



Council of the  
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**"I/A" ITEM NOTE**

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From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft Proposal for a Directive of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants <b>(first reading)</b> - Adoption of the legislative act <b>(LA + S)</b>

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**Statement by the Commission**

The Commission underlines that it is contrary to the letter and to the spirit of Regulation 182/2011 (OJ L 55 of 28.2.2011, p. 13) to invoke Article 5, paragraph 4, second subparagraph, point (b) in a systematic manner. Recourse to this provision must respond to a specific need to depart from the rule of principle which is that the Commission may adopt a draft implementing act when no opinion is delivered. Given that it is an exception to the general rule established by Article 5, paragraph 4, recourse to second subparagraph, point (b) cannot be simply seen as a "discretionary power" of the Legislator, but must be interpreted in a restrictive manner and thus must be justified.

### **Statement by The Netherlands, Sweden and Germany**

Germany, Sweden and the Netherlands wish to emphasize that improvement of European air quality is very important both for public health and the environment. In this respect European source control measures are essential as air pollution is a transboundary issue. The limit values of the air quality directive are not met in many places in Europe partly due to emissions in other member states.

The agreed compromise is a step forward, but too small a step. As a consequence the reductions of emissions from medium combustion plants in Europe will be less than possible with cost effective measures. Sweden, Germany and the Netherlands accept the compromise but regret that it has not been possible to agree to a higher overall ambition.

### **Statement by Romania**

Romania acknowledges the importance of improving the legislation on air quality and of the common efforts for controlling air pollution in the European Union, including through the reduction of emissions from medium combustion plants.

However, we consider that this directive will generate a significant administrative and financial burden for the public authorities and operators. The final text does not fully take into account the national circumstances of all member states, in particular regarding the use of indigenous fuels.

Romania maintains its concerns as regards the negative economic and social impact of the directive's provisions, especially of those related to district heating. The directive does not respond to some major concerns in relation to the emissions limit values for solid and liquid fuels, as well as to the derogation for district heating.

Therefore, Romania cannot support the final text of the directive.

### **Statement by Estonia**

Estonia recognises the overall objective of the Medium Combustion Plants Directive and its positive impact on the air quality and thus votes in favour of the final compromise.

Nevertheless, Estonia regrets that not all the elements of the new Directive are coherent with the EU's overall energy and climate framework. Estonia has been supporting and promoting the usage of solid biomass and other renewable energy sources. Operators have retrofitted their combustion plants accordingly. Therefore, Estonia is of the view that the solution achieved in the Directive creates a disproportionate burden especially on the existing small biomass plants in rural areas which goes against encouraging the uptake of the usage of renewables.

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