

**Question for written answer E-013716/2013
to the Commission**

Rule 117

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Subject: Ban on coal burning in the Małopolskie province

The local parliament of the Małopolskie province introduced a ban last week on the use of solid fuels, including coal, for domestic heating purposes in Kraków.

Bans of this kind will lead to tens of thousands of job losses at Polish heating appliance manufacturers. A good example of a plant which would be affected by a decision of the kind taken by the members of the Małopolskie local parliament is Defro, which is based in Strawczyn in the Świętokrzyskie province and currently employs over 500 people. Quite apart from job cuts, there is a real risk that such a decision could close Defro down, a fate that will be shared by many companies in this sector.

Directive 98/70/EC allows the Member States to introduce more stringent quality specifications for fuels in specific areas of the Member State than those provided for in the Directive. This is however only possible by way of a derogation, with a view to protecting the health of the population in a specific agglomeration or the environment in a specific ecologically sensitive area, or if atmospheric or groundwater pollution constitutes or may reasonably be expected to constitute a serious and recurrent problem for human health or the environment. Pursuant to Article 6 of this Directive, Member States wishing to make use of such a derogation shall submit a request to the Commission in advance. The justification to be included with such a request shall include evidence that the derogation respects the principle of proportionality and that it will not disrupt the free movements of persons and goods. The Member States involved shall provide the Commission with data on the environment in the agglomeration or area in question as well as the predicted environmental impacts of the measures proposed.

In connection with the above, and following the decision by the members of the Małopolskie local parliament to introduce a ban on the use of solid fuels in Kraków, I would like to ask whether a special request was submitted to the Commission including a justification for this derogation, as required by Article 6 of Directive 98/70/EC?