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INFORMATION NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: 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
- Outcome of the European Parliament's first reading
(Strasbourg, 26 to 29 October 2015)

I. INTRODUCTION

The Committee on the Environment, Public Health and Food Safety submitted 118 amendments to the proposal for a Directive (amendments 1-118). In addition:

- the ENF political group submitted four amendments (amendments 119-122);
- the S&D political group submitted four amendments (amendments 123-126);
- the ECR political group submitted one amendment (amendment 127);
- the Greens/EFA political group submitted two amendments (amendments 128-129);
- forty or more MEPs submitted ten amendments (amendments 130-139); and
- the EPP political group submitted fourteen amendments (amendments 140-153).

II. DEBATE

The Rapporteur, Mrs Julie GIRLING (ECR - UK), opened the debate, which took place on 28 October 2015, and:

- stressed the need to set ambitious targets on key pollutants until 2030 and beyond;
- recalled the Parliament's decision to commission an additional impact assessment, which was published in October 2014;
- noted that the Commission's Work Programme had suggested that the Commission was considering withdrawing the proposal. A lot of time and effort ensured that this did not happen;
- argued that the proposal addresses a key issue that is best tackled at EU level. Air pollution does not stop at national borders;
- stated that better regulation and good air quality are not mutually exclusive;
- stressed the need for the plenary to vote responsibly, reaching a consensus that enjoys broad support on all key issues. That would mean not supporting the position of the Committee on the Environment, Public Health and Food Safety regarding lower ceilings across all pollutants. It would also mean supporting the amendments on ammonia;
- acknowledged the fact that many believe that her recommendation is not sufficiently ambitious, but called on them to take another look at the facts. Her approach would deliver a 52% improvement in health outcomes. It rejected the Commission's proposed flexibility for shipping, added mandatory targets for 2025 on all pollutants, and offered vastly improved access to justice for citizens affected by poor air quality, as well as improvements on national air pollution control programs and reporting. This would help all levels of government in Member States, including the regional and sub-regional authorities that lobbied more vigorously on this proposal than on any other proposals with which she had been involved. Her report would also require the Commission to ensure that the RDE legislation is agreed as soon as possible;
- noted the consensus view that NO_x must be dealt with urgently, particularly since the recent revelations from the car industry;

- noted that farmers across Europe are concerned by demands to reduce ammonia output. Farmers will require technical and financial support to achieve this. She had therefore proposed an amendment calling for a review of ammonia targets by 2022 in line with scientific evidence and a new article on access to funding, calling on the Commission to support farmers through its mid-term review of CAP greening. She also warned those who were considering voting for even tougher targets to note that the Council has not yet reached a position on this proposal and that many Member States, including some of the biggest, have not yet given their positions. They are waiting to see the results of the plenary vote, so the Parliament should not send a signal of intransigence; and
- urged the Parliament to avoid indulging in political grandstanding. It should be ambitious, but also pragmatic. The Parliament should strike the right balance and help the proposal progress into the trilogue stage. The EU's citizens demand and deserve an early conclusion of this file.

Commissioner VELLA:

- described the current situation as unacceptable, but avoidable. That is why he was so keen to make progress in the negotiations. Every month of delayed implementation costs lives and increases the cost of health care and absenteeism from work. He therefore hoped to see a first-reading agreement for this proposal;
- called on the Parliament, as he had already called on the Council, to support the level of ambition in the Commission's proposal. This would give the best prospects of an early conclusion of this proposal;
- stated that the cost of current legislation falls almost entirely on industry, transport and households. Only 2% of these large costs fall on agriculture. To move forward, sectors that have so far contributed little will need to do more. Agricultural emissions make the largest relative contribution to PM2.5 in Europe through ammonia emissions. For instance, the major air pollution problem in Paris in the spring of 2014 was predominantly caused by agricultural pollution;

- rejected some claims being made on the impact of agriculture. There is no need to change the structure of the agriculture sector. No action is needed from small farms and there is no need to push for intensification or to reduce animal numbers. The Commission had focused on applying good practice and existing technology in large industrial farms, while providing support for implementation under the rural development programme;
- noted that methane is increasingly driving background concentration of ground-level ozone in the EU, and that it has a strong climate impact. The proposed reductions would help the Commission to argue for similar reductions across the hemisphere; and
- concluded by stating that the Commission proposal represented a balanced and a cost-effective distribution of effort. The implementation costs would be greatly outweighed by the benefits to society, including reduced healthcare costs, increased productivity and opportunities for new jobs in a developing green economy.

Speaking on behalf of the Committee on Industry, Research and Energy, Mr Adam GIEREK (S&D - PL)

- opposed the extension of limits to non-poisonous gases;
- warned that limits on methane emissions would hamper the agricultural sector;
- stated that limits on poisonous gases such as ammonia should apply only to highly urbanised areas. The poisons emitted into the atmosphere have only a local impact. Overseas areas should not be included within the scope;
- stressed the need to update limits on NOx emissions from diesel cars, especially in Central-Eastern Europe; and
- noted that the proposal does not mention the so-called 'low emission', nanoparticles (which pose a major threat to health) or hydrogen sulphide.

Speaking on behalf of the Committee on Agriculture and Rural Development, Mr Jan HUITEMA (ALDE - NL) called for the removal of methane from the scope of the proposal, because methane is a greenhouse gas that should be addressed through climate change legislation. Methane emissions had already been reduced by a third in the EU. The only way to reduce methane emissions from animals is to keep them indoors, with a detrimental impact on animal welfare. Organic farming produces more methane.

Speaking on behalf of the EPP political group, Mr Jens GIESEKE (EPP - DE):

- recalled that it had been possible to reach compromises in many areas;
- stated the EPP's opposition to the tightening by the Committee on the Environment, Public Health and Food Safety of the reduction objectives;
- argued that methane should be excluded, because it will be addressed under climate change legislation;
- stated that over-ambitious goals for ammonia reduction will harm EU farming. A better balance is needed between air quality and competitive farming; and
- stated that, whilst the EPP is not opposed to the inclusion of mercury within the scope of the proposed Directive, an impact assessment is first required.

Speaking on behalf of the S&D political group, Mr Seb DANCE (S&D - UK):

- stated that 700,000 Europeans are dying every year from the effects of the poisonous air that EU citizens are breathing. That represents some 7,000,000 people over a decade - the population of Bulgaria. This creates a human cost and an economic cost. The cost of doing nothing far outweighs the cost of dealing with this issue; and
- stressed the importance of the principle that every contributing sector must play its part in reducing harmful emissions.

Speaking on behalf of the ECR political group, Mrs Jadwiga WIŚNIEWSKA (ECR - PL):

- stated that the proposed limits were not acceptable; and
- argued that methane should not be included, because this would place a big burden on the beef and dairy sectors, which are already facing significant challenges.

Speaking on behalf of the ALDE political group, Mrs Catherine BEARDER (ALDE - UK):

- stated that 55,000 people die from poor air quality in the UK every year. Ninety percent of all Europeans living in cities are exposed to levels of air pollution that are considered to be damaging to human health;
- called for every economic sector to share the burden of making air cleaner and safer in Europe by 2030; and
- called for ammonia emissions to be addressed;

Speaking on behalf of the EUL/NGL political group, Mrs Merja KYLLÖNEN (EUL/NGL - FI):

- stated it is time to introduce concrete and binding emission reduction targets; and
- argued that the scope should include ammonia, methane, mercury and small particulates.

Speaking on behalf of the Greens/EFA political group, Mr Bas EICKHOUT (Greens/EFA - NL):

- called for the plenary to support the report of the Committee on the Environment, Public Health and Food Safety;
- recalled that the Parliament had conducted an impact assessment that had shown that greater emission reductions would benefit citizens' health; and
- stated that every sector needs to make a contribution, including the agricultural sector.

Speaking on behalf of the EFDD political group, Mr Piernicola PEDICINI (EFDD - IT) stated that the EU needs to decide whether to support large corporations or the health of individual citizens.

Speaking on behalf of the ENF political group, Mrs Mireille D'ORNANO (ENF - FR) opposed the inclusion of methane within the scope, because this would cause problems for the agricultural sector.

Dr Peter LIESE (EPP - DE):

- warned against setting the ammonia reduction target at an unrealistic level; and
- called for an impact assessment to be performed before including mercury within the scope.

Mr Matthias GROOTE (S&D - DE) called for mercury to be included within the scope.

Mr Hans-Olaf HENKEL (ECR - DE) called for targets to be set at a feasible level.

Mrs Esteganía TORRES MARTÍNEZ (EUL/NGL - ES):

- called for the inclusion of methane within the scope; and
- called on the Commission to ensure that the proposal would be properly implemented following its adoption.

Mr Roger HELMER (EFDD - UK) argued that targets should be set at the national level.

Mr Andrzej GRZYB (EPP - PL):

- stated that targets should be feasible and should not impose an excessive economic burden; and
- argued that methane should be addressed under different, climate-change, legislation.

Mrs Henna VIRKKUNEN (EPP - FI):

- stated that methane is already addressed within the context of greenhouse gas legislation. It would therefore be wrong to address it under the current proposal as well;
- stated that the proposed ammonia reductions are not realistic;
- argued that mercury should not be included in the scope without an impact assessment; and
- stated that 2025 should be the deadline for a review.

Mrs Cláudia MONTEIRO DE AGUIAR (EPP - PT) called for allowance to be made for the particular character of peripheral regions.

Commissioner VELLA once more took the floor and:

- stated that all sectors need to take action, including agri-industry;
- stressed the need to keep the level of ambition for ammonia in line with the overall objective and to keep methane in the proposal. This would not have any negative impact on animal welfare and would not require animals to be kept indoors;
- agreed with the Rapporteur that, if the Parliament were to adopt a position too distant from the Council, this would jeopardise the chances of an agreement. He therefore encouraged the Parliament to adopt a position close to the Commission's original proposal;
- recalled the Parliament's supplementary impact assessment. Whilst this had shown that the climate and energy package could deliver greater air pollution reduction for broadly the same cost, it had also shown that the same reduction could be delivered at a lower cost. Given that the Parliament's impact assessment does not fully reflect the latest state of play, the latter message should carry more weight;
- argued that if the interim targets for 2025 were to be made binding, this could in some cases lead to disproportionate costs; and

- noted, with regard to reduction commitments for mercury, that emissions from all major sources are regulated under the Industrial Emissions Directive and that reduction commitments under the NEC directive would not further reduce emissions. Furthermore, EU citizens' exposure to mercury is largely due to emissions from third countries. The Commission is preparing the ratification of the Minamata Convention on Mercury which is expected to curb those emissions and thereby reduce exposure of EU citizens to this toxic substance.

The Rapporteur once more took the floor and:

- called on those who were thinking of voting for targets which many others believe to be unattainable and which would lead to considerable delays in reaching an agreement to reconsider their approach; and
- stated that the key issue was not health impacts - of which she was as convinced as anyone - but rather the need to have the proposed Directive enter into force as soon as possible.

III. VOTE

When it voted in plenary on 28 October 2015, the Parliament adopted 124 amendments (amendments 1-53, 55-91, 95-118, 123-127, 131, 134-136 and 152).

The vote on the legislative resolution was then postponed so that the proposal could be referred back for reconsideration to the Committee on the Environment, Public Health and Food Safety.

The text of the adopted amendments is annexed to this note.

Emissions of certain atmospheric pollutants ***I

Amendments adopted by the European Parliament on 28 October 2015 on the 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 (COM(2013)0920 – C7-0004/2014 – 2013/0443(COD))¹

(1) (Ordinary legislative procedure: first reading)

(2) Amendment 2

Proposal for a directive Recital 2

Text proposed by the Commission

- (2) The seventh Environment Action Programme¹⁸ confirms the Union's long-term objective for air policy, to achieve levels of air quality that do not give rise to significant negative impacts on and risks to human health and the environment, and calls, to that end, for full compliance with the current air quality legislation of the Union, post-2020 strategic targets and actions, enhanced efforts in areas where the population and ecosystems are exposed to high levels of air pollutants, and reinforced synergies between air quality legislation and Union's policy objectives set for climate change and biodiversity in particular.

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- ¹⁸ Proposal for a Decision of the European Parliament and of the Council on a General Union Environment Action

Amendment

- (2) The seventh Environment Action Programme¹⁸ confirms the Union's long-term objective for air policy, to achieve levels of air quality that do not give rise to significant negative impacts on and risks to human health and the environment, and calls, to that end, for full compliance with the current air quality legislation of the Union, post-2020 strategic targets and actions, enhanced efforts in areas where the population and ecosystems are exposed to high levels of air pollutants, and reinforced synergies between air quality legislation and Union's policy objectives set for climate change and biodiversity in particular. ***The Common Agricultural Policy for the 2014-2020 period offers the possibility for Member States to contribute to air quality with specific measures. Future evaluation will provide a better understanding of the effects of these measures.***

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- ¹⁸ Proposal for a Decision of the European Parliament and of the Council on a General Union Environment Action

¹ The matter was referred back to the committee responsible for reconsideration pursuant to Rule 61(2), second subparagraph (A8-0249/2015)

Programme to 2020 ‘Living well, within the limits of our planet’, COM (2012) 710, 29.11.2012.

Programme to 2020 ‘Living well, within the limits of our planet’, COM (2012) 710, 29.11.2012.

(3) Amendment 3

**Proposal for a directive
Recital 4 a (new)**

Text proposed by the Commission

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Amendment

- ***(4a) Member States and the Union are parties to the 2013 Minamata Convention on Mercury, which seeks to improve human health and environmental protection through the reduction of mercury emissions from existing and new sources. This Directive should contribute to the reduction of mercury emissions in the Union as required by the Communication from the Commission to the Council and the European Parliament of 28 January 2005 on a Community Strategy on Mercury and the Minamata Convention on Mercury.***

(4) Amendment4

**Proposal for a directive
Recital 6**

Text proposed by the Commission

- (6) The national emission ceiling regime established by Directive 2001/81/EC should therefore be revised in order to ***align it*** with the international commitments of the Union and the Member States.

Amendment

- (6) The national emission ceiling regime established by Directive 2001/81/EC should therefore be revised in order to ***ensure compliance*** with the international commitments of the Union and the Member States.

(5) Amendment 5

**Proposal for a directive
Recital 8**

Text proposed by the Commission

- (8) This Directive should also contribute to the achievement of the air quality objectives set in Union legislation and to the mitigation of climate change

Amendment

- (8) This Directive should also contribute to the achievement, ***in a cost-effective manner***, of the air quality objectives set in Union legislation and to

impacts by reducing emissions of short-lived climate pollutants *as well as* to the improvement of air quality globally.

the mitigation of climate change impacts by reducing emissions of short-lived climate pollutants *in addition* to the improvement of air quality globally *and by improving synergies with Union climate and energy policy and ensuring non-duplication of existing Union legislation. In particular, this Directive should be aligned with evolving Union and international climate change action, including, but not limited to, the 2030 policy framework for climate and energy and a comprehensive, binding global climate change agreement.*

(6) Amendment 6

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

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Amendment

• *(8a) This Directive should also contribute to the reduction of the health-related costs of air pollution in the Union by improving EU citizens' quality of life as well as to favour the transition to a green economy.*

(7) Amendment 7

Proposal for a directive
Recital 8 b (new)

Text proposed by the Commission

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Amendment

• *(8b) In order to reduce emissions from maritime transport, it is necessary to ensure a full and timely implementation of the limits laid down by the International Maritime Organization (IMO) and a strict enforcement of Directive 2012/33/EU of the European Parliament and of the Council^{1a}. Further action to control shipping emissions is also needed. It is appropriate that the Union and Member States consider defining new emission control areas and continue to work within the IMO to further reduce the emissions.*

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- ^{1a} *Directive 2012/33/EU of the European Parliament and of the Council of 21 November 2012 amending Council Directive 1999/32/EC as regards the sulphur content of marine fuels (OJ L 327, 27.11.2012, p. 1).*

(8) Amendment 8

Proposal for a directive
Recital 9

Text proposed by the Commission

- (9) *Member States should comply with the emission reduction commitments set out in this Directive for 2020 and 2030. So as to ensure demonstrable progress towards the 2030 commitments, Member States should meet intermediate emission levels in 2025, set on the basis of a linear trajectory between their emission levels for 2020 and those defined by the emission reduction commitments for 2030, unless this would entail disproportionate costs. Where the 2025 emissions cannot be so limited, Member States should explain the reasons in their reports under this Directive.*

Amendment

- (9) *In order to limit the atmospheric emissions of air pollutants and to effectively contribute to the Union objective of achieving air quality that does not give rise to significant negative impacts on and risks to health, and to reducing the levels and deposition of acidifying and eutrophying pollutants below critical loads and levels, binding national emission reduction commitments are set in this Directive for 2020, 2025 and 2030.*

(9) Amendment 9

Proposal for a directive
Recital 11

Text proposed by the Commission

- (11) In order to promote cost-effective achievement of the national emission reduction commitments *and of the intermediate emission levels*, Member States should *be entitled to account for emission reductions from international maritime traffic if emissions from that sector are lower than the levels of emissions that would result from compliance with Union law standards, including the sulphur limits for fuels set in Directive 1999/32/EC of the Council.*²¹ *Member States should also* have the possibility to jointly meet their

Amendment

- (11) In order to promote cost-effective achievement of the national emission reduction commitments, Member States should have the possibility to jointly meet their commitments regarding methane (CH₄) and of making use of Decision n°406/2009/EC of the European Parliament and of the Council for so doing.²² For the purpose of checking compliance with their national emission ceilings, emission reduction commitments and emission levels, Member States could adjust their national emission inventories in view of improved scientific understanding and

commitments *and intermediate emission levels* regarding methane (CH₄) and of making use of Decision n°406/2009/EC of the European Parliament and of the Council for so doing.²² For the purpose of checking compliance with their national emission ceilings, emission reduction commitments and *intermediate* emission levels, Member States could adjust their national emission inventories in view of improved scientific understanding and methodologies regarding emissions. The Commission could object to the use of *any of these flexibilities* by a Member State, should the conditions set out in this Directive not be met.

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- ²¹ *Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC (OJ L 121, 11.5.1999, p. 13).*

- ²² Decision n°406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 (OJ L 140, 5.6.2009, p. 136).

methodologies regarding emissions. The Commission could object to the use of *these flexibilities* by a Member State, should the conditions set out in this Directive not be met.

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- ²² Decision n°406/2009/EC of the European Parliament and of the Council of 23 April 2009 on the effort of Member States to reduce their greenhouse gas emissions to meet the Community's greenhouse gas emission reduction commitments up to 2020 (OJ L 140, 5.6.2009, p. 136).

(10) Amendment 10

**Proposal for a directive
Recital 12**

Text proposed by the Commission

- (12) Member States should adopt and implement a national air pollution control programme with a view to meeting their emission reduction requirements and *intermediate emission levels, and* to contributing effectively to the achievement of the Union air quality objectives. To this effect, Member States should take account of the need to reduce emissions in zones and agglomerations affected by excessive air pollutant concentrations and/or in those that contribute significantly to air pollution

Amendment

- (12) Member States should adopt and implement a national air pollution control programme with a view to meeting their emission reduction requirements and to contributing effectively to the achievement of the Union air quality objectives. To this effect, Member States should take account of the need to reduce emissions in zones and agglomerations affected by excessive air pollutant concentrations and/or in those that contribute significantly to air pollution in

in other zones and agglomerations, including in neighbouring countries. National air pollution control programmes should, to that end, contribute to the successful implementation of air quality plans enacted under Article 23 of Directive 2008/50/EC of the European Parliament and of the Council.²³

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- ²³ Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air in Europe (OJ L 152, 11.6.2008, p. 1).

other zones and agglomerations, including in neighbouring countries. National air pollution control programmes should, to that end, contribute to the successful implementation of air quality plans enacted under Article 23 of Directive 2008/50/EC of the European Parliament and of the Council.²³

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- ²³ Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air in Europe (OJ L 152, 11.6.2008, p. 1).

(11) Amendment 11

**Proposal for a directive
Recital 13**

Text proposed by the Commission

- (13) In order to reduce atmospheric ***NH₃ and PM_{2,5}*** emissions from the main contributors, national air pollution control programmes should include measures applicable to the agricultural sector. Member States should be entitled to implement measures other than those set out in this Directive with an equivalent level of environmental performance owing to specific national circumstances.

Amendment

- (13) In order to reduce atmospheric ***NH₃, CH₄ and PM_{2.5}*** emissions from the main contributors, national air pollution control programmes should include measures applicable to the agricultural sector. ***These measures should be cost-effective and based on specific information and data, taking account of scientific progress and previous measures undertaken by Member States. The development of guidelines on good agricultural practice for using NH₃, to be exchanged at Union level, would also be desirable in an attempt to reduce these emissions.*** Member States should be entitled to implement measures other than those set out in this Directive with an equivalent level of environmental performance owing to specific national circumstances.

(12) Amendment 12

**Proposal for a directive
Recital 13 a (new)**

Text proposed by the Commission

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Amendment

- ***(13a) In order to reduce***

emissions from the main contributors, national air pollution control programmes should include measures applicable to all relevant sectors, including agriculture, industry, road transport, non-road mobile machinery, inland and domestic shipping, domestic heating and solvents. Member States should be entitled to implement measures other than those set out in this Directive with an equivalent level of environmental performance taking into account specific national circumstances.

(13) Amendment 13

Proposal for a directive
Recital 13 b (new)

Text proposed by the Commission

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Amendment

• *(13b) In taking measures to be included in national air control programmes which are applicable to the agricultural sector, Member States should ensure that impacts on small to medium-sized farms are fully taken into account and these impacts do not entail significant additional costs that cannot be borne by such farms. Improvements in air quality should be achieved through proportionate measures that safeguard the future of agricultural holdings. The national air pollution control programmes should provide a balance between animal husbandry and pollution control.*

(14) Amendment 14

Proposal for a directive
Recital 13 c (new)

Text proposed by the Commission

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Amendment

• *(13c) The measures taken under national air pollution control programmes to prevent NH₃, CH₄ and PM_{2.5} emissions in the agricultural sector should be eligible for financial support under, inter alia, the Rural Development Funds, in particular measures by small and medium-sized farms requiring*

significant changes of practices or significant investments such as extensive grazing, agroecology, anaerobic digestion for biogas production using farm waste, and low emission housing systems.

(15) Amendment 15

Proposal for a directive
Recital 14 a (new)

Text proposed by the Commission

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Amendment

• ***(14a) In order to improve air quality, particularly in urban areas, national air pollution control programmes should include measures to reduce emissions of nitrogen oxides and particulate matter in those areas.***

(16) Amendment 16

Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission

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Amendment

• ***(15a) In accordance with the Aarhus Convention on access to information, public participation in decision-making and access to justice in environmental matters and with the case law of the Court of Justice, the public should be given wide access to justice in order to ensure the effective implementation and enforcement of this Directive and to contribute to the protection of the right to live in an environment which is adequate for personal health and well-being.***

(17) Amendment 17

Proposal for a directive
Recital 15 b (new)

Text proposed by the Commission

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Amendment

• ***(15b) Environmental inspections***

and market surveillance are needed in order to ensure the effectiveness of this Directive and of measures adopted pursuant to the achievement of its objectives.

(18) Amendment 18

Proposal for a directive
Recital 15 c (new)

Text proposed by the Commission

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Amendment

- ***(15c) When assessing the synergies between EU air quality policy and climate and energy policy the Commission should take account of the European Parliamentary Research Service's study "Air Quality - Complementary Impact Assessment on interactions between EU air quality policy and climate and energy policy".***

(19) Amendment123

Proposal for a directiveRecital 20

Text proposed by the Commission

- (20) It is necessary to amend Directive 2003/35/EC of the European Parliament and of the Council²⁶ with a view to ensuring consistency of this Directive with the 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

- ²⁶ Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (OJ L156, 25.6.2003, p. 17).

Amendment

- (20) It is necessary to amend Directive 2003/35/EC of the European Parliament and of the Council²⁶ with a view to ensuring consistency of this Directive ***and Directive 2008/50/EC*** with the 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters.

- ²⁶ Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003 providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice Council Directives 85/337/EEC and 96/61/EC (OJ L156, 25.6.2003, p. 17).

(20) Amendment 19

Proposal for a directive
Recital 21

Text proposed by the Commission

- (21) In order to take into account technical developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of amending the reporting guidelines set out in Annex I, as well as Part 1 of Annex III and Annexes IV and V to adapt them to technical progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Amendment

- (21) In order to take into account technical developments, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission ***for a determinate period*** in respect of amending the reporting guidelines set out in Annex I, as well as Part 1 of Annex III and Annexes IV and V to adapt them to technical progress. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

(21) Amendment 21

Proposal for a directive
Recital 26 a (new)

Text proposed by the Commission

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Amendment

- ***(26a) The candidate and potential candidate countries should align, as far as possible, their national laws with this Directive.***

(22) Amendment 22

Proposal for a directive
Article 1 – paragraph 1 a (new)

Text proposed by the Commission

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Amendment

- ***This Directive aims at limiting atmospheric emissions of acidifying and eutrophying pollutants, ozone precursors, primary particulate matter and precursors of secondary particulate matter and other air pollutants, thereby contributing to:***

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- - *(a) the Union's long-term objective of achieving levels of air quality that do not give rise to significant negative impacts on and risks to human health and the environment, in line with the air quality guidelines published by the World Health Organisation;*
 - *(b) the achievement of Union biodiversity and ecosystem objectives by reducing the levels and deposition of acidifying and eutrophying pollutants, and other pollutants, including ground-level ozone, below critical loads and levels;*
 - *(c) the achievement of the air quality objectives set out in legislative acts of the Union;*
 - *(d) the mitigation of climate change impacts by reducing emissions of short-lived climate pollutants and by improving synergies with Union climate and energy policy.*
 - *This Directive shall in particular, be aligned with evolving Union and international climate change action, including, but not limited to, the 2030 policy framework for climate and energy and a comprehensive, binding global climate change agreement.*

(23) Amendment 131
Proposal for a directive
Article 3 - point 2

Text proposed by the Commission

- 2. ‘ozone precursors’ mean nitrogen oxides, non-methane volatile organic compounds, *methane*, and carbon monoxide;

Amendment

- 2. ‘ozone precursors’ mean nitrogen oxides, non-methane volatile organic compounds and carbon monoxide;

(24) Amendment 23
Proposal for a directive
Article 3 – point 3 a (new)

Text proposed by the Commission

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Amendment

- **3a. "critical load" means a quantitative estimate of an exposure to**

one or more pollutants below which, according to present knowledge, significant adverse effects on specified sensitive elements of the environment do not occur;

(25) Amendment 24

Proposal for a directive
Article 3 – point 3 b (new)

Text proposed by the Commission

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Amendment

- **3b. "critical level" means the concentration of pollutants in the atmosphere or fluxes to receptors above which, according to present knowledge, direct adverse effects on receptors, such as human beings, plants, ecosystems or materials, may occur;**

(26) Amendment 25

Proposal for a directive
Article 3 – point 4 a (new)

Text proposed by the Commission

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Amendment

- **4a. "ground-level ozone" means ozone in the lowermost part of the troposphere;**

(27) Amendment 26

Proposal for a directive
Article 3 – point 4 b (new)

Text proposed by the Commission

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Amendment

- **4b. "volatile organic compounds" (VOC) mean all organic compounds arising from human activities, other than methane, which are capable of producing photochemical oxidants by reactions with nitrogen oxides in the presence of sunlight;**

(28) Amendment 28

Proposal for a directive
Article 3 – point 6 a (new)

Text proposed by the Commission

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Amendment

- **6a. "national emission ceiling" means the maximum amount of a substance expressed in kilotonnes, which may be emitted in a Member State in a calendar year;**

(29) Amendment 29

Proposal for a directive
Article 3 – point 9

Text proposed by the Commission

- **9. 'international maritime traffic' means journeys at sea and in coastal waters by water-borne vessels of all flags, save fishing vessels, that depart from the territory of one country and arrive in the territory of another country;**

Amendment

- **deleted**

(30) Amendment 30

Proposal for a directive
Article 3 – point 12 a (new)

Text proposed by the Commission

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Amendment

- **12a. "EU source-based air pollution policies" means Regulations or Directives which, irrespective of the obligations laid down in those Regulations or Directives, have as a goal, whether partially or not, to reduce the emissions of sulphur dioxide (SO₂), nitrogen oxides (NO_x), non-methane volatile organic compounds (NMVOC), ammonia (NH₃), particulate matter (PM_{2,5}) and methane (CH₄), by undertaking mitigation measures at the source, including at least, but not exclusively, the reductions of emissions accomplished by:**
 - **- Directive 94/63/EC^{1a},**
 - **- Directive 97/68/EC^{1b},**

- *^{1f} Directive 2004/42/CE of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (OJ L 143, 30.4.2004, p. 87).*
- *^{1g} Directive 2007/46/EC of the European Parliament and of the Council of 5 September 2007 establishing a framework for the approval of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles (Framework Directive) (OJ L 263, 9.10.2007, p. 1).*
- *^{1h} Regulation (EC) No 715/2007 of the European Parliament and of the Council of 20 June 2007 on type approval of motor vehicles with respect to emissions from light passenger and commercial vehicles (Euro 5 and Euro 6) and on access to vehicle repair and maintenance information (OJ L 171, 29.6.2007, p. 1).*
- *¹ⁱ Regulation (EC) No 79/2009 of the European Parliament and of the Council of 14 January 2009 on type-approval of hydrogen-powered motor vehicles, and amending Directive 2007/46/EC (OJ L 35, 4.2.2009, p. 32).*
- *^{1j} Regulation (EC) No 595/2009 of the European Parliament and of the Council of 18 June 2009 on type-approval of motor vehicles and engines with respect to emissions from heavy duty vehicles (Euro VI) and on access to vehicle repair and maintenance information and amending Regulation (EC) No 715/2007 and Directive 2007/46/EC and repealing Directives 80/1269/EEC, 2005/55/EC and 2005/78/EC (OJ L 188, 18.7.2009, p. 1).*
- *^{1k} Regulation (EC) No 661/2009 of the European Parliament and of the Council of 13 July 2009 concerning type-approval requirements for the general safety of motor vehicles, their trailers and systems, components and separate technical units intended therefor (OJ L*

200, 31.7.2009, p. 1).

- ¹¹ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17).
- ^{1m} Regulation (EU) No 167/2013 of the European Parliament and of the Council of 5 February 2013 on the approval and market surveillance of agricultural and forestry vehicles (OJ L 60, 2.3.2013, p. 1).
- ¹ⁿ Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52).
- ^{1o} Directive 2014/94/EU of the European Parliament and of the Council of 22 October 2014 on the deployment of alternative fuels infrastructure (OJ L 307, 28.10.2014, p. 1).

(31) Amendment 31

Proposal for a directive
Article 3 – point 12 b (new)

Text proposed by the Commission

Amendment

- **12b. "the public concerned" means the public affected or likely to be affected by, or having an interest in emissions of air pollution into the atmosphere; for the purposes of this definition, non-governmental organisations promoting environmental protection, consumer organisations, organisations representing the interests of vulnerable populations and other relevant health-care bodies meeting requirements under national law shall be deemed to have an interest.**

(32) Amendment 32

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

- 1. Member States shall, as a minimum, limit their annual anthropogenic emissions of sulphur dioxide (SO₂), nitrogen oxides (NO_x), volatile organic compounds ***other than methane*** (NMVOC), ammonia (NH₃), particulate matter (PM_{2,5}) ***and methane (CH₄)*** in accordance with the national emission reduction commitments applicable from 2020 and 2030, as laid down in Annex II.

(33) Amendment 33

**Proposal for a directive
Article 4 – paragraph 1 a (new)**

Text proposed by the Commission

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Amendment

- 1. Member States shall, as a minimum, limit their annual anthropogenic emissions of sulphur dioxide (SO₂), nitrogen oxides (NO_x), ***non-methane*** volatile organic compounds (NMVOC), ammonia (NH₃), particulate matter (PM_{2,5}), in accordance with the national emission reduction commitments applicable from 2020, ***2025*** and 2030, as laid down in Annex II.

Amendment

- ***1a. Member States shall, as a minimum, limit their annual anthropogenic emissions of methane (CH₄) except emissions of enteric methane produced by ruminant livestock in accordance with the national emission reduction commitments applicable from 2030, as laid down in Annex II.***

(34) Amendment 34

**Proposal for a directive
Article 4 – paragraph 2 – subparagraph 1**

Text proposed by the Commission

- ***Without prejudice to paragraph 1, Member States shall take all the necessary measures not entailing disproportionate costs to limit their 2025 anthropogenic emissions of SO₂, NO_x, NMVOC, NH₃, PM_{2,5} and CH₄. The levels of those emissions shall be determined on the basis of fuels sold, by a linear reduction trajectory established between their emission levels for 2020 and the emission levels defined by the emission reduction commitments for 2030.***

Amendment

- Member States shall ***provide, in their reports submitted to the Commission in accordance with Article 9, updates on their progress towards achieving their national emission reduction commitments.***

(35) Amendment 35

Proposal for a directive
Article 4 – paragraph 3 – introductory part

Text proposed by the Commission

- 3. The following emissions are not **accounted** for the purpose of complying with **paragraphs 1 and 2**:

Amendment

- 3. The following emissions are not **taken into account** for the purpose of complying with **paragraph 1**:

(36) Amendment 36

Proposal for a directive
Article 4 – paragraph 3 – point d

Text proposed by the Commission

- (d) emissions from international maritime traffic, **without prejudice to Article 5(1)**.

Amendment

- (d) emissions from international maritime traffic.

(37) Amendment 37

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

- **1. In order to comply with the intermediate emission levels determined for 2025 in accordance with Article 4, paragraph 2, and the national emission reduction commitments set out in Annex II applicable from 2030 onwards for NO_x, SO₂ and PM_{2,5}, Member States may offset NO_x, SO₂ and PM_{2,5} emission reductions achieved by international maritime traffic against NO_x, SO₂ and PM_{2,5} emissions released by other sources in the same year, provided that they meet the following conditions:**
 - **(a) the emission reductions occur in the sea areas that fall within the Member States' territorial seas, exclusive economic zones or in pollution control zones if such zones have been established;**
 - **(b) they have adopted and implemented effective monitoring and inspection measures to ensure a proper operation of this flexibility;**

Amendment

- **deleted**

- (c) they have implemented measures to achieve lower NO_x , SO_2 and $\text{PM}_{2,5}$ emissions from international maritime traffic than the emissions levels that would be achieved by compliance with the Union standards applicable to emissions of NO_x , SO_2 and $\text{PM}_{2,5}$ and have demonstrated an adequate quantification of the additional emission reductions resulting from these measures;
- (d) they have not offset more than 20% of the NO_x , SO_2 and $\text{PM}_{2,5}$ emission reductions calculated in accordance with point (c), provided that the offset does not result in non-compliance with the national emission reduction commitments for 2020 set out in Annex II.

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(38) Amendment 38

Proposal for a directive
Article 5 – paragraph 2 – introductory part

Text proposed by the Commission

- Member States may jointly implement their methane emission reduction commitments **and intermediate emission levels** referred to in Annex II, provided that they meet the following conditions:

Amendment

- Member States may jointly implement their methane emission reduction commitments referred to in Annex II, provided that they meet the following conditions:

(39) Amendment 39

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission

- 3. Member States may establish adjusted annual national emission inventories for SO_2 , NO_x , NH_3 , NMVOC and $\text{PM}_{2,5}$ in accordance with Annex IV where non-compliance with their national emission reduction commitments **or their intermediate emission levels** would result from applying improved emission inventory methods updated in accordance with scientific knowledge.

Amendment

- 3. Member States may establish adjusted annual national emission inventories for SO_2 , NO_x , NH_3 , NMVOC and $\text{PM}_{2,5}$ in accordance with Annex IV where non-compliance with their national emission reduction commitments would result from applying improved emission inventory methods updated in accordance with scientific knowledge.

(40) Amendment 40

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission

- 4. Members States that intend to apply **paragraphs 1, 2 and 3** shall inform the Commission by **30 September** of the year preceding the reporting year concerned. That information shall include the pollutants and sectors concerned and, where available, the magnitude of the impacts upon national emission inventories.

Amendment

- 4. Members States that intend to apply **the flexibilities under this Directive** shall inform the Commission by **31 December** of the year preceding the reporting year concerned. That information shall include the pollutants and sectors concerned and, where available, the magnitude of the impacts upon national emission inventories.

(41) Amendment 41

Proposal for a directive
Article 5 – paragraph 5 – subparagraph 1

Text proposed by the Commission

- The Commission, assisted by the European Environment Agency, shall review and assess whether the use of **any of the flexibilities** for a particular year fulfils the relevant requirements and criteria.

Amendment

- The Commission, assisted by the European Environment Agency, shall review and assess whether the use of **a flexibility or adjustment** for a particular year fulfils the relevant requirements and criteria.

(42) Amendment 42

Proposal for a directive
Article 5 – paragraph 5 – subparagraph 2

Text proposed by the Commission

- Where the Commission has raised no objections within **nine** months from the date of receipt of the relevant report referred to in Article 7, paragraphs 4, 5 and 6, the Member State concerned shall consider the use of the flexibility applied to be accepted and valid for that year. Where the Commission considers the use of a flexibility not to be in accordance with the applicable requirements and criteria, it shall adopt a Decision and inform the Member State that it cannot be accepted.

Amendment

- Where the Commission has raised no objections within **six** months from the date of receipt of the relevant report referred to in Article 7, paragraphs 5 and 6, the Member State concerned shall consider the use of the flexibility applied to be accepted and valid for that year. Where the Commission considers the use of a flexibility not to be in accordance with the applicable requirements and criteria, it shall, **within nine months from the date of receipt of the relevant report**, adopt a Decision and inform the Member State that

it cannot be accepted. *The decision shall be accompanied by a justification.*

(43) Amendment 43

**Proposal for a directive
Article 5 – paragraph 6**

Text proposed by the Commission

- 6. The Commission may adopt implementing acts specifying the detailed rules for the use of *the flexibilities* as referred to in *paragraphs 1, 2 and 3*, in accordance with the examination procedure referred to in Article 14.

Amendment

- 6. The Commission may adopt implementing acts specifying the detailed rules for the use of *a flexibility* as referred to in *paragraphs 2 and 3*, in accordance with the examination procedure referred to in Article 14.

(44) Amendment 44

**Proposal for a directive
Article 6 – paragraph 1**

Text proposed by the Commission

- 1. Member States shall draw up and adopt a national air pollution control programme in accordance with Part 2 of Annex III in order to limit their annual *anthropogenic* emissions in accordance with Article 4.

Amendment

- 1. Member States shall draw up and adopt a national air pollution control programme in accordance with Part 2 of Annex III in order to limit their annual emissions in accordance with Article 4, *and to achieve the objectives of this Directive pursuant to Article 1.*

(45) Amendment 45

**Proposal for a directive
Article 6 – paragraph 2 – subparagraph 1 – point a (new)**

Text proposed by the Commission

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Amendment

- *(aa) consider the cost-effectiveness of emission reduction measures and take into account emission reductions that have been achieved or, if the Member State prioritises its emission reduction measures, can be achieved by applying existing Union legislation;*

(46) Amendment 46

**Proposal for a directive
Article 6 – paragraph 2 – subparagraph 1 – point a b (new)**

Text proposed by the Commission

Amendment

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- ***(ab) prioritise specific policy measures which aim at reducing risks to the health of vulnerable groups of people and to ensure compliance with the exposure reduction target established in accordance with Section B of Annex XIV to Directive 2008/50/EC;***

(47) Amendment 47

**Proposal for a directive
Article 6 – paragraph 2 – subparagraph 1 – point b**

Text proposed by the Commission

Amendment

- ***(b) take account of the need to reduce air pollutant emissions for the purpose of reaching compliance with air quality objectives in their territories and, where appropriate in neighbouring Member States;***

- ***(b) reduce air pollutant emissions for the purpose of reaching compliance with air quality objectives in their territories, in particular the limit values under Directive 2008/50/EC, and, where appropriate in neighbouring Member States;***

(48) Amendment 48

**Proposal for a directive
Article 6 – paragraph 2 – subparagraph 1 – point b a (new)**

Text proposed by the Commission

Amendment

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- ***(ba) quantify the additional emission reductions needed in order to meet by 2030 ambient air quality levels equal to or below the levels as recommended by the World Health Organisation;***

(49) Amendment 49

**Proposal for a directive
Article 6 – paragraph 2 – subparagraph 1 – point b b (new)**

Text proposed by the Commission

Amendment

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- ***(bb) quantify the additional emission reductions needed in order to reach the critical loads and levels for the protection of the environment by 2030;***

(50) Amendment 50

Proposal for a directive

Article 6 – paragraph 2 – subparagraph 1 – point b c (new)

Text proposed by the Commission

Amendment

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- ***(bc) identify relevant measures to meet the objectives referred to in (ba) and (bb);***

(51) Amendment 51

Proposal for a directive

Article 6 – paragraph 2 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

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- ***(ca) support the shift of investments towards clean and efficient technologies and sustainable production with the help of fiscal incentives;***

(52) Amendment 52

Proposal for a directive

Article 6 – paragraph 2 – subparagraph 1 – point c b (new)

Text proposed by the Commission

Amendment

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- ***(cb) assess the extent to which different national geographic regions have distinct needs and difficulties in tackling air pollution;***

(53) Amendment 53

Proposal for a directive

Article 6 – paragraph 2 – subparagraph 1 – point d a (new)

Text proposed by the Commission

Amendment

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- ***(da) ensure that the relevant competent authorities monitor the effectiveness of measures brought into force by Member States in order to comply with this Directive and, if necessary, are empowered to take action.***

(54) Amendment 124

Proposal for a directive

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

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Amendment

• **2a. The Commission shall ensure that all EU source-based air pollution policies are fit for purpose and contribute towards reaching the EU's air quality objectives.**

• **To that end, the Commission and the Member States shall immediately agree on the new Real Driving Emissions (RDE) regulation proposal currently under consideration.**

• **The new type approval test method shall apply no later than 2017 and ensure that pollutants such as NO_x, and particulate matter (PM_{2.5} and PM₁₀) are effectively limited under conformity factors necessary to represent real driving conditions. The new tests shall be independent and transparent.**

• **These conformity factors shall be strict and quantified to only represent the uncertainty of the RDE test procedure.**

(55) Amendment 55

Proposal for a directive Article 6 – paragraph 2 b (new)

Text proposed by the Commission

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Amendment

• **2b. Member States shall establish a system of routine and non-routine environmental inspections and market surveillance and public reporting of mobile and stationary sources to ensure that policies and measures are effective in delivering emission reductions under real operating conditions.**

• **By ... * the Commission shall present a legislative proposal for a Union-wide system of in-use surveillance testing and public reporting of emission standards for light duty vehicles, administered by the relevant competent authority, in order to verify that vehicles and engines are Euro 6 compliant**

throughout their full useful life.

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- *OJ: Please insert the date two years from the date of transposition of this Directive.

(56) Amendment 56

**Proposal for a directive
Article 6 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

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- **3a. Member States may support the gradual elimination of the sources of low-level emissions by encouraging the replacement, in the transport and fuel supply sector, of porous hoses by emission-free hose technologies.**

(57) Amendment 57

**Proposal for a directive
Article 6 – paragraph 4 – point b**

Text proposed by the Commission

Amendment

- (b) Member States decide to make use of **any of the flexibilities** set out in Article 5.
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- (b) Member States decide to make use of **a flexibility** set out in Article 5.
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(58) Amendment 58

**Proposal for a directive
Article 6 – paragraph 4 – subparagraph 1 a (new)**

Text proposed by the Commission

Amendment

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- **National air pollution control programmes shall indicate whether Member States intend to make use of a flexibility set out in Article 5.**

(59) Amendment 59

**Proposal for a directive
Article 6 – paragraph 5**

Text proposed by the Commission

- 5. Member States shall consult, in accordance with relevant Union legislation, **the public and** competent authorities, which, by reason of their specific environmental responsibilities in the field of air pollution, quality and management at all levels, are likely to be concerned by the implementation of the national air pollution control programmes, on their draft national air pollution control programme and **any significant** updates prior to their finalisation. **Where appropriate, transboundary consultations shall be ensured in accordance with relevant Union legislation.**

Amendment

- 5. Member States shall consult, in accordance with relevant Union legislation, competent authorities, which, by reason of their specific environmental responsibilities in the field of air pollution, quality and management at all levels, are likely to be concerned by the implementation of the national air pollution control programmes, on their draft national air pollution control programme and **all** updates prior to their finalisation. **These consultations shall include the relevant local or regional authorities responsible for implementing emission abatement policies in specified zones and/or agglomerations, and shall not exclude zones and/or agglomerations which are located in at least two Member States.**

(60) Amendment 60

**Proposal for a directive
Article 6 – paragraph 5 – subparagraph 1 a (new)**

Text proposed by the Commission

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Amendment

- **Member States shall ensure, in accordance with relevant Union law, that members of the public concerned are consulted at an early stage in the drawing up and review of draft national air pollution control programmes and in any updates of those programmes prior to their finalisation. Where appropriate, transboundary consultations shall be ensured in accordance with relevant Union law, including Article 25 of Directive 2008/50/EC.**

(61) Amendment 61

**Proposal for a directive
Article 6 – paragraph 5 a (new)**

Text proposed by the Commission

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Amendment

- **5a. Member States shall appoint their own independent expert body to**

conduct a review of draft national air pollution programmes to assess the accuracy of the information and the adequacy of the policies and measures set out in those programmes. The results of that review shall be made publicly available prior to the publication of the draft national air pollution control programme in order to facilitate meaningful public participation.

(62) Amendment 62

Proposal for a directive
Article 6 – paragraph 6 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

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- ***The Commission shall provide guidance for emission reduction measures not included in Part 1 of Annex III, including domestic heating and road transport, which Member States may include in the national air pollution control programme.***

(63) Amendment 63

Proposal for a directive
Article 6 – paragraph 8

Text proposed by the Commission

Amendment

- 8. The Commission ***may*** establish guidance on the elaboration and implementation of national air pollution control programmes.
- 8. The Commission ***shall*** establish guidance on the elaboration and implementation of national air pollution control programmes.

(64) Amendment 64

Proposal for a directive
Article 6 – paragraph 9

Text proposed by the Commission

Amendment

- 9. The Commission ***may*** also specify the format and the necessary information concerning Member States' national air pollution control programmes in the form of implementing acts. These implementing acts shall be adopted in
- 9. The Commission ***shall*** also specify the format and the necessary information concerning Member States' national air pollution control programmes in the form of implementing acts. These implementing acts shall be adopted in

accordance with the examination procedure referred to in Article 14.

accordance with the examination procedure referred to in Article 14.

(65) Amendment65

**Proposal for a directive
Article 6 a (new)**

Text proposed by the Commission

Amendment

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- **Article 6a**
- **Clean Air Fund**
- **The Commission shall facilitate access to financial support to help ensure that appropriate measures can be taken to comply with the objectives of this Directive.**
- **This shall include available funding under, inter alia:**
- **(a) agricultural funding, including that available under the Common Agricultural Policy 2014-2020, as amended in the 2017 mid-term review to include Air Quality as a public good with particular reference to ammonia or methane, or both, so as to offer Member States and relevant regional and local authorities the opportunity to contribute to emission reductions with specific measures, and for assistance to do so;**
- **(b) future work programmes of the Horizon 2020 - the Framework Programme for Research and Innovation;**
- **(c) European Structural and Investment Funds;**
- **(d) Funding instruments for the environment and climate action such as LIFE;**
- **(e) any combination of the above.**
- **The Commission shall ensure that funding procedures are simple, transparent and accessible to different levels of government.**
- **The Commission shall evaluate the possibility of creating a one-stop shop, where entities can easily find the availability of funds and the procedures related to access projects which address air pollution concerns.**

(66) Amendment 67

Proposal for a directive
Article 7 – paragraph 4

Text proposed by the Commission

Amendment

- 4. Member States that apply the flexibility under Article 5(1) shall include the following information in the informative inventory report of the year concerned:
 - (a) the quantity of emissions of NO_x , SO_2 and $PM_{2,5}$ that would have occurred in the absence of an emission control area;
 - (b) the level of emission reductions attained in the Member State's part of the emission control area in accordance with Article 5(1)(c);
 - (c) the extent to which they apply this flexibility;
 - (d) any additional data Member States may deem appropriate to allow the Commission, assisted by the European Environment Agency, to carry out a complete assessment of the conditions under which the flexibility has been implemented.

- *deleted*

(67) Amendment 68

Proposal for a directive
Article 7 – paragraph 7

Text proposed by the Commission

Amendment

- 7. Member States shall establish the emission inventories, including adjusted emission inventories, emission projections and the informative inventory report in accordance with Annex IV.

- 7. Member States shall establish the emission inventories, including **if appropriate** adjusted emission inventories, emission projections and the informative inventory report in accordance with Annex IV.

(68) Amendment 69

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

- 1. Member States shall **ensure, if practicable, the monitoring of** adverse impacts of air pollution upon ecosystems in accordance with the requirements laid down in Annex V.

(69) Amendment 70

**Proposal for a directive
Article 8 – paragraph 2**

Text proposed by the Commission

- 2. Member States shall, **where appropriate**, coordinate the monitoring of air pollution impacts with other monitoring programmes established by virtue of Union legislation, including Directive 2008/50/EC and Directive 2000/60/EC of the European Parliament and of the Council.³⁰

- ³⁰ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1)

(70) Amendment 71

**Proposal for a directive
Article 9 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

- 1. Member States shall provide their national air pollution control programme to the Commission **[within three months of the date referred to in Article 17, date to be inserted by OPOCE]** and updates every two years thereafter.

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Amendment

- 1. Member States shall **monitor the** adverse impacts of air pollution upon ecosystems in accordance with the requirements laid down in Annex V.

Amendment

- 2. Member States shall coordinate the monitoring of air pollution impacts with other monitoring programmes established by virtue of Union legislation, including Directive 2008/50/EC and Directive 2000/60/EC of the European Parliament and of the Council.³⁰

- ³⁰ Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1)

Amendment

- 1. Member States shall provide their national air pollution control programme to the Commission **by ... *** and updates every two years thereafter.

- ^{*} ***OJ: Please insert the date six months after entry into force of this Directive.***

(71) Amendment 72

Proposal for a directive
Article 9 – paragraph 1 – subparagraph 2

Text proposed by the Commission

- Where a national air pollution control programme is updated under Article 6(4), the Member State concerned shall ***inform the Commission thereof*** within two months.

Amendment

- Where a national air pollution control programme is updated under Article 6(4), the Member State concerned shall ***communicate the updated programme to the Commission*** within two months.

(72) Amendment 73

Proposal for a directive
Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

- 2. Member States shall from 2017 communicate their national emission inventories, emission projections, spatially disaggregated emission inventories, large point source inventories and reports referred to in Article 7(1), (2) and (3) and, where relevant, Article 7(4), (5) and (6), to the Commission and to the European Environmental Agency in accordance with the reporting dates set out in Annex I.

Amendment

- 2. Member States shall from 2017 communicate their national emission inventories, emission projections, spatially disaggregated emission inventories, large point source inventories and reports referred to in Article 7(1), (2) and (3) and, where relevant, Article 7 (5) and (6), to the Commission and to the European Environmental Agency in accordance with the reporting dates set out in Annex I.

(73) Amendment 134

Proposal for a directive
Article 9 - paragraph 3

Text proposed by the Commission

- ***3. Member States shall report their national emissions and projections for CH₄ in accordance with Regulation (EU) No 525/2013 of the European Parliament and of the Council.³¹***
- ***³¹ Regulation (EU) No 525/2013 of the European Parliament and of the Council of 21 May 2013 on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level***

Amendment

- ***deleted***
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relevant to climate change and repealing Decision No 280/2004/EC (OJ L 165, 18.6.2013, p. 13).

(74) Amendment 74

**Proposal for a directive
Article 9 – paragraph 4 – introductory part**

Text proposed by the Commission

- 4. The Commission, assisted by the European Environment Agency and the Member States shall regularly review the national emission inventory data. This review shall involve the following:

Amendment

- 4. The Commission, assisted by the European Environment Agency and the Member States shall regularly review the national emission inventory data ***and national air pollution control programmes***. This review shall involve the following:

(75) Amendment 75

**Proposal for a directive
Article 9 – paragraph 4 – point c a (new)**

Text proposed by the Commission

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Amendment

- ***(ca) checks to verify that national air pollution control programmes satisfy the requirements under Article 6.***

(76) Amendment 76

**Proposal for a directive
Article 9 – paragraph 4 – subparagraph 1 a (new)**

Text proposed by the Commission

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Amendment

- ***The results of the Commission review shall be made publicly available, in accordance with Article 11.***

(77) Amendment 77

**Proposal for a directive
Article 10 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

- 1. The Commission shall, every **five years at least**, report to the European Parliament and the Council on the progress on **implementing** this Directive, **including an assessment of its contribution to the achievement of the objectives of this Directive**.

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Amendment

- 1. The Commission shall, every **30 months starting from ... * present a** report to the European Parliament and the Council on **the implementation of** this Directive. **In doing so, the Commission shall assess:**

- **(a) its contribution and Members States' efforts, to achieving the objectives of this Directive;**
- **(b) the progress in the reduction of air pollutants' emissions up to 2025 and 2030;**
- **(c) the progress towards achieving the long term objectives of air quality aims established in the seventh Environment Action Programme;**
- **(d) whether the critical loads and levels and World Health Organisation air pollution guide values are exceeded; and**
- **(e) Member States' uptake of available EU funding, where such funding has been used to target air pollution reduction.**
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- *** OJ: Please insert the date of entry into force of this Directive.**

(78) Amendment 78

Proposal for a directive
Article 10 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

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Amendment

- **When reporting on Member States' emission reductions for the year 2020, 2025 and 2030, the Commission shall include the reasons for non-achievement, where applicable.**

(79) Amendment 79

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

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- ***Where the report indicates that Member States are unable to comply with Union law and the air quality limit values laid down in Directive 2008/50/EC, the Commission shall:***
 - ***(a) assess whether the non-achievement is the result of ineffective EU source-based air pollution policy, including its implementation at Member State level,***
 - ***(b) consult with the Committee referred to in Article 14 and identify where there is a need for new source legislation and, where appropriate, present legislative proposals so to ensure compliance with the targets of this Directive. Any such proposal shall be supported by a robust impact assessment and reflect the latest scientific data.***

(80) Amendment 80

Proposal for a directive Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

- ***The Commission shall in any case report as above for the year 2025, and shall also include information on the achievement of the intermediate emission levels referred to in Article 4 paragraph 2 and the reasons for any non-achievement. It shall identify the need for further action*** also considering the sectorial impacts of implementation.
- ***On the basis of these reports, the Commission shall, together with Member States, identify the need for further action to be taken, including at national level,*** also considering the sectorial impacts of implementation.

(81) Amendment 81

Proposal for a directive Article 10 – paragraph 2

Text proposed by the Commission

Amendment

- 2. The reports referred to in paragraph 1 ***may*** include an evaluation of the environmental and socioeconomic
- 2. The reports referred to in paragraph 1 ***shall*** include an evaluation of the ***health***, environmental, and

impacts of this Directive.

socioeconomic impacts of this Directive, ***including the impact on Member State health systems and the cost of non-implementation. The Commission shall make those reports publicly available.***

(82) Amendment 152
Proposal for a directive
Article 10 – paragraph 3 (new)

Text proposed by the Commission

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Amendment

- ***3. The Commission shall also carry out an impact assessment on Mercury (Hg) before a national emission reduction commitment is determined and, if necessary, submit a new legislative proposal.***

(83) Amendment 82
Proposal for a directive
Article 10 a (new)

Text proposed by the Commission

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Amendment

- ***Article 10a***
 - ***European Clean Air Forum***
 - ***The Commission shall set up a European Clean Air Forum to facilitate the coordinated implementation of the Clean Air Programme and bring together all relevant actors including the Member States' competent authorities at all relevant levels, the Commission, industry, civil society, and the scientific community every two years. The Clean Air Forum shall oversee the establishment of guidance on the elaboration and implementation of national air pollution control programmes, the evolution of the emissions reduction paths, including the assessment of the reporting requirements.***

(84) Amendment 83
Proposal for a directive
Article 11 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

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- ***(ba) progress by Member States in achieving the country's specific 2025 and 2030 binding air pollution targets for each pollutant.***

(85) Amendment 84

**Proposal for a directive
Article 11 – paragraph 1 – point b b (new)**

Text proposed by the Commission

Amendment

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- ***(bb) the results of the review referred to in Article 9(4).***

(86) Amendment 85

**Proposal for a directive
Article 11 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

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- ***2a. Member States shall ensure that the public concerned have access to administrative or judicial procedures to challenge acts and omissions by competent authorities or private persons which do not comply with this Directive.***

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- ***Such procedures shall provide adequate and effective remedies, including interim relief as appropriate, and be fair, equitable, timely and not prohibitively expensive.***

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- ***Member States shall ensure that information on how to access such procedures is made publicly available and shall consider the establishment of appropriate assistance mechanisms to remove or reduce financial and other barriers to access to justice.***

(87) Amendment 127

**Proposal for a directive
Article 11 – paragraph 2 b (new)**

review this Directive no later than 2025 with a view to safeguarding progress towards achieving the World Health Organisation's recommended air quality levels and the long term vision as set out in the seventh Environment Action Programme. In particular, the Commission shall, if appropriate, and taking into account scientific and technological progress, propose changes to the national emissions reduction commitments in Annex II;

- *On the basis of the regular reports referred to in to in Article 10(1) the Commission shall consider measures for reducing emissions from international shipping particularly in Member States' territorial waters and exclusive economic zones, and, if appropriate, submit a legislative proposal.*

(89) Amendment 87

**Proposal for a directive
Article 12**

Text proposed by the Commission

- The Union and the Member States, as appropriate, shall pursue bilateral and multilateral cooperation with third countries and coordination within relevant international organisations such as the United Nations Environment Programme (UNEP), United Nations Economic Commission for Europe (UNECE), the International Maritime Organization (IMO) and the International Civil Aviation Organization (ICAO), including through the exchange of information, concerning technical and scientific research and development, with the aim of improving the basis for emission reductions.

Amendment

- The Union and the Member States, as appropriate, shall pursue bilateral and multilateral cooperation with third countries and coordination within relevant international organisations such as the United Nations Environment Programme (UNEP), United Nations Economic Commission for Europe (UNECE), *the Food and Agriculture Organization of the United Nations (FAO)*, the International Maritime Organization (IMO) and the International Civil Aviation Organization (ICAO), including through the exchange of information, concerning technical and scientific research and development, with the aim of improving the basis for emission reductions. *Member States shall conduct cross-border consultations on mutual threats posed by emissions from adjacent industrial regions in those countries and the Member States concerned shall develop joint plans to eliminate or reduce those emissions.*

(90) Amendment 88

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

- 2. **The delegation of power** referred to in Articles 6(7), 7(9) and 8(3) shall be conferred on the Commission for **an indeterminate** period of **time from** the date of entry into force of this Directive.
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Amendment

- 2. **The power to adopt delegated acts** referred to in Articles 6(7), 7(9) and 8(3) shall be conferred on the Commission for a period of **5 years from ...** *. **The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of five-year period. The delegation of power shall be tacitly extended for periods of identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.**
-
- *** OJ: Please insert** the date of entry into force of this Directive.

(91) Amendment 89

Proposal for a directive
Article 15

Text proposed by the Commission

- Member States shall lay down the rules on the penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.
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-

Amendment

- Member States shall lay down the rules on the penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. **Member States shall notify the Commission of those measures no later than ...** * **and shall notify it without delay of any subsequent amendment thereto.**
-
- *** OJ: Please insert** the date of entry into force of this Directive.

(92) Amendment 90

Proposal for a directive
Article 15 – paragraph 1 a (new)

Text proposed by the Commission

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Amendment

- ***Without prejudice to paragraph 1, Member States shall not pass on the burden of compliance to authorities which do not have the strategic powers to comply with the requirements of the Directive.***

(93) Amendment 125

Proposal for a directive
Article 16 – introductory part

Text proposed by the Commission

- In Annex I of Directive 2003/35/EC, the following ***letter*** (g) shall be added:

Amendment

- In Annex I of Directive 2003/35/EC, the following ***letters*** (g) ***and*** (h) shall be added:

(94) Amendment 126

Proposal for a directive
Article 16 – point 1 a (new)

Text proposed by the Commission

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Amendment

- ***"(h) Article 23 of Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe."***

(95) Amendment 135

(96) Proposal for a directive
Annex I - table A - row 4

Text proposed by the Commission

<i>Total national emissions by source category</i>	<i>- CH₄</i>	<i>Annual, from 2005 to reporting year minus 2 (X-2)</i>	<i>15/02****</i>
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Amendment

deleted

(97) Amendment 91

**Proposal for a directive
Annex I – table A – row 5**

Text proposed by the Commission

• Preliminary national emissions by aggregated NFR ⁽²⁾	• - SO ₂ , NO _x , NH ₃ , NMVOC, PM _{2,5}	• <i>Annual</i> , for reporting year minus 1 (X-1)	• <i>30/09</i>
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Amendment

• Preliminary national emissions by aggregated NFR ⁽²⁾	• - SO ₂ , NO _x , NH ₃ , NMVOC, PM _{2,5}	• <i>every two years</i> , for reporting year minus 1 (X-1)	• <i>31/12</i>
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(98) Amendment 136

**Proposal for a directive
Annex I - table C - row 5**

Text proposed by the Commission

<i>Projected emissions by aggregated source category</i>	<i>- CH₄</i>	<i>Biennial reporting, covering every year from year X up to 2030 and, where available, 2040 and 2050</i>	<i>15/03</i>
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Amendment

deleted

(99) Amendment 95

**Proposal for a directive
Annex III – part 1 – section A – point 1 – point a**

Text proposed by the Commission

- (a) nitrogen management, taking into account the full nitrogen cycle;

Amendment

- (a) nitrogen management, taking into account the full nitrogen cycle, ***and consideration of the establishment of soil and nutrient management plans;***

(100) Amendment 96

**Proposal for a directive
Annex III – part 1 – section A – point 1 – point c**

Text proposed by the Commission

- (c) low-emission manure spreading approaches;

Amendment

- (c) low-emission manure spreading approaches ***and techniques including separation into liquids and solids;***

(101) Amendment 97

**Proposal for a directive
Annex III – part 1 – section A – point 1 – point e**

Text proposed by the Commission

- (e) low-emission manure processing and composting systems;

Amendment

- (e) low-emission manure processing and composting systems ***including separation into liquids and solids;***

(102) Amendment 98

Proposal for a directive
Annex III – part 1 – section A – point 1 – point g a (new)

Text proposed by the Commission

Amendment

- ***(ga) promotion of grazing and extensive farming and enhancing the pasture biodiversity in plant with high level of amino acids such as clover, alfalfa and cereals;***

(103) Amendment 99

Proposal for a directive
Annex III – part 1 – section A – point 1 – point g b (new)

Text proposed by the Commission

Amendment

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- ***(gb) promotion of crop rotation that includes nitrogen fixing crops;***

(104) Amendment 100

Proposal for a directive
Annex III – part 1 – section A – point 1 – point g c (new)

Text proposed by the Commission

Amendment

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- ***(gc) promotion of agroecological farming that leads to agricultural systems with high biodiversity, resource efficiency and reduced or ideally no dependency on chemical inputs.***

(105) Amendment 101

Proposal for a directive
Annex III – part 1 – section A – point 3 – point d

Text proposed by the Commission

Amendment

- (d) inorganic fertilisers shall be spread in line with the foreseeable requirements of the receiving crop or grassland with respect to nitrogen and phosphorus, also taking into account the existing nutrient content in the soil and the nutrients from other fertilizers.
- (d) inorganic fertilisers shall ***as far as possible be replaced by organic fertilisers. Where inorganic fertilisers continue to be applied, they shall*** be spread in line with the foreseeable requirements of the receiving crop or grassland with respect to nitrogen and

introducing and enforcing policies to reduce and monitor construction dust, and set emissions limits for Non Road Mobile Machinery (NRMM)

- *- revision of vehicle taxation rates in recognition of the higher real-world emissions from diesel cars and gasoline direct injection vehicles to encourage sales of less polluting vehicles;*
- *- public procurement and fiscal incentives to encourage early uptake of ultra-low emission vehicles;*
- *- support for retrofit of UNECE REC Class IV particulate filters on diesel machines, trucks, buses and taxis;*
- *- regulate emissions from construction machines and other non-road mobile machinery operating in densely populated areas (including through the retrofit);*
- *- awareness raising campaigns and alerts.*

(107) Amendment 109

**Proposal for a directive
Annex III – part 1 – section C a (new)**

Text proposed by the Commission

Amendment

- *Ca. Emission reduction measures to restrict hydrocarbon emissions*
- *Member States shall reduce emissions of non-methane volatile organic compounds (NMVOC) by promoting the use of modern emission-free tube technologies that are used in various sectors.*

(108) Amendment 110

**Proposal for a directive
Annex III – part 2 – point 1 – point a – point i**

Text proposed by the Commission

Amendment

- (i) the policy priorities and their relationship to priorities set in other
- (i) the policy priorities and their relationship to priorities set in other

relevant policy areas, including climate change;

relevant policy areas, including *agriculture, rural economic, industrial, mobility and transport, conservation of nature and* climate change;

(109) Amendment 111

**Proposal for a directive
Annex III – part 2 – point 1 – point b**

Text proposed by the Commission

Amendment

- (b) the policy options considered to meet the emission reduction commitments for 2020 *and 2030 onwards and the intermediate emission levels determined for 2025 and* to contribute to further improve the air quality, and their analysis, including the method of analysis; the individual or combined impacts of the policies and measures on emission reductions, air quality and the environment; and the associated uncertainties;

- (b) the policy options considered to meet the emission reduction commitments for 2020, *2025 and 2030* to contribute to further improve the air quality, and their analysis, including the method of analysis; the individual or combined impacts of the policies and measures on emission reductions, air quality and the environment; and the associated uncertainties;

(110) Amendment 112

**Proposal for a directive
Annex III – part 2 – point 1 – point d**

Text proposed by the Commission

Amendment

- (d) *where relevant*, an explanation of the *reasons why the intermediate emission levels for 2025 cannot be met without* measures *entailing disproportionate costs*;

- (d) an explanation of the measures *taken to achieve national emission reduction commitments*;

(111) Amendment 113

**Proposal for a directive
Annex III – part 2 – point 1 – point d a (new)**

Text proposed by the Commission

Amendment

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- *(da) an explanation of the methodology used to ensure that measures to achieve national reduction commitments for PM2.5 prioritise*

reduction of black carbon emissions;

(112) Amendment 114

Proposal for a directive
Annex III – part 2 – point 1 – point e

Text proposed by the Commission

- (e) an assessment of how selected policies and measures ensure coherence with plans and programmes set up in other relevant policy areas.

Amendment

- (e) an assessment of how selected policies and measures ensure coherence with plans and programmes set up in other relevant policy areas ***in particular, but not limited to, air quality plans under Directive 2008/50/EC, transitional national plans and inspection plans under Directive 2010/75/EC, national energy efficiency action plans under Directive 2012/27/EU, national renewable energy action plans under Directive 2009/28/EC, and relevant plans or programmes subject to the requirements of Directive 2001/42/EC or equivalent provisions in successor legislation.***

(113) Amendment 115

Proposal for a directive
Annex III – part 2 – point 2 – point a

Text proposed by the Commission

- (a) an assessment of the progress made with implementation of the programme, the reduction of emissions ***and*** the reduction of concentrations;

Amendment

- (a) an assessment of the progress made with implementation of the programme, the reduction of emissions, the reduction of concentrations ***and associated environmental, public health and socio-economic benefits;***

(114) Amendment 116

Proposal for a directive
Annex III – part 2 – point 2 – point b

Text proposed by the Commission

- (b) any significant changes in the policy context, assessments, the programme or the implementation time

Amendment

- (b) any significant changes in the policy context, assessments ***(including the results of the inspections and market***

table.

surveillance carried out in accordance with Article 6(2b), the programme or the implementation time table.

(115) Amendment 117

**Proposal for a directive
Annex III – part 2 – point 2 – point b a (new)**

Text proposed by the Commission

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Amendment

• *(ba) an assessment of the progress made towards the achievement of the Union's long-term health and environmental objectives, in light of any necessary update of those objectives, including any new air quality guidelines set by the World Health Organisation;*

(116) Amendment 118

**Proposal for a directive
Annex III – part 2 – point 2 – point b b (new)**

Text proposed by the Commission

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Amendment

• *(bb) Where a national air pollution control programme is updated in accordance with Article 6(4), it must include information on all additional air pollution abatement measures that have been considered at appropriate local, regional or national level for implementation in connection with the attainment of emission reduction commitments and air quality objectives, including those outlined in Annex III of this Directive and paragraph 3 of Annex XV (B) to Directive 2008/50/EC.*