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## **\*\*\*III** **REPORT**

on the joint text approved by the Conciliation Committee for a European Parliament and Council directive on the limitation of emissions of certain pollutants into the air from large combustion plants  
(C5-0323/2001 – 1998/0225(COD))

European Parliament delegation to the Conciliation Committee

Rapporteur: Ria G.H.C. Oomen-Ruijten

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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## PROCEDURAL PAGE

At the sitting of 14 April 1999 Parliament adopted its position at first reading, confirmed at the sitting of 16 September 1999, on the proposal for a European Parliament and Council directive on the limitation of emissions of certain pollutants into the air from large combustion plants (COM(1998) 415 - 1998/0225 (COD)).

At the sitting of 16 November 2000 the President of Parliament announced that the common position had been received and referred to the Committee on the Environment, Public Health and Consumer Policy (11070/1/2000 - C5-0562/2000).

At the sitting of 14 March 2001 Parliament adopted amendments to the common position.

By letter of 21 June 2001 the Council stated that it was unable to approve all Parliament's amendments.

The President of the Council, in agreement with the President of Parliament, convened a meeting of the Conciliation Committee on 25 June 2001.

By letter of 19 July 2001 the President of Parliament informed the Council that it was necessary to extend the deadline for adopting the act, as laid down in Article 251(7) of the EC Treaty.

At its meeting of 25 June 2001 the Conciliation Committee considered the common position on the basis of the amendments proposed by Parliament.

A final agreement was reached by an exchange of letters on 27 June 2001 and 4 July 2001.

On 2 August 2001 the co-chairmen of the Conciliation Committee established that the joint text had been approved, pursuant to paragraph III.8 of the Joint declaration on practical arrangements for the new co-decision procedure,<sup>1</sup> and forwarded it to Parliament and the Council in all the official languages.

At the delegation meeting of 3 July 2001, the Members of the Delegation voted unanimously in favour of the result of the conciliation.

The following took part in the vote: Ingo Friedrich, Vice-President and chairman of the delegation; James L.C. Provan, Vice-President; Caroline F. Jackson, chairman of the Committee on the Environment, Public Health and Consumer Policy; Ria G.H.C. Oomen-Ruijten, rapporteur; Hans Blokland, David Robert Bowe, Chris Davies, Karl-Heinz Florenz, Cristina García-Orcoyen Tormo, Torben Lund, Minerva Melpomeni Malliori (for Renzo Imbeni), Riitta Myller (for Bernd Lange) and Alexander de Roo.

The report was tabled on 11 September 2001.

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<sup>1</sup> OJ C 148, 28.5.1999, p. 1.

## DRAFT LEGISLATIVE RESOLUTION

### **European Parliament legislative resolution on the joint text approved by the Conciliation Committee for a European Parliament and Council directive on the limitation of emissions of certain pollutants into the air from large combustion plants (C5-0323/2001 – 1998/0225(COD))**

#### **(Codecision procedure: third reading)**

*The European Parliament,*

- having regard to the joint text approved by the Conciliation Committee (C5-0323/2001),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(1998) 415<sup>2</sup>),
  - having regard to the amended proposal (COM(1999) 611<sup>3</sup>),
  - having regard to its position at second reading<sup>4</sup> on the Council common position<sup>5</sup>,
  - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2001) 222 - C5-0164/2001<sup>6</sup>),
  - having regard to Article 251(5) of the EC Treaty,
  - having regard to Rule 83 of its Rules of Procedure,
  - having regard to the report of its delegation to the Conciliation Committee (A5-0293/01),
1. Approves the joint text;
  2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
  3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Communities;
  4. Instructs its President to forward this legislative resolution to the Council and Commission.

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<sup>1</sup> OJ C 219, 30.7.1999, p. 248, OJ C 54, 25.2.2000, p. 76

<sup>2</sup> OJ C 300, 29.9.1998, p. 6.

<sup>3</sup> OJ C 212, 25.7.2000, P. 36.

<sup>4</sup> Texts Adopted, 14.03.2001.

<sup>5</sup> OJ C 375, 28.12.2000, p. 12.

<sup>6</sup> OJ C not yet published.

## EXPLANATORY STATEMENT

### Background

- 1) On 31 August 1998, the Commission submitted a proposal for a Directive amending Directive 88/609/EEC on the limitation of emissions of certain pollutants into the air from large combustion plants. The purpose of the Commission proposal was to update the emission limit values applicable to large combustion plants licensed after the Directive enters into force and to extend the scope to include gas turbines. However, this proposal did not cover plants licensed before 1 July 1987. The Commission proposal concerns emissions of the following three noxious substances emitted into the air by these plants: nitrogen oxide (NO<sub>x</sub>), sulphur dioxide (SO<sub>2</sub>) and dust.
- 2) On 14 April 1999 Parliament adopted 15 amendments at first reading, aimed in particular at including the pre-1987 plants within the scope of the Directive since this category of plants account for more than three-quarters of overall SO<sub>2</sub> emissions from large combustion plants.
- 3) The Council agreed on its common position on 9 November 2000 and accepted Parliament's wish to also set limit values for older plants licensed before July 1987. As a consequence the new Directive lays down two sets of emission limit values – one set for existing combustion plants and one set of more stringent limit values for new installations. However, the Parliament considered that the emission limit values proposed by the Council and their timing must be more ambitious, especially in light of the Kyoto problem.
- 4) At its second reading on 14 March 2000, Parliament adopted 18 amendments to the common position of the Council. However, the Council was not in a position to accept these amendments and a Conciliation therefore became necessary.

### Conciliation

- 5) The Parliament delegation to the Conciliation Committee held its constituent meeting on 3 April 2001 and it was decided to treat this dossier together with the proposed Directive on national ceilings for atmospheric pollutants (Rapporteur: Mrs MYLLER) as there is a close link between them. The delegation mandated the chair of the delegation, Mr FRIEDRICH, the chair of the committee responsible, Mrs JACKSON, and the two rapporteurs, Mrs OOMEN-RUIJTEN and Mrs MYLLER, to meet the Council to begin informal negotiations
- 6) An initial trialogue meeting was held with the Swedish Presidency and the Commission on 26 April. At two further trialogue meetings (29 May, 19 June) considerable progress was made regarding the amendments concerning the reduction of SO<sub>2</sub> emissions and some of the more technical issues. The provisional agreement reached at trialogue level provided for an obligation for the European Commission to add to its ongoing assessments also heavy metal emissions from large combustion plants. In addition, the Council accepted Parliament's wish for a deletion of some derogations from the scope of the directive, in particular regarding certain plants which burn indigenous solid fuel and indigenous lignite. However, the main issue, namely stricter NO<sub>x</sub> emission limit values for plants in particular those burning solid fuels could not be solved at this stage.
- 7) The meeting of the Conciliation Committee took place on the evening of 25 June 2001, under

the joint chairmanship of Mr FRIEDRICH, Vice-President, and Mr LARSSON, Swedish Minister for Environment. After more than seven hours of intense negotiations a compromise package covering all outstanding issues was discussed but the delegation was not in a position to accept it at this stage. The delegation held a further meeting on 3 July 2001 in Strasbourg where the compromise package was examined further and accepted unanimously.

## Results

- 8) An important step towards an effective limitation of emissions from combustion plants had already been made after Parliament's first reading when the Council agreed to include older plants within the scope of the Directive. This was particularly important, as the oldest plants are often the least energy efficient ones, thereby having disproportionately high emissions of greenhouse gas carbon dioxide.
- 9) Under the compromise reached in conciliation, the European Parliament succeeded, in particular, in tightening the proposed limit values for SO<sub>2</sub> and NO<sub>x</sub>. The Council agreed to considerably reduce the **SO<sub>2</sub> emission limit values** in particular for medium-sized and large plants. This reduction is of major importance in limiting emissions from the larger coal-fired power plants. As for **NO<sub>x</sub> emissions**, the European Parliament insisted on a reduction of the NO<sub>x</sub> limit values for large solid fuel plants from 650 mg/Nm<sup>3</sup> to 200 mg/Nm<sup>3</sup>. This limit will apply for new and existing plants from 2016 onwards and will be a crucial benchmark in the forthcoming negotiations with the Eastern European candidate countries. It was also agreed that the exemption demanded by the Council for older plants be limited in time and that "peak load" power stations operating for a maximum of two to three months a year be also subject to NO<sub>x</sub> limit values (450 mg/Nm<sup>3</sup>).

## **Conclusion**

- 10) Parliament's delegation considers that the agreement reached in conciliation is a satisfactory one, which goes well beyond what was possible before its second reading. It also wishes to thank the Swedish Presidency of the Council and the Commission for their constructive cooperation. The delegation therefore recommends that Parliament adopt the joint text attached.