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*****II**

RECOMMENDATION FOR SECOND READING

on the Council common position for adopting a European Parliament and Council directive on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (14780/2/2003 – C5–0019/2004 – 2002/0301(COD))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Giorgio Lisi

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 its sitting of 25 September 2003 Parliament adopted its position at first reading on the proposal for a European Parliament and Council directive on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC (COM(2002) 750 – 2002/0301(COD)).

At the sitting of 15 January 2004 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 (14780/2/2003 – C5-0019/2004).

The committee had appointed Giorgio Lisi rapporteur at its meeting of 19 February 2003.

It considered the Commission proposal and the draft recommendation for second reading at its meetings of 17 February 2004 and 8 March 2004.

At the latter meeting it adopted the draft legislative resolution by 41 votes to 1, with 0 abstentions.

The following were present for the vote: Caroline F. Jackson (chairman), Alexander de Roo and Guido Sacconi (vice-chairmen), Giorgio Lisi (rapporteur and for Paolo Costa) and Jean-Louis Bernié, Hans Blokland, David Robert Bowe, John Bowis, Martin Callanan, Raquel Cardoso, Chris Davies, Saïd El Khadraoui, Francesco Fiori (for Eija-Riitta Anneli Korhola, pursuant to Rule 153(2)), Karl-Heinz Florenz, Robert Goodwill, Jutta D. Haug (for Dorette Corbey), Marie Anne Isler Béguin, Martin Kastler, Hedwig Keppelhoff-Wiechert (for María del Pilar Ayuso González), Hans Kronberger, Peter Liese, Torben Lund, Albert Jan Maat (for Avril Doyle), Minerva Melpomeni Malliori, Erik Meijer (for María Luisa Bergaz Conesa), Rosemarie Müller, Neil Parish (for Marialiese Flemming), Marit Paulsen, Encarnación Redondo Jiménez (for Cristina García-Orcoyen Tormo), Dagmar Roth-Behrendt, Jacqueline Rousseaux, Yvonne Sandberg-Fries, Karin Scheele, Ursula Schleicher (for Françoise Grossetête), Jonas Sjöstedt, Renate Sommer (for Cristina Gutiérrez Cortines), María Sornosa Martínez, Catherine Stihler, Charles Tannock (for Christa Klaß), Nicole Thomas-Mauro, Peder Wachtmeister and Phillip Whitehead.

The recommendation for second reading was tabled on 11 March 2004.

DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the Council common position for adopting a European Parliament and Council directive on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products and amending Directive 1999/13/EC
(14780/2/2003 – C5-0019/2004 – 2002/0301(COD))**

(Codecision procedure: second reading)

The European Parliament,

- having regard to the Council common position (14780/2/2003 – C5-0019/2004),
 - having regard to its position at first reading¹ on the Commission proposal to Parliament and the Council (COM(2002) 750)²,
 - having regard to Article 251(2) of the EC Treaty,
 - having regard to Rule 78 of its Rules of Procedure,
 - having regard to the recommendation for second reading of the Committee on the Environment, Public Health and Consumer Policy (A5-0136/2004),
1. Approves the common position;
 2. Notes that the act is adopted in accordance with the common position;
 3. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
 4. 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 Union;
 5. Instructs its President to forward its position to the Council and Commission.

¹ Texts Adopted, 25.9.2003, P5_TA(2003)0411.

² Not yet published in OJ.

EXPLANATORY STATEMENT

INTRODUCTION

The Council's common position on the proposal for a directive on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products takes account of the main concerns expressed by Parliament at first reading. The common position was adopted by the Council unanimously.

The European Commission, in its communication on the common position (COM (2004) 016), fully supports the Council's position.

RAPPORTEUR'S POSITION

The amendments adopted by Parliament at first reading covered eight specific aspects:

1) Aim of the directive

As far as the aim of the directive is concerned, the vote at first reading took the following stance on human health: whereas Amendment 84 deleted the potential risks to human health from Article 1 of the Commission proposal, six other amendments (2, 9, 10, 15 first part, 16, 18, 26 and 54) sought to safeguard national measures to protect the health of workers.

The rapporteur considers that the common position has accepted the substance of Parliament's amendments on this matter by taking over Amendment 84 and spelling out in Article 1(4) that the directive does not prejudice or affect measures taken at Community or national level to protect the health of consumers and of workers.

2) Definitions

Parliament's amendments 1, 3, 4, 5, 7, 8, 11, 13, 14 and 35, which were designed to clarify the general definitions as well as those for individual categories of paints, have been accepted in the common position.

The rapporteur welcomes this approach in that it makes for greater clarity and will ensure that the directive can be implemented properly.

3) Labelling

Parliament's Amendment 20 set out a series of labelling requirements most of which, in the rapporteur's opinion, were not directly related to the aim of the directive and which he himself had opposed at first reading.

The requirements set out in Article 4 of the common position (labelling), and in Article 1(4) are seen as sufficient to ensure that the aim of the directive is achieved and will provide the public with the necessary information.

4) Limits on the solvent-content of paint

At first reading Parliament adopted four amendments modifying a number of limits proposed by the Commission (categories (d), (e) and (g) of the table in Annex II).

The Council has accepted the changes to categories (d) and (e) in essence but has opted to reinstate the Commission's initial proposal for category (g) (Primers) with the deadline of 2007, rejecting Parliament's Amendment 37.

In the rapporteur's view, the outcome for categories (d) and (e) is satisfactory, even though it is technically feasible to achieve this already, and he does not consider it opportune to retable Amendment 37 which changed the limit for the first deadline (2007) but left unchanged the limit for the 2010 deadline, which is the directive's ultimate objective in terms of reducing VOC content. This will also safeguard the position of the many small and medium-sized firms that need more time to bring their products into line with the new requirements.

5) CMR

Parliament's Amendment 17 called on Member States to ensure that the paints covered by the directive did not contain CMR (substances classified as carcinogens, mutagens, or toxic to reproduction).

The rapporteur shares Parliament's concerns about the use of CMR but feels that these are dealt with adequately by the measures laid down in Directive 67/548/EEC (provisions on the notification of new substances) and Directive 76/769/EEC (restrictions on the marketing and use of certain dangerous substances and preparations), as well as by Regulation 793/93 (evaluation and control of the risks of existing substances), which regulate the use of CMR and other substances. Furthermore, in the near future the REACH system will cover registration, evaluation and marketing. Consequently, the rapporteur does not intend to retable Amendment 17 from first reading.

6) Special measures for historic buildings and vintage vehicles

Amendment 6, 19 and 22 were designed to ensure proper protection for historic buildings and vintage vehicles, which require coatings that provide a high level of protection and original paints respectively.

The rapporteur considers that the provisions incorporated into the common position to cover these cases are perfectly adequate.

7) Analytical methods for determining VOC content

The common position has taken over Parliament's Amendment 24 in full, particularly in Annex III (Analytical methods for determining the VOC content of the products concerned). The rapporteur welcomes this addition.

8) Principle of substitution

Amendments 23 and 50 sought to introduce the principle of substitution, as defined by Directive 1999/13, based on the exchange of information between Member States. The rapporteur endorses the solution proposed by the Council in Article 9 (Review of the

directive) in that these provisions will ensure greater effectiveness in terms of the aim of the directive, namely to reduce VOC emissions. Article 9 says that the Commission is to carry out a review and submit proposals for a further phase of VOC reduction, where technically feasible.

CONCLUSIONS

The rapporteur feels that the common position meets the main concerns expressed by Parliament at first reading.

As this directive is of major importance and its objective should be seen in the context of international efforts to reduce VOC emissions, the rapporteur proposes that the Council's common position be approved without amendment.

The rapporteur does not consider that retabling the few amendments rejected by the Council would secure any significant advance in the strategy to reduce VOCs but would risk initiating the conciliation procedure and delaying final adoption of the legislation until the start of 2005, bearing in mind the change in legislature.