



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 10 June 2014
(OR. en)**

10767/14

**Interinstitutional Files:
2013/0442 (COD)
2013/0443 (COD)**

LIMITE

**ENV 573
ENER 276
IND 182
TRANS 312
ENT 138
SAN 225
PARLNAT 171
CODEC 1463**

NOTE

From: General Secretariat of the Council

To: Council

No. prev. doc.: 10112/14 ENV 467 ENER 192 IND 165 TRANS 280 ENT 126 SAN 207
PARLNAT 140 CODEC 1341

No. Cion doc.: 18170/13 ENV 1236 ENER 601 IND 389 TRANS 694 ENT 357 SAN 557
PARLNAT 326 CODEC 3089 - COM(2013) 919 final
18167/13 ENV 1235 ENER 600 IND 388 TRANS 693 ENT 356 SAN 555
PARLNAT 325 CODEC 3086 - COM(2013) 920 final

Subject: A Clean Air Programme for Europe

a) Proposal for a Directive of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants

b) Proposal for a Directive of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants and amending Directive 2003/35/EC

- Orientation debate

= Comments from delegations

Delegations will find in Annex comments from Germany with a view to the above-mentioned debate in Council.

GERMANY**MCP**

- a) *Do the exemptions and the implementation timeline already included in the proposal provide enough flexibility to Member States and at the same time preserve the environmental integrity of the proposal, taking also into account the need to meet the objectives as described in the Clean Air Policy Package and to safeguard the competitiveness of the European industry?*
- b) *Is the proposed categorization of the medium size plants appropriate for both existing and new plants in relation to the proposed emission limit values and the objective to close the existing regulatory gap? Are the pollutants included in the scope of the MCP Directive adequate? Should there be a more targeted approach to plants within certain capacity categories?*

NEC

- a) *Do you agree with the strategic approach of the proposal to proceed in stages to reduce emissions of air pollutants (2020-2030) so as to achieve full compliance with existing air quality standards by 2020, improve concentrations further towards WHO recommended levels, and address trans-boundary impacts?*
- b) *Do you agree with the need to activate the agricultural sector so as to facilitate the reductions required for 2030 and to include mechanisms to this end in the NEC proposal?*

The burden imposed on human health and the environment by air pollutants is still considerably too high in Germany and other EU Member States. Without additional measures, it is virtually impossible to achieve full and permanent compliance with air quality standards regarding particulate matter and nitrogen dioxide. We also need further emission reductions to come closer to our long-term EU goal of bringing air quality into line with WHO guidelines and the EU targets on the conservation of biodiversity and ecosystems.

A considerable share of pollution comes from across borders, and many Member States still have a considerable untapped potential for cost-efficiently lowering emissions, which is why we also need to find solutions at EU level. This includes measures for reducing emissions from medium-sized combustion plants (MCP) and the agricultural sector. There is even more potential for emission reduction when we take a look at other areas such as the real driving emissions of vehicles with diesel motors under the Euro 6 standard, mobile machinery (e.g. excavators, construction machinery) and certain emissions from industry, households and products.

Over the next months, Germany will lay down its positions on technically feasible and economically sensible potential for emission reductions in the framework of the Directive on national emission reduction commitments. We will include emitters from all sectors in these considerations. According to the Commission's impact assessment, agriculture will play a role in this respect. Germany therefore asks for this topic to be included in the agenda of the Agriculture Council.

Before the draft directive on MCPs can be evaluated conclusively, a number of technical issues need to be resolved. That aside, meeting the reduction targets would be delayed by the long transitional periods that are currently proposed. Long transitional periods also prolong the existence of non-harmonised conditions for competition. Requirements regarding the best available technology, in contrast, can be realised in the short term. The directive stipulates identical emission caps for all plants subject to the directive irrespective of their size. That is neither technically feasible nor, in many cases, proportionate. Germany therefore advocates requirements differentiating according to plant size.

Coordinating measures at EU and national level will certainly be a key negotiation topic regarding the two proposals for directives over the next months.

A large share of the air pollutants deposited and active in Germany and other Member States were emitted in non-Member States. Germany is very much in favour of the EU and its member states swiftly adopting the amended Gothenburg Protocol; the Protocol will only enter into force once this has happened. That would facilitate the accession of UNECE countries that have not been party to the Protocol so far such as Canada, Russia, Belarus and Ukraine.
