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THE EUROPEAN UNION**

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REVISED ADDENDUM TO "I/A" ITEM NOTE

from: General Secretariat of the Council

to: COREPER/COUNCIL

No. Cion prop.: 14335/05 ENV 525 ENER 170 IND 76 TRANS 232 ENT 141 CODEC 1010

Subject: Proposal for a Directive of the European Parliament and of the Council on ambient air quality **[first reading]**

- Adoption (**LA + S**)
 - (a) of the common position
 - (b) of the statement of the Council's reasons
- Statements

BELGIAN STATEMENT CONCERNING THE DIRECTIVE ON AIR QUALITY

On 23 October 2006, Belgium agreed in principle to the Directive on air quality. Belgium pointed out at the same time that timely compliance with the standards laid down in the political agreement in the case of PM₁₀ and nitrogen dioxide would require considerable effort for several Member States. The models available, which are based on the legislation in force, show that it will not be possible to meet the existing daily limit values for PM₁₀ in all agglomerations before 2015. That is attributable inter alia to the inherent contradiction between the annual limit value

(which is achievable) and the daily limit value for PM₁₀. Neither the projected horizontal measures nor the flexibility offered by a conditional postponement of the attainment deadline by a maximum of three years after the date of entry into force of the Directive will guarantee that it will be possible for every Member State to meet the daily limit value for PM₁₀ without incurring excessive costs. When a Member State reaches the point at which costs are clearly excessive, it must be possible to determine in agreement with the Commission how that Member State can proceed in order to fulfil its obligations.

STATEMENT BY SWEDEN

Sweden abstains from voting regarding the proposal for a Directive on ambient air quality and cleaner air for Europe. The main reason is that the limit value for fine particles (PM_{2.5}) and the date by which the limit value should be met have to be more ambitious in order to meet the environmental goals of the 6th Environmental Action Programme. The Swedish position on this point is based on the high quality impact assessment carried out by the Commission. The impact assessment showed that the proposal on PM_{2.5} was very cost efficient. In addition, Sweden has stricter national legislation on fine particles (PM_{2.5}) than the now agreed Directive on ambient air quality and cleaner air for Europe.

Taking into account that other parts of the Directive are acceptable, Sweden abstains from voting.

STATEMENT BY THE NETHERLANDS

The Netherlands is strongly committed to an ambitious, effective and feasible European air quality policy and wholeheartedly supports the efforts formulated in the Thematic Strategy. Due to its transboundary nature and its relationship with the internal market, air quality is a subject that lends itself to, and depends on, a Europe-wide strategy. In this context it is essential for European provisions that set standards for air quality to be accompanied by European instruments, i.e. measures that tackle emissions at source. Only then will Member States be able to actually achieve these standards.

The Netherlands is of the opinion that this vital link is given too little attention in the common position on an air quality Directive that the Council has adopted by qualified majority. Experience with the existing European air quality directives has shown that a one-sided focus on standards does not produce the desired result.

The common position provides no assurance of European measures that are essential to enable Member States to achieve compliance with the standards. Therefore, Member States are legally bound to comply with standards and thus subject to an obligation without being in a position to control the necessary prerequisites to fulfil that obligation. Therefore, the Netherlands is compelled to withhold its endorsement of the common position.

The Netherlands is looking forward to seeing further progress in the feasibility of the proposed directive during the second reading.

Of course, this does not alter the Netherlands' full commitment to implementing the air quality policy with all the means at its disposal.

STATEMENT BY THE REPUBLIC OF POLAND

The Republic of Poland supports the objective of the Directive on ambient air quality and cleaner air for Europe; however, the Directive will be difficult to implement because of the social-economic conditions in the Republic of Poland. It is for this reason that the Republic of Poland does not support the text of the draft Directive adopted by political agreement at the Environment Council on 23 October 2006.

On 27 April 2007 the Republic of Poland forwarded to the German Presidency and the European Commission a request for a derogation from the obligation to meet the limit and target values for the Republic of Poland under the *Directive on air quality and cleaner air for Europe*.

In its proposal for a derogation the Republic of Poland changed only the date of entry into force of the new requirements regarding particulate matter PM10 - 6 years later and PM2,5 - 5 years later.

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