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

2013/0442(COD) - 25/11/2015 - Final act

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

LEGISLATIVE ACT: Directive (EU) 2015/2193 of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants.

CONTENT: this Directive lays down rules to:

- **control emissions** of sulphur dioxide (**SO2**), nitrogen oxides (**NOx**) and dust into the air from medium combustion plants, and thereby reduce emissions to air and the potential risks to human health and the environment from such emissions;
- monitor emissions of carbon monoxide (**CO**).

The Directive is in line with the Commission communication entitled " Clean Air for Europe Programme", which calls for measures against the emission of air pollutants from combustion installations with a rated thermal input is 1 and 50 MW. It is part of the new framework for air quality in the EU, as defined by the new EU thematic strategy on air pollution.

Scope: the Directive shall apply to **combustion plants with a rated thermal input equal to or greater than 1 MW and less than 50 MW,** irrespective of the type of fuel they use. It shall also apply to a combination formed by new medium combustion plants, including a combination where the total rated thermal input is equal to or greater than 50 MW, unless the combination forms a combustion plant covered by Chapter III of Directive 2010/75/EU.

Individual combustion plants with a rated thermal input less than 1 MW should not be considered for the purpose of calculating the total rated thermal input of a combination of combustion plants.

Exclusions: certain other medium combustion plants should also be excluded from the scope of this Directive, on the basis of their technical characteristics or their use in particular activities. The Directive shall not apply to medium combustion plants firing refinery fuels alone or with other fuels for the production of energy within mineral oil and gas refineries, and recovery boilers within installations for the production of pulp.

Permits and registration: the Directive stipulates that no new medium combustion plant may be operated without a permit or without being registered.

Moreover, the following combustion plants may not be operated without a permit or without being registered:

- **as of 1 January 2024** no existing medium combustion plant with a rated thermal input **greater than 5 MW**;
- **as of 1 January 2029** no existing medium combustion plant with a rated thermal input of **less than or equal to 5 MW**.

The competent authority shall hold a **register** with information on each medium combustion plant and make the information contained in the register available to the public.

Emission limit values: the Directive provides that the emission limits will apply to existing installations after a fixed period, namely:

- **from 1 January 2025**, from an existing medium combustion plant with a rated thermal input **greater than 5 MW**;
- **from 1 January 2030**, from an existing medium combustion plant with a rated thermal input of **less than or equal to 5 MW**.

Existing medium combustion plants which are part of **small isolated systems** or micro isolated systems shall comply with the emission limit values from **1 January 2030**.

Moreover, Member States may:

- **exempt** existing medium combustion plants in cases of emergency and operated during limited time;
- **exempt, until 1 January 2030** the obligation to respect emission limit values set for medium combustion plants which provide a substantial amount of their useful heat production to a public network for district heating;
- **exempt, until 1 January 2030**, medium combustion plants firing solid biomass as the main fuel, which are situated in zones where conformity with the limit values on air quality is ensured, from compliance with the emission limit values for **dust**;
- **exempt until 1 January 2030**, from compliance with emission limit values for **NOx** existing medium combustion plants with a rated thermal input greater than 5 MW and which are used to drive gas compressor stations required to ensure the safety and security of a national gas transmission system.

In zones not complying with the air quality limit values, Member States shall assess the need to apply **stricter emission limit values** than those set out in the Directive.

Isolated plants: the emission limit values set out in Annex II should not apply to medium combustion plants located in the Canary Islands, French Overseas Departments, the Azores and Madeira, because of the technical and logistical issues associated with such plants' isolated location. The Member States concerned should set emission limit values for such plants in order to reduce their emissions to air and the potential risks to human health and the environment.

Obligations of the operator and compliance checks: Member States shall ensure that the operator carries out **monitoring** of emissions and that the operator shall keep a record of and process all monitoring results. In the event of non-compliance, Member States shall ensure that the competent authority requires the operator to take any measures necessary to ensure that **compliance is restored** without undue delay.

Member States shall set up an **effective system**, based on either environmental inspections or other measures, to check compliance with the requirements of this Directive.

Review: **by 1 January 2020**, the Commission shall assess the benefits of setting minimum energy efficiency standards; **by 1 January 2023**, it shall assess the need to review the provisions concerning plants which are part of small isolated systems (SIS) or micro isolated systems (MIS).

As part of this review, the Commission shall also assess whether for certain or all types of medium combustion plants there is a **need to regulate CO emissions**. Thereafter, a review shall take place every ten years and shall include an assessment of whether it is appropriate to set stricter emission limit values in particular for new medium combustion plants.

ENTRY INTO FORCE: 18.12.2015.

TRANSPOSITION: 19.12.2017.

DELEGATED ACTS: the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to adjust the provisions on assessment of compliance set out in point 2 of Part 2 of Annex III. The power to adopt delegated acts shall be conferred on the Commission for a period of **five years** (renewable) from 18 December 2015. The European Parliament or the Council may object to a delegated act within a period of two months from the date of notification (this period may be extended by two months). If the European Parliament or the Council objects, the delegated act shall not enter into force.