



EUROPEAN COMMISSION

*Brussels, 15.04.2014
C(2014) 2581 final*

Dear President,

The Commission would like to thank the Senat for its Opinion 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) 920 final}.

The Commission welcomes the Opinion, in particular its support to the efforts aimed at limiting air pollution.

While acknowledging the concerns raised on the national emission reduction commitments set for 2030 onwards, the Commission would, however, highlight that those proposed commitments have been set at a level that provides cost-optimal health benefits for the EU as a whole. These health benefits (reduced external costs) outweigh the implementation costs by a factor of 10 for Poland. The proposal has a positive net effect on both economic growth and on employment, and would lead to direct cost-savings for public health care and less economic damage to crops and buildings. In addition, given the strong position of the EU pollution abatement industry, and the air pollution challenges around the world, the proposed policy would provide an additional stimulus to innovation, exports, growth and jobs.

Regarding the Senat's concerns on the costs for the agricultural sector, the Commission would like to point out that agriculture accounts for a very significant share of the total EU ammonia emissions (over 90%). They are the primary driver of eutrophication in Europe and responsible for an increased share of health impacts due to the contribution to the formation of secondary particulate matter. Limited progress has been made in reducing these emissions to date, and the proposed reduction commitments for ammonia are based on the application of best practice already widely deployed in the EU. Notably, the reduction commitments do not assume additional changes in live-stock numbers. The specific agricultural control techniques set out in Annex III of the proposal would only have to be implemented to the extent necessary to reach the national emission reduction commitments, and may be replaced by other measures which have equivalent environmental effect.

*Mr Bogdan BORUSEWICZ
President of the Senat
Ul. Wiejska 6
PL – 00-902 WARSAW*

Concerning the administrative costs for implementing the proposed Directive, these have been carefully assessed in the Impact Assessment accompanying the proposal. The assessment shows that overall administrative costs are likely to be very limited, as the proposals are largely coherent with existing requirements under the Convention on Long Range Transboundary Pollution to which the EU and Member States are Parties, and as significant flexibility is allowed, for example in defining representative ecosystem monitoring.

With regard to the concerns raised on the use of Delegated Acts for the amendment of Annexes I, III, IV and V of the proposed Directive, the Commission's view is that this approach is fully coherent with the intent and conditions set out in Article 290 of the Treaty on the Functioning of the European Union (TFEU), as the Delegated Acts amend only non-essential elements of the proposed Directive. In particular, the Commission would stress that the proposal does not provide for amending Annex II on national emission reduction commitments, i.e. the essential elements of the proposed Directive within the meaning of Article 290 TFEU, via Delegated Acts.

Concerning the period of transposition, the Commission confirms that a period of 18 months is in line with normal practice.

The Commission hopes that the above clarifications address the comments and concerns raised by the Senat and looks forward to continuing our constructive political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*