



EUROPEAN PARLIAMENT

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Committee on the Environment, Public Health and Food Safety

2013/0443(COD)

23.3.2015

*****I**

DRAFT REPORT

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))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Julie Girling

Symbols for procedures

*	Consultation procedure
***	Consent procedure
***I	Ordinary legislative procedure (first reading)
***II	Ordinary legislative procedure (second reading)
***III	Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**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))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0920),
 - having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0004/2014),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 10 July 2014¹,
 - having regard to the opinion of the Committee of the Regions of 7 October 2014²,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinions of the Committee on Industry, Research and Energy and the Committee on Agriculture and Rural Development (A8-0000/2015),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive
Recital 9

¹ OJ C 451, 16.12.2014, p. 134.

² OJ C 415, 20.11.2014, p. 23.

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) **So as to ensure demonstrable progress towards the 2030 commitments,** Member States should comply with the emission reduction commitments set out in this Directive for 2020, **2025 and 2030** on the basis of a linear trajectory between their emission levels for 2020 and those defined by the emission reduction commitments for 2030.

Or. en

Justification

Commitments under the NEC Directive should also be binding for 2025.

Amendment 2

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 commitments **and intermediate emission**

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 methodologies regarding emissions. The

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.

Commission could object to the use of **such flexibility** by a Member State, should the conditions set out in this Directive not be met.

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).

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).

Or. en

Justification

The Commission's proposed shipping flexibility to deal with maritime emissions is convoluted, burdensome to apply, and conflicts with the Commission's better regulation agenda. Given that not all Member States could avail themselves of this flexibility, this could lead to an unfair market distortion and a failure to achieve desired health outcomes across the EU.

Amendment 3

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 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

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).

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 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

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).

Or. en

Justification

Your rapporteur believes that commitments under the NEC Directive should also be binding for 2025, which renders the reference to intermediate emission levels superfluous.

Amendment 4

Proposal for a directive
Recital 21

Text proposed by the Commission

In order to take into account technical developments, the power to adopt acts in

Amendment

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.

accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission ***for a determined 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.

Or. en

Amendment 5

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

Text proposed by the Commission

Amendment

1a. This Directive is to contribute to the long-term objectives of not exceeding critical levels and loads of air pollution and provide effective protection for all people against the recognised health risks from air pollution, thereby contributing to:

(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;

(b) the achievement of Union biodiversity and ecosystem objectives;

(c) the achievement of air quality objectives, as set out in Union law;

(d) the mitigation of climate change impacts by improving synergies with

Union climate and energy policy and ensuring non-duplication of existing legislation. 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.

Or. en

Justification

The precise objectives of this Directive should be set out in an Article. The text used here is consistent with the existing NEC Directive 2001/81/EC as well as the 7th Environmental Action Programme.

Amendment 6

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

Text proposed by the Commission

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;

Or. en

Justification

This definition is derived from the existing NEC Directive 2001/81/EC, and is necessary to provide clarity and consistency.

Amendment 7

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

This definition is derived from the existing NEC Directive 2001/81/EC, and is necessary to provide clarity and consistency.

Amendment 8

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

Text proposed by the Commission

Amendment

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

Or. en

Justification

This definition is derived from the existing NEC Directive 2001/81/EC, and is necessary to provide clarity and consistency.

Amendment 9

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

Text proposed by the Commission

Amendment

4b. "volatile organic compounds" (VOCs) 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.

Or. en

Justification

This definition is derived from the existing NEC Directive 2001/81/EC, and is necessary to provide clarity and consistency.

Amendment 10

Proposal for a directive Article 3 – point 5

Text proposed by the Commission

5. ‘non-methane volatile organic compounds’ (NMVOC) means all organic compounds of an anthropogenic ***nature***, other than methane, that are capable of producing photochemical oxidants by reaction with nitrogen oxides in the presence of sunlight;

Amendment

5. ‘non-methane volatile organic compounds’ (NMVOC) means all organic compounds of an anthropogenic ***origin***, other than methane, that are capable of producing photochemical oxidants by reaction with nitrogen oxides in the presence of sunlight;

Or. en

Amendment 11

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

Text proposed by the Commission

Amendment

6a. "national emission ceiling" means the maximum amount of a substance expressed in kilo tonnes, which may be

emitted in a Member State in a calendar year;

Or. en

Justification

This definition is derived from the existing NEC Directive 2001/81/EC, and is necessary to provide clarity and consistency.

Amendment 12

**Proposal for a directive
Article 3 – point 10**

Text proposed by the Commission

Amendment

10. ‘emission control area’ means a special sea area established in accordance with Annex VI of the International Convention for the Prevention of Pollution from Ships (MARPOL);

deleted

Or. en

Justification

The Commission's proposed shipping flexibility to deal with maritime emissions is convoluted, burdensome to apply, and conflicts with the Commission's better regulation agenda. Given that not all Member States could avail themselves of this flexibility, this could lead to an unfair market distortion and a failure to achieve desired health outcomes across the EU.

Amendment 13

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

Text proposed by the Commission

Amendment

1. Member States shall, as a minimum, limit their annual anthropogenic emissions of sulphur dioxide (**SO**₂), nitrogen oxides (NO_x), volatile organic compounds **other**

1. Member States shall, as a minimum, limit their annual anthropogenic emissions of sulphur dioxide (**SO**₂), nitrogen oxides (NO_x), **non-methane** volatile organic

than methane (NMVOC), *ammonia* (NH_3), particulate matter ($PM_{2,5}$) and methane (CH_4) in accordance with the national emission reduction commitments applicable from 2020 and 2030, as laid down in Annex II.

compounds (NMVOC), particulate matter ($PM_{2,5}$) and methane (CH_4) in accordance with the national emission reduction commitments applicable from 2020, **2025** and 2030, **and of ammonia (NH_3) from 2020 and 2030**, as laid down in Annex II.

Or. en

Justification

Given the potential costs to the agricultural sector in meeting the 2030 targets laid out in this Directive, a degree of flexibility is required. On the basis of a clear linear reduction path, Member States should only be required to meet targets for ammonia in 2020 and 2030.

Amendment 14

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 SO_2 , NO_x , NMVOC, NH_3 , $PM_{2,5}$ and CH_4 . 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

Without prejudice to paragraph 1, Member States shall take all the necessary measures to limit their anthropogenic emissions of SO_2 , NO_x , NMVOC, NH_3 , $PM_{2,5}$ and CH_4 . 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.

Or. en

Amendment 15

Proposal for a directive

Article 4 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where the emissions for 2025 cannot be limited in accordance with the determined

Amendment

Member States shall ***provide updates on their progress towards their national***

trajectory, the Member States shall *explain the reasons* in their reports submitted to the Commission in accordance with Article 9.

emission reduction commitments in their reports submitted to the Commission in accordance with Article 9.

Or. en

Amendment 16

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*:

Or. en

Amendment 17

Proposal for a directive

Article 4 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall take all necessary measures, in line with the latest scientific evidence, to reach their national emission reduction commitments under this Directive, and under relevant Union source legislation, including Regulation (EC) No 715/2007, Directive 2010/75/EC, Directive 2003/87/EC, Directive 2009/125/EC, Decision No 406/2009/EC, Directive (EU)/. on the limitation of emissions of certain pollutants into the air from medium combustion plants and Regulation (EU)/. on requirements relating to emission limits and type-approval for internal combustion engines for non-road mobile machinery.

Amendment 18

Proposal for a directive Article 5 – paragraph 1

Text proposed by the Commission

Amendment

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:

deleted

(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;

(c) they have implemented measures to achieve lower NO_x, SO₂ and 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, SO₂ and 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, SO₂ and 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.

Or. en

Justification

The Commission's proposed shipping flexibility to deal with maritime emissions is convoluted, burdensome to apply, and conflicts with the Commission's better regulation agenda. Given that not all Member States could avail themselves of this flexibility, this could lead to an unfair market distortion and a failure to achieve desired health outcomes across the EU.

Amendment 19

Proposal for a directive

Article 5 – paragraph 2 – introductory part

Text proposed by the Commission

2. 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

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

Or. en

Justification

Your rapporteur believes that commitments under the NEC Directive should also be binding for 2025, which renders the reference to intermediate emission levels superfluous.

Amendment 20

Proposal for a directive

Article 5 – paragraph 3

Text proposed by the Commission

3. Member States may establish adjusted annual national emission inventories for SO₂, NO_x, NH₃, NMVOC and PM_{2,5} in accordance with Annex IV where non-

Amendment

3. Member States may establish adjusted annual national emission inventories for SO₂, NO_x, NH₃, NMVOC and 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.

compliance with their national emission reduction commitments would result from applying improved emission inventory methods updated in accordance with scientific knowledge.

Or. en

Justification

Your rapporteur believes that commitments under the NEC Directive should also be binding for 2025, which renders the reference to intermediate emission levels superfluous.

Amendment 21

Proposal for a directive Article 5 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. A Member State may establish adjusted emission reduction commitments for NH3 for 2025, provided that it remains on course to achieve a linear reduction trajectory to 2030, in order to account for progress under Union source legislation.

Or. en

Justification

The rapporteur believes that ammonia reductions should be incentivised under the Common Agricultural Policy. Member States may not be in a position to set a linear reduction path for this pollutant until 2020 and should be given more flexibility in meeting their 2030 target.

Amendment 22

Proposal for a directive Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. Members States that intend to apply

4. Members States that intend to apply any

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.

of *the flexibilities under this Directive* shall inform the Commission by **15 February** of the year *following* 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.

Or. en

Justification

This amendment closely aligns with the process for adjustment procedures under the Gothenburg Protocol and will ensure Member States have sufficient time to analyse emissions and decide whether an adjustment is necessary. Consistency with adjustment procedures under the Gothenburg Protocol will minimise additional administrative burden.

Amendment 23

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 *the flexibility or adjustment* for a particular year fulfils the relevant requirements and criteria.

Or. en

Amendment 24

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

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

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.

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, ***accompanied by an explanatory justification***.

Or. en

Amendment 25

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.

Or. en

Amendment 26

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

Text proposed by the Commission

Amendment

(ca) prioritise specific policy measures aimed at protecting the health of vulnerable groups of people;

Or. en

Amendment 27

Proposal for a directive

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

Text proposed by the Commission

Amendment

(da) ensure that the relevant competent authority monitors the effectiveness of relevant policies under this Directive and, if necessary, is empowered to take action.

Or. en

Amendment 28

Proposal for a directive

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission shall ensure that all Union source policy under Article 4(3a) is fit for purpose and capable of dealing with problems under its intended remit. The Commission shall immediately present a proposal for the Euro 6 requirements on Real Driving Emissions (RDE) as a type approval test method to ensure the effective limitation of NOx and PM_{2.5} under real driving conditions.

Or. en

Justification

There is an obligation on the Commission to introduce, by the Euro 6c stage, a type approval test method to ensure the effective limitation of pollutants under real driving conditions. At the time of drafting, the publication of the implementing Regulation to introduce Real Driving Emissions (RDE) as a type approval test method had been subject to numerous delays. Your rapporteur therefore considers it appropriate fix a clear deadline for the completion and entry into force of the implementing Regulation.

Amendment 29

Proposal for a directive

Article 6 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. 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.

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

Or. en

Justification

The existing Euro 5 and Euro 6 procedures, tests and requirements have contributed to a reduction in CO₂ emissions but are insufficient to ensure reductions in emissions of nitrogen oxides and particulate matter, an issue openly acknowledged by the Commission. More robust testing programmes should therefore be established, including in-use surveillance testing, which occurs over the lifecycle of vehicles and engines.

Amendment 30

Proposal for a directive

Article 6 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

National air pollution control programmes shall indicate whether Member States intend to make use of the flexibilities under Article 5.

Or. en

Justification

Enabling more comprehensive reporting and data collection will ensure that Member States are able to anticipate implementation issues, and set out what actions they plan to take to address them.

Amendment 31

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, in accordance with relevant Union legislation, **ensure that members of the public including, in accordance with national law and practice, those stakeholders affected by, or having an interest in the environmental decision-making process are consulted in the drawing up or review of national air pollution control programmes, or both. Member States shall also consult** 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. Where appropriate, transboundary consultations shall be ensured in accordance with relevant Union legislation.

Or. en

Justification

This amendment is in line with the definition of "public" as laid out in the Aarhus Convention (the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters), and it is key to ensuring the development of strong programmes and institute change where programmes fail to meet their specified purpose.

Amendment 32

Proposal for a directive Article 6 – paragraph 8

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 33

Proposal for a directive Article 7 – paragraph 4

Text proposed by the Commission

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, SO₂ 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.

Amendment

deleted

Or. en

Justification

The Commission's proposed shipping flexibility to deal with maritime emissions is convoluted, burdensome to apply, and conflicts with the Commission's better regulation agenda. Given that not all Member States could avail themselves of this flexibility, this could lead to an unfair market distortion and a failure to achieve desired health outcomes across the EU.

Amendment 34

Proposal for a directive Article 7 – paragraph 5

Text proposed by the Commission

5. Member States that opt for the flexibility under Article 5(2) shall provide a separate report allowing the Commission to review and assess whether the requirements of that provision are met.

Amendment

5. Member States that opt for the flexibility under Article 5 shall provide a separate report allowing the Commission to review and assess whether the requirements of that provision are met.

Or. en

Amendment 35

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.

Amendment

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

Or. en

Amendment 36

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

Text proposed by the Commission

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

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.

Or. en

Amendment 37

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:

Or. en

Amendment 38

Proposal for a directive

Article 9 – paragraph 4 – point c a (new)

Text proposed by the Commission

Amendment

(ca) Checks to verify national air pollution control programmes satisfy the requirements under Article 6 of this Directive.

Amendment 39

Proposal for a directive

Article 9 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The results of the Commission review shall be made available to the public.

Or. en

Justification

The Commission should have a role in reviewing national programmes in order to ensure compliance with this Directive. Making such reviews public will also help safeguard compliance, with the public being able to hold competent authorities to account.

Amendment 40

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

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.

The Commission shall, every **30 months** 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 **and the reasons for non-achievement, where applicable.**

Or. en

Justification

A reporting time of five years is too long to provide effective oversight, and should be halved to 30 months. Given the problems faced by Member States with implementing the existing NEC Directive and ensuring the success of its accompanying source legislation, the Commission must report to the European Parliament and the Council more frequently.

Amendment 41

Proposal for a directive

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

Text proposed by the Commission

Amendment

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 and that non-achievement is the result of ineffective Union policy, the Commission shall assess where there is a need for new source legislation and, where appropriate, present legislative proposals. Any such proposal should be supported by a robust impact assessment and reflect the latest scientific data.

Or. en

Justification

It is imperative that problems with the implementation of this Directive, and other relevant legislation, are swiftly identified and can be rectified, where it is proven they are not effective in addressing air quality. This would enable the Commission to; for example, adjust the NEC Directive to the 2030 Framework for climate and energy without the need for a further recast.

Amendment 42

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

On the basis of these reports, the Commission shall identify the need for further action also considering the sectorial impacts of implementation.

implementation.

Or. en

Amendment 43

Proposal for a directive Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Access to funding

The Commission shall facilitate access to financial support to help ensure appropriate measures can be taken to comply with the targets under 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 thereunder the opportunity to contribute to emission reductions with specific measures, and for assistance to do so;

(b) Research and Innovation programmes, such as Horizon 2020;

(c) European Structural and Investment Funds;

(d) Funding instruments for the environment and climate action such as LIFE;

(e) any combination of the above.

Or. en

Justification

Your rapporteur believes that air quality should be considered a “public good“. In line with the mid-term Common Agricultural Policy review foreseen for 2017, the Commission and the Member States must look to access all possible financial support, including funds that are not currently utilized, underutilized, or not put to optimum use. For example, farmers should be supported in their efforts to contribute towards environmental sustainability through incentives for more widely beneficial public goods and services.

Amendment 44

Proposal for a directive

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that the public 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.

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

Member States shall ensure that information on how to affect such remedies is made publicly available.

Or. en

Justification

This amendment incorporates provisions on Access to Information as laid down in the Aarhus Convention (the UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters) and the 7th Environmental Action Programme.

Amendment 45

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.

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.***

Or. en

Amendment 46

**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.

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 rules and of those measures by ...^{*} at the latest and furthermore shall notify without delay of any subsequent amendment thereto.***

**** OJ: Please insert the date of***

transposition of this Directive.

Or. en

Justification

The Commission should be in a position to ensure penalties are effective and proportionate between and within Member States, particularly given the trans-boundary nature of air pollution.

Amendment 47

Proposal for a regulation

Annex III – Part 1 – point A – paragraph 3 – point a

Text proposed by the Commission

(a) use of ammonium carbonate fertilizers shall be ***prohibited***;

Amendment

(a) use of ammonium carbonate fertilizers shall be ***phased out***;

Or. en

Amendment 48

Proposal for a regulation

Annex III – Part 1 – point C – paragraph 1

Text proposed by the Commission

1. In taking the measures outlined in sections A and B above, Member States should ensure that impacts on small and micro farms are fully taken into account. Member States may, for instance, exempt them from those measures where possible and appropriate in view of the applicable reduction commitments.

Amendment

1. In taking the measures outlined in sections A and B above, Member States should ensure that impacts on small and micro farms are fully taken into account. Member States may, for instance, exempt them from those measures where possible and appropriate in view of the applicable reduction commitments. ***However, where a Member State has a large proportion (more than 50% of total cultivated land area) of small farms, adequate measures must be taken to reduce ammonia emissions.***

Or. en

Justification

Whilst the impact on small farms should be taken into account, in order to ensure a level playing field, it should not be a catch- all exemption where a significant contribution to national emissions is produced by small farms.

Amendment 49

Proposal for a regulation

Annex III – Part 2 – paragraph 1 – point b

Text proposed by the Commission

(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;

Amendment

(b) the policy options considered to meet the emission reduction commitments for 2020, ***2025*** and 2030 onwards 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;

Or. en

Justification

Commitments under the NEC Directive should also be binding for 2025.

Amendment 50

Proposal for a regulation

Annex III – Part 2 – paragraph 1 – point d

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 51

Proposal for a regulation

Annex III – Part 2 – paragraph 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, ***including air quality plans laid down in Directive 2008/50/EC.***

Or. en

EXPLANATORY STATEMENT

Evidence-based policy-making must be the cornerstone of EU legislation. Laws should be founded on robust, comprehensive impact assessments that explain why legislation both addresses the key questions of whether a proposal is necessary and proportionate, and assesses whether action is best sought at the EU level. In the case of air quality, the answer is clear: this is a significant trans-boundary human health and environmental issue that profoundly affects all EU citizens and requires immediate action.

After years of political neglect, air pollution has risen up the political agenda as a major public health concern. Poor air quality contributes to premature death, to sickness absences from work, significant healthcare costs, productivity loss, crop yield loss and damage to buildings. In Europe, the total external health-related costs to society from air pollution are estimated to be in the range of €330-940 billion per year. Moreover, there is a growing body of evidence available to show that atmospheric nitrogen deposition is leading to changes in the natural environment such as reduced diversity of ground vegetation, reduced plant growth, and unbalanced nutritional status due to eutrophication and acidification.

While work has been done to reduce air pollution across the Union, many Member States are falling short of agreed standards. Moreover, the EU remains far from its long-term objective; to adhere to the recommended pollutant limits in the WHO's 2005 air quality guidelines. On 18 December 2013, the Commission published its long-awaited Clean Air Package, backed by a substantial impact assessment. The package outlines measures to ensure that existing targets are met in the short-term and sets new air quality objectives for the period up to 2030. It consists of four elements: a Clean Air Programme for Europe; a proposal for a Decision to ratify the 2012 amendment to the Gothenburg Protocol to the UNECE Convention on Long Range Trans-boundary Air Pollution on behalf of the EU; a proposal for a new Directive to reduce pollution from medium-sized combustion installations, such as energy plants for large buildings, and small industry installations; and lastly, the legislative proposal upon which this report is based, revising the 2001 National Emission Ceilings (NEC) Directive.

The Commission's proposal repeals and replaces the existing NEC Directive, setting new ceilings on emissions for sulphur dioxide, nitrogen oxides, ammonia, and non-methane volatile organic compounds for 2020 and 2030. It would also extend the Directive to cover particulate matter (PM_{2,5}) from 2020 and – in order to introduce an important synergy with climate legislation – methane from 2030. The targets for 2020 reflect the limits that have been signed up to internationally under the Gothenburg Protocol.

The proposal's new targets for 2030 are the most complicated element with different limits for each Member State and each pollutant. It is based on delivering 70% of the maximum technically feasible reductions in health impacts as defined by the WHO; the Commission has then established the limits for individual Member States based on where it has assessed the most cost-effective measures can be taken. The Commission's text also requires Member States to adopt national air pollution control programmes, which must be updated every two years.

Although the original proposal for a revised NEC Directive was published almost 16 months ago, first reading by the co-legislators has been delayed as a result of new mandates beginning within the European Parliament and Commission, and protracted discussions between Member States and the Commission regarding the proposal's original baseline scenarios used

for establishing the 2030 reduction targets. Utilizing this additional time at the start of the legislative term, the European Parliament's Committee on Environment, Public Health and Food Safety commissioned a complementary impact assessment, published in October 2014, to investigate the interactions between EU air quality policy and the 2030 climate and energy policy put forward by the Commission in early 2014.

There has also been uncertainty surrounding the future prospects of the proposal after its inclusion in Annex II (list of withdrawals or modifications of pending proposals) of the Commission's 2015 Work Programme. Responding to Member State concerns over the cumulative costs and impacts of the new legislation, the Commission had considered withdrawing the proposal; a suggestion strongly dismissed by your rapporteur and the European Parliament, as well as numerous Member States and affected stakeholders. Given the clear benefits to human health and the environment, the Commission has opted to maintain the proposal, albeit with the unspecific caveat that it will be modified as part of the legislative follow-up to the 2030 climate and energy package. First reading can now begin in earnest.

It is important to note that the rapporteur is supportive of the new Commission's commitment to introduce smarter, more streamlined regulation and reduce administrative burdens on both businesses and Member States. The NEC Directive should be no exception to this approach. Whilst the ceilings for the target dates set out in the report must incentivise emission reductions, they should also be fixed at a level that is realistic, proportionate, deliverable, evidence-based, and does not disproportionately impact any one sector.

Your rapporteur has approached this report guided by the principle that better regulation and environmental protection are not mutually exclusive. As such, this Directive should be coherent with other pillars of EU policy and aligned with related draft legislation, where possible. Sound data, better exchange of information, and specific attention to monitoring and reporting both for National Emission Ceilings and for all source legislation will be crucial to the long-term success of this Directive, and it is imperative that it delivers on these objectives.

In the context of the 2030 framework for climate and energy policy, it is likely that, at a future point, adjustments to the NEC Directive will have to be made based on the legislative outcomes that underpin the 2030 framework. Indeed, the EU has spent much of its focus over the last decade addressing climate change, to the detriment of air quality. This has incentivised divergent and inconsistent policies. For example, climate policies have fostered large increases in the fleet share of diesel cars, a major source of nitrogen oxides and particulate matter, as they have approximately 15% lower tailpipe CO₂ emissions than petrol vehicles.

There are important interactions between climate and air quality policies. With this in mind, your rapporteur has chosen to maintain methane within the scope of this Directive. Methane emissions are already regulated directly under existing EU legislation, for example under the Landfill of Waste Directive, and indirectly through the Effort Sharing Decision, as it is a powerful greenhouse gas. However, methane is also a significant ozone precursor and it is therefore important to tackle it specifically in this legislation.

To ensure progress towards the 2030 limits, your rapporteur has added fully binding 2025 targets for all pollutants, with the exception of ammonia. The Commission's ammonia target for 2030 will be difficult to achieve in some Member States, particularly those with large agricultural sectors, and a degree of flexibility is critically important, as ammonia levels are

difficult to mitigate quickly and effectively. For this reason, and the fact that there is no flexibility for this pollutant in the Commission proposal, I have only opted for a 2030 limit.

Your rapporteur has also chosen to remove the flexibility allowing offsets from reductions in emissions of nitrogen oxides, sulphur dioxides and particulate matter from international shipping. A provision to reduce maritime emissions instead of terrestrial emissions would be extremely difficult to apply and monitor in practice. Also, the flexibility would not apply evenly to all Member States, as landlocked countries would be excluded.

Member States must be fully informed of how they are performing in meeting their specific emission reduction commitments. When Member States are at risk of not meeting their obligations, there should be measures in place for early identification of the problem – this will enable countries to take corrective action. It is crucial that the Commission fulfils a comprehensive surveillance and early-warning role in this respect, whether in assisting Member States with key components of their national programme or, in the most severe cases, enabling them to take the required action. Where infringement proceedings are necessary, the Commission should take action, but this must not be considered merely as punitive; it should be deemed a last resort.

I recognise that some of the targets might be challenging for Member States, and in some circumstances the EU must provide assistance in return for improved transposition. Your rapporteur considers air quality to be a public good; as such Member States must have the possibility to benefit from EU funding. It is therefore necessary to look at new and innovative ways to finance emissions reductions.

For example, the Common Agricultural Policy (CAP) is a significant financial resource and the recent inter-institutional agreement to reform the CAP in 2013 included an increased focus on introducing greener, more environmentally friendly measures within European agriculture. It is the rapporteur's view that air quality should be part of this discourse in the same way as other public goods, given that the agricultural sector is a significant source of ammonia and methane emissions.

Lastly, it is important to properly acknowledge that the NEC Directive is Europe's overarching framework piece of legislation for air quality, and without effective and implementable source legislation, Member States will never meet their emission reduction targets. In other words, a further tightening of air quality standards will be redundant unless we see a clear reduction in pollution from the main sources.

The automobile sector is a key example: it is vital that the Commission brings forward its long-delayed Euro 6c Emission Regulation to implement Real Driving Emissions (RDE) in the type approval requirements for new vehicles. In your rapporteur's view, punitive action for non-compliance with nitrogen oxides limits is extremely difficult to justify if the testing standards are not fit for purpose and significantly underestimate on-road emissions.

In recognising this, the rapporteur also believes it is imperative to empower competent authorities to ensure they can take the required action to comply with all legislation relevant to meeting the 2030 limits. A prime example of such action would be the introduction of Low Emission Zones (LEZs), a traffic pollution charge scheme intended to reduce diesel car emissions in urban areas worst affected by emissions of nitrogen oxides and particulate matter.

