



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 1.4.2008
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2005/0183 (COD)

OPINION OF THE COMMISSION

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

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

on ambient air quality and cleaner air for Europe

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

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1. BACKGROUND

Procedure

- On 21 September 2005 the Commission submitted a proposal for a Directive on ambient air quality and cleaner air for Europe of the European Parliament and of the Council¹ for adoption by co-decision procedure as laid down in Article 251 of the EC Treaty.
- The European Economic and Social Committee delivered its opinion on 17 May 2006.
- The European Parliament adopted its position on first reading on 26 September 2006.
- The Council adopted its Common Position on 25 June 2007.
- The European Parliament adopted its position on second reading on 11 December 2007.

2. OBJECTIVE OF THE COMMISSION PROPOSAL

Air pollution has very strong adverse health effects. According to the latest scientific and health evidence, presented in the Commission Communication on Thematic Strategy on Air Pollution², only exposure to fine particulate matter PM_{2.5} in ambient air is responsible for the reduction of the statistical life expectancy of average EU citizen by more than 8 months. In its proposal the Commission thus introduces specific environmental standards for fine particulate matter PM_{2.5} in ambient air. Their implementation should significantly contribute to reaching objective of the Thematic Strategy on Air Pollution which is to reduce the number of life

¹ COM(2005) 447 final

² COM(2005) 446

years lost in Europe due to exposure to particulate matter by 47% in the period between 2000 and 2020.

Following on from the Commission initiative on “better regulation”, the Commission proposal for a Directive on ambient air quality and cleaner air for Europe further merges the provisions of the framework and the three daughter Directives on ambient air quality together with the Council Decision on the Exchange of Information into a single Directive with the intention of simplifying, streamlining and reducing the volume of existing legislation. In addition the proposal revises the existing provisions so as to incorporate the experience of the Member States. For that purpose the proposal:

- (1) introduces specific monitoring requirements and new environmental objectives for fine particulate matter $PM_{2.5}$;
- (2) provides some flexibility in the implementation by allowing, under specific conditions to be approved by the Commission, prolongation of the attainment dates for certain limit values such as for the particulate matter PM_{10} and nitrogen dioxide;
- (3) enables the Member States to focus their efforts by allowing deduction of natural contributions when assessing compliance with the limit values.

3. COMMISSION COMMENTS

3.1. General

At its plenary session of 11 December 2007, the European Parliament adopted a compromise package consisting of 26 amendments which had been agreed with the Council in view of reaching a second reading agreement.

The Commission accepts all amendments. The conclusion of the compromise package has been facilitated by the adoption of a declaration by the Commission on the Community measures necessary for reducing emissions at source (see Annex).

3.2. Amended proposal

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.

ANNEX

DECLARATION BY THE COMMISSION ACCOMPANYING THE ADOPTION OF THE NEW DIRECTIVE ON AMBIENT AIR QUALITY AND CLEANER AIR FOR EUROPE

The Commission takes note of the text adopted by the Council and the European Parliament for the Directive on ambient air quality and cleaner air for Europe. In particular, the Commission notes the importance attributed by the European Parliament and the Member States in Article 22(4) and Recital 16 to Community measures for the abatement of air pollutant emissions at source.

The Commission recognises the need to reduce the emissions of harmful air pollutants if significant progress is to be delivered towards the objectives established in the 6th Environmental Action Programme. The Commission's communication on a Thematic Strategy on air pollution sets out a significant number of possible Community measures. Significant progress on these and other measures has been made since the adoption of the Strategy:

- The Council and Parliament have already adopted new legislation limiting the exhaust emissions of light duty vehicles;
- The Commission has adopted a proposal for new legislation to improve the effectiveness of Community industrial emissions legislation including intensive agricultural installations and measures to tackle smaller scale industrial combustion sources;
- The Commission has adopted a proposal for new legislation limiting the exhaust emissions of engines installed in heavy duty vehicles;
- In 2008 the Commission foresees new legislative proposals that would:
 - further reduce the Member States' permitted national emissions of key pollutants;
 - reduce emissions associated with refuelling of petrol cars at service stations;
 - address the sulphur content of fuels including marine fuels;
- Preparatory work is also underway to investigate the feasibility of:
 - improving the eco-design and reducing the emissions of domestic boilers and water heaters;
 - reducing the solvent content of paints, varnishes and vehicle refinishing products;
 - reducing the exhaust emissions of non-road mobile machinery and thereby maximise the benefit of lower sulphur non-road fuels already proposed by the Commission;
- The Commission also continues to push for substantial emissions reductions from ships at the International Maritime Organization and it is committed to bringing forward proposals for Community measures should the IMO fail to deliver sufficiently ambitious proposals as foreseen in 2008.

The Commission is, however, committed to the aims of its Better Regulation initiative and the need for proposals to be underpinned by a comprehensive assessment of the impacts and benefits. In this regard and in accordance with the Treaty establishing the European Community, the Commission will continue to evaluate the need to bring forward new legislative proposals but reserves its right to decide if and when it would be appropriate to present any such proposal.