

Limitation of emissions of certain pollutants into the air from medium combustion plants

2013/0442(COD) - 18/12/2013 - Legislative proposal

PURPOSE: to limit emissions of certain pollutants into the air from medium combustion plants.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: medium combustion plants are used for a wide variety of applications (including electricity generation, domestic/residential heating and cooling and providing heat/steam for industrial processes, etc.) and are an important source of emissions of sulphur dioxide, nitrogen oxides and particulate matter. The approximate number of medium combustion plants in the EU is 142 986.

Emissions of air pollutants from medium combustion plants are **generally not regulated at EU level**. The Commission considers it appropriate to complement the existing legislation relating to combustion plants with provisions for this category.

The Communication from the Commission to the Council and the European Parliament "[A Clean Air Programme for Europe](#)" calls for action to control emissions of air polluting substances from combustion plants with a rated thermal input between 1 and 50 MW, thereby completing the regulatory framework for the combustion sector also with a view of increasing the synergies between air pollution and climate change policies.

The present proposal is part of the new framework of action in the field of air quality in the EU, as set out in the revised [EU Thematic Strategy on Air Pollution](#), and is consistent with and reinforces the Europe 2020 objectives.

IMPACT ASSESSMENT: the analysis concluded that there is a need to propose a legislative instrument for controlling emission from such plants at EU-level. Out of the five policy options considered and in depth analysed to control emissions from medium combustion plants, the preferred option would set emission limit values in line with those set in [Directive 2010/75/EU](#) for plants between 50-100 MW and in a number of Member States, and complemented with a number of emission limit values set out for new plants in the amended Gothenburg Protocol.

CONTENT: the proposed Directive seeks to lay down **emission limit values to control emissions of sulphur dioxide, nitrogen oxides and particulate matter** into the air from medium combustion plants as minimum standards of protection for the environment and for all citizens of the EU. It introduces minimum requirements, keeping the administrative burden at the lowest possible level and taking special account of the situation of SMEs.

In concrete terms, the proposal:

- sets out the obligation of the competent authority to **register** medium combustion plants, based on notification by the operator;
- sets out the **emission limit values** apply to existing combustion plants after a fixed period (from 1 January **2025** emissions into air of sulphur dioxide, nitrogen oxides and particulate matter from an

existing medium combustion plant with a rated thermal input above 5 MW shall not exceed the emission limit values; from 1 January **2030** emissions into air of sulphur dioxide, nitrogen oxides and particulate matter from an existing medium combustion plant with a rated thermal input of 5 MW or less shall not exceed the emission limit values);

- requires Member States to apply **more stringent emission limit values** to individual plants in zones not complying with air quality limit values;
- lays down a provision to require operators to **immediately** report on non-compliance to the competent authority;
- obliges Member States: (i) to ensure that the operator and the competent authority take necessary measures in case of non-compliance with this Directive; (ii) introduces requirements for Member States to provide for a **system of environmental inspections** of medium combustion plants covered by this Directive, or implement other measures to check compliance thereof;
- provides for the **obligations of the operator** and the competent authority in case of changes to a medium combustion plant;
- is concerned with the **right of access to information** and refers to Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information;
- requires Member States to designate the **competent authorities** responsible for carrying out the obligations arising from this Directive;
- establishes a **reporting mechanism**. While Member States' first report to the Commission, due by 30 June 2019, shall contain a summary of data of key importance in implementing this Directive, the following reports shall contain qualitative and quantitative information on the implementation of this Directive;
- lays down the provisions on **penalties** applicable to breaches of the national provisions enacted pursuant to the proposal.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.