with this Directive no later than 31 December 1999. Member States shall forthwith inform the Commission of the measures taken.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such a reference at the time of their official publication. The procedure for such reference shall be adopted by Member States.

2. Member States shall communicate to the Commission the types of plans and programmes which they will submit to an environmental assessment pursuant to this Directive.

Information on the following matters:

- (a) the contents of the plan or programme and its main objectives;

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in particular, make such alterations to the plan or programme as it considers appropriate on the basis of the environmental statement and any such opinions and consultations.

2. Five years after the entry into force of this Directive, the Commission shall send a first report on the application and effectiveness of the Directive to the European Parliament and to the Council. A new evaluation report shall then follow at seven-year intervals.

3. Where appropriate, in the light of the reports referred to in paragraph 2, the Commission may submit to the Council a proposals containing amendments to this Directive.

1. Member States shall take the necessary legislative, regulatory and administrative provisions to comply with this Directive no later than two years after its entry into force. Member States shall forthwith inform the Commission of the measures taken.

When Member States adopt these provisions, these shall contain a reference to this Directive or shall be accompanied by such a reference at the time of their official publication. The form of such reference shall be adopted by Member States.

1a. Member States shall communicate to the Commission how they ensure the quality of the environmental statement.

2. No later than two years after the entry into force of this Directive Member States shall communicate to the Commission a list of the types of plans and programmes which they will submit to an environmental assessment pursuant to this Directive.

By this date the Commission will make available such a list to the Member States.

## Annex

Information on the following matters:

- (a) the contents of the plan or programme and its main objectives;

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| <p>(b) the environmental characteristics of any area likely to be significantly affected by the plan or programme;</p> <p>(c) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of particular environmental importance, such as areas designated pursuant to Council Directives 79/409/EEC<sup>(3)</sup> and 92/43/EEC;</p> <p>...</p> <p>(e) the likely significant environmental effects of implementing the plan or programme;</p> <p>(f) any alternative ways of achieving the objectives of the plan or programme which have been considered during its preparation (such as alternative types of development or alternative locations for development) and the reasons for not adopting these alternatives;</p> <p>(g) the measures envisaged to prevent, reduce and where possible offset any significant adverse effects on the environment of implementing the plan or programme.</p> <p>...</p> | <p>(b) a description of the 'zero-option' and reasonable alternatives (such as alternative types of development or alternative locations for development), including any modifications or mitigation measures considered, of achieving the objectives of the plan or programme;</p> <p>(c) the environmental characteristics of any area likely to be significantly affected by the plan or programme and its reasonable alternatives including, in particular, those relating to any areas of particular environmental importance, such as areas designated pursuant to Council Directives 79/409/EEC<sup>(3)</sup> and 92/43/EEC, or qualifying for designation;</p> <p>(d) any existing environmental problems which are relevant to the plan or programme and its reasonable alternatives;</p> <p>(e) the likely significant effects of implementing the plan or programme and its reasonable alternatives on the environment, comprising those on the areas mentioned under (c), including the consideration of secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative effects;</p> <p>(g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;</p> <p>(ha) a statement outlining how the assessment was undertaken and the reasons for not adopting the alternatives considered;</p> <p>(hb) a non-technical summary of the information provided under the above headings.</p> |
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<sup>(1)</sup> OJ C 103, 25.4.1979, p. 1.

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<sup>(1)</sup> OJ C 103, 25.4.1979, p. 1.