Basic information

1998/0225(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Atmospheric pollution: large combustion plants, limitation of emissions (amend. direct. 88/609/EEC) Repealed by 2007/0286(COD) Amended by 2008/0015(COD) **Subject** 3.70.02 Atmospheric pollution, motor vehicle pollution	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
DELE EP Delegation to Conciliation Committee	OOMEN-RUIJTEN Ria (PPE-DE)	26/04/2001

Former committee responsible	Former rapporteur	Appointed
ENVI Environment, Public Health, Consumer Policy	OOMEN-RUIJTEN Ria (PPE-DE)	20/11/2000
ENVI Environment, Public Health and Consumer Protection	JACKSON Caroline (PPE)	01/05/1999
ENVI Environment, Public Health and Consumer Protection	OOMEN-RUIJTEN Ria (PPE)	21/07/1998

Former committee for opinion	Former rapporteur for opinion	Appointed
ENER Research, Technological Development and Energy	ESTEVAN BOLEA María Teresa (PPE)	23/09/1998

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	2371	2001-09-27
Environment	2278	2000-06-22
Environment	2235	1999-12-13
Environment	2165	1999-03-11
Education, Youth, Culture and Sport	2303	2000-11-09

	Culture	2361	2001-06-21

European Commission	Commission DG	Commissioner
	Environment	

Key events

Date	Event	Reference	Summary
08/07/1998	Legislative proposal published	COM(1998)0415	Summary
04/11/1998	Committee referral announced in Parliament, 1st reading		
11/03/1999	Debate in Council		
17/03/1999	Vote in committee, 1st reading		Summary
17/03/1999	Committee report tabled for plenary, 1st reading	A4-0121/1999	
13/04/1999	Debate in Parliament		
26/07/1999	Vote in committee, 1st reading		
26/07/1999	Committee report tabled for plenary confirming Parliament's position	A5-0004/1999	
16/09/1999	Decision by Parliament, 1st reading	T5-0013/1999	
25/11/1999	Modified legislative proposal published	COM(1999)0611	Summary
09/11/2000	Council position published	11070/1/2000	Summary
16/11/2000	Committee referral announced in Parliament, 2nd reading		
26/02/2001	Vote in committee, 2nd reading		Summary
26/02/2001	Committee recommendation tabled for plenary, 2nd reading	A5-0068/2001	
13/03/2001	Debate in Parliament		
14/03/2001	Decision by Parliament, 2nd reading	T5-0133/2001	Summary
21/06/2001	Parliament's amendments rejected by Council		
25/06/2001	Formal meeting of Conciliation Committee		
03/07/2001	Report tabled for plenary, 3rd reading	A5-0293/2001	
04/07/2001	Final decision by Conciliation Committee		Summary
02/08/2001	Joint text approved by Conciliation Committee co-chairs	3640/2001	
19/09/2001	Debate in Parliament		
20/09/2001	Decision by Parliament, 3rd reading	T5-0469/2001	Summary
27/09/2001	Decision by Council, 3rd reading		
23/10/2001	Final act signed		
23/10/2001	End of procedure in Parliament		
27/11/2001	Final act published in Official Journal		

Technical information	
Procedure reference	1998/0225(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealed by 2007/0286(COD) Amended by 2008/0015(COD)
Legal basis	EC Treaty (after Amsterdam) EC 175-p1
Stage reached in procedure	Procedure completed
Committee dossier	CODE/5/14665

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0121/1999 OJ C 219 30.07.1999, p. 0004	17/03/1999	
Text adopted by Parliament, 1st reading/single reading		T4-0307/1999 OJ C 219 30.07.1999, p. 0175-0248	14/04/1999	Summary
Committee final report tabled for plenary, 1st reading /single reading		A5-0004/1999 OJ C 054 25.02.2000, p. 0010	26/07/1999	
Text adopted by Parliament confirming position adopted at 1st reading		T5-0013/1999 OJ C 054 25.02.2000, p. 0055-0076	16/09/1999	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0068/2001	26/02/2001	
Text adopted by Parliament, 2nd reading		T5-0133/2001 OJ C 343 05.12.2001, p. 0103-0154	14/03/2001	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0293/2001	03/07/2001	
Text adopted by Parliament, 3rd reading		T5-0469/2001 OJ C 077 28.03.2002, p. 0019-0089 E	20/09/2001	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	11070/1/2000 OJ C 375 28.12.2000, p. 0012	09/11/2000	Summary

European Commission

Document type	Reference	Date	Summary

Legislative proposal	COM(1998)0415 OJ C 300 29.09.1998, p. 0006	08/07/1998	Summary
Reconsultation	SEC(1999)0581	28/04/1999	
Modified legislative proposal	COM(1999)0611 OJ C 212 25.07.2000, p. 0036 E	25/11/1999	Summary
Commission communication on Council's position	SEC(2000)1961	14/11/2000	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2001)0222	24/04/2001	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0067/1999 OJ C 101 12.04.1999, p. 0055	27/01/1999	
CSL/EP	Joint text approved by Conciliation Committee co-chairs	3640/2001	02/08/2001	

Additional information

Source	Document	Date
European Commission	EUR-Lex	
European Commission	EUR-Lex	

Final act

Directive 2001/0080
OJ L 309 27.11.2001, p. 0001 Summary

Atmospheric pollution: large combustion plants, limitation of emissions (amend. direct. 88/609/EEC)

1998/0225(COD) - 23/10/2001 - Final act

PURPOSE : to limit polluting emissions from large combustion plants. COMMUNITY MEASURE : Directive 2001/80/EC of the European Parliament and of the Council on the limitation of pollutants into the air from large combustion plants. CONTENT : This Directive will replace the current Directive 88/609/EEC, which was scheduled for revision in the context of the EU strategy to combat acidification. It establishes new and safer limits on emissions for three of the principal pollutants: nitrogen oxide (NOx), sulphur dioxide (SO2) and dust. The Directive applies to all existing and new large combustion installations with nominal thermal power of 50 megawatts or more, irrespective of the fuel used, whether that be solid, liquid or gas. This Directive encourages cogeneration, and establishes emissions limits for using biomass as fuel. Operators of existing installations must commit themselves not to run their plants for more than 20000 hours between January 1 2008 and December 31 2015. Operators must present a written declaration to the competent authority by June 30 2004. Plants with a nominal thermal power of 400 MW or more, with annual usage below 2000 hours until 1 January 2016 and 1500 hours from that date will be subject to a limit ceiling of 800 mg/Nm3 of SO2 emissions. The Directive also specifies the emissions limit for SO2 in relation to solid fuels, including biomass, for liquids and gas, for SO2 and the limits for dust emissions. The new NOx limit will

apply to old and new plants from 2016 but plants operating at peak times only will be exempt from it. Anthracite power plants will have to apply it from 2018. ENTRY INTO FORCE : 27/11/01.

Atmospheric pollution: large combustion plants, limitation of emissions (amend. direct. 88/609/EEC)

1998/0225(COD) - 08/07/1998 - Legislative proposal

OBJECTIVE: amendment of Directive 88/609/EEC on the limitation of emissions of certain pollutants into the air from large combustion plants SUBSTANCE: The proposed amendment of Directive 88/609/EEC seeks to integrate into the original Directive the technical progress achieved in the large combustion plant sector over the last 15 years. It is an important element in the implementation of the Community strategy to combat acidification and in the measures seeking to reduce tropospheric ozone levels in the Community. The central elements of this revision concern: - the updating of the emission limit values applicable to combustion plants put into operation after 1 January 2000, these values being differentiated on the basis of size of the installation and type of fuel used; - the extension of the scope to include gas turbines. The other new aspects of the proposal include: - the updating of the scope for fuels covered, notably by clarifying the relationship with the Directives dealing with waste incineration and by addressing the use of biomass as a source of energy; - the promotion of the development of combined heat and power generation; - the updating of provisions concerning abnormal operating conditions; - the reinforcement of provisions concerning monitoring of emissions (including those from existing installations) and compliance with limit values; - the updating of provisions concerning the annual emissions inventory for SO2 and NOx to include data from both new and existing installations on an individual basis and to include data concerning energy consumption in order to provide information on trends in emission factors.

Atmospheric pollution: large combustion plants, limitation of emissions (amend. direct. 88/609/EEC)

1998/0225(COD) - 16/09/1999

The European Parliament confirmed its first reading in the context of the codecision procedure of the text that it adopted on 14.04.1999 on this proposal for a directive.

Atmospheric pollution: large combustion plants, limitation of emissions (amend. direct. 88/609/EEC)

1998/0225(COD) - 14/04/1999 - Text adopted by Parliament, 1st reading/single reading

At first reading under cooperation procedure, the European Parliament adopted the report by Ria G.H.C. Oomen-Ruijten (PPE,NL), which approves the Commission proposal for a Council directive amending directive 88/609/EEC on the limitation of emissions of certain pollutants into the air from large combustion plants, subject to amendments, notably in the following areas: - noting the long-term aim, expressed in the Commission's recent communication on a Community strategy to combat acidification, of a reduction in emissions of SO2 and NOx sufficient to bring residues and concentrations down to levels below the critical loads and levels; - recalling that limit values for sulphur emissions and content are laid down in Annex V of the 1994 Oslo Protocol to the 1979 Geneva Convention on Long-Range Transboundary Air Pollution; - recalling that the Commission is requested to put forward, before the end of 2000, specific proposals for EU-wide economic instruments for reducing emissions of SO2 and NOx in the most cost-effective way and proposing that any taxes or charges proposed will be minimum requirements, leaving the Member States the full freedom to set higher taxes or charges, if they so wish; - removing the Commission's proposal that technical apparatus used in the propulsion of a vehicle, ship or aircraft and gas turbines used on an offshore platform should be exempted from the directive; - allowing Member States to provide that new plants having a rated thermal input of between 50 MW and 100 MW and licensed before the deadline for incorporation of directive 94/66/EC into national law shall be obliged to comply with the emission limit values for SO2 by no later than one year after that deadline; - setting new emission limit values for SO2 (for solid fuels, liquid fuels and gaseous fuels) and NOx to be applied by 01/01/2005 by all plants granted a licence before 01/01/2000, including those plants granted an operating licence before 01/07/87; - providing that, before 01/07/2007, the Commission shall submit proposals for the revision of the limit values applicable; - deleting the Kingdom of Spain's derogation, until 31/12/99, from the directive's emission limit values for SO2 for new plants; - a lowering of certain emission limit values (in relation to those proposed by the Commission) with regard to SO2 and NOx for plants for which the licence is granted on or after 01/01/2000; - requiring Member States to take appropriate steps to disseminate up-to-date information on total national as well as plant-by-plant total annual emissions of SO2 and NOx to the public by various means, including notification of appropriate organisations; - providing that a list of the organisations notified be sent to the Commission at the same time as information on determination of total annual emissions of new plants, as detailed in the directive.

Atmospheric pollution: large combustion plants, limitation of emissions (amend. direct. 88/609/EEC)

1998/0225(COD) - 14/11/2000 - Commission communication on Council's position

The common position was agreed to unanimously by Council. The provisions for existing plants and the new standards applicable to plants licensed after the proposal comes into force will result in substantial improvements in the environmental performance of the large combustion plant sector. The provisions for gas turbines reflect trends in technological choice in the power generation sector. The timetable for the introduction of the new provisions for existing plants is realistic at a Community wide level in view of the measures which will have to be put in place. Thus the Commission can accept and support the common position.

Atmospheric pollution: large combustion plants, limitation of emissions (amend. direct. 88/609/EEC)

1998/0225(COD) - 24/04/2001 - Commission opinion on Parliament's position at 2nd reading

On 14 March 2001, the European Parliament adopted 18 amendments. 10 amendments have been accepted by the Commission in full. The amendments accepted by the Commission relate in particular to: - "existing" plants as defined in Directive 88/609: these may be exempt from the basic obligations concerning new emission standards if there is a commitment to the competent authority before 30 June 2004 to close the plant within 20000 operational hours from 1 January 2008; - specifying that this exemption window must end by 31 December 2012. From both an enlargement and liberalised market perspective it is desirable to have harmonised environmental standards as soon as practicable; - the deletion of Article 5.2 and Annex VIII of the Common Position respectively which has the aim of removing the alternative desulphurisation requirements that only apply to indigenous solid fuels when the emission limit values in Annex III cannot be met due to the nature of the fuel; - removing special provisions for indigenous lignite; - to include alternative measures for solid fuels where the emission limit values in Annex III.A and III.B respectively of the Common Position cannot be met due to the nature of the fuel; - tighten the emission limit values for nitrogen oxides for existing plants and in particular for plants with a capacity greater than 300 MWth; - propose to tighten emission limit values for plant that will be licensed after the Directive comes into force. The Commission can also accept some increased stringency in this case as the environmental requirements can be integrated into investment decisions and cost effective solutions can be developed; - establishing a date of 31 Dec 2007 for the application of more stringent emission limit values to new plants licensed since 1 July 1987 and covered by Article 4.1 of the Common Position. Amendments accepted in principle by the Commission seek to: - align the list of wastes used as a fuel in the Common Position with the list of wastes which are exempt from the recently adopted directive on waste incineration (2000/76/EC) thus ensuring continuous coverage between the two legislative instruments; - include emissions of heavy metals from the large combustion plant sector in the review foreseen in Article 4.7. It also seeks to include consideration of emissions from sea and air transport as well as proposals for curbing emissions from these sectors. The Commission rejected the amendments which concern in particular: - the amendment which seeks to reduce the operating time averaged over a five-year period from 2200 hours per year to 700 hours per year during which a higher emission limit value of 800 mg/Nm3 than would otherwise apply may prevail; - the amendment which proposes to tighten the emission limit values for sulphur dioxide applicable to "existing" and "new" plants.

Atmospheric pollution: large combustion plants, limitation of emissions (amend. direct. 88/609/EEC)

1998/0225(COD) - 20/09/2001 - Text adopted by Parliament, 3rd reading

The European Parliament adopted the compromise agreement reached within Council. Parliament held out the two years of negotiations with Council to make the laws tougher. It succeeded at first reading in including older, dirtier plants in the directive on large combustion plants which was originally intended to cover power stations built after 1987. Its delegation won stringent caps on nitrogen oxide, sulphur oxide and dust emissions in exchange for concessions designed to save older, mostly coal-fired, plants from closure. The thorniest issue was the nitrogen oxide (Nox) cap. Under the compromise deal the strict new Nox limit won by the Parliament will apply to new and old plants from 2016. Moreover, anthracite power plants will however have to apply it from 2018.

Atmospheric pollution: large combustion plants, limitation of emissions (amend. direct. 88/609/EEC)

1998/0225(COD) - 14/03/2001 - Text adopted by Parliament, 2nd reading

The European Parliament voted to strengthen the common position on a proposal to update legislation dating back to 1988 on the elimination of emissions of certain pollutants into the air from large combustion plants (LCPs). The draft recommendation drafted by Mrs Ria OOMEN-RUIJTEN (EPP /ED, NI) shall apply to new LCPs, which will be licensed once the directive takes effect, and to existing ones from 2008 onwards. (Please refer to the previous text).

Atmospheric pollution: large combustion plants, limitation of emissions (amend. direct. 88/609/EEC)

1998/0225(COD) - 25/11/1999 - Modified legislative proposal

In response to Parliament's first reading, the Commission presents an amended proposal on the limitation of emissions from large combustion plants. A number of Parliament's amendments are accepted, either in full, partially or in principle. In general, the Commission does not accept those

amendments which propose more stringent emission limit values and which seek to extend the scope of the proposal to cover large combustion plants for which a license was issued before 1 January 2000. Amendments accepted fully or in part: - Amendment 1: recital to state the aims of Community Strategy on Acidification - Amendment 3: economic instruments to reduce SO2 and NOx emissions. - Amendment 5: requirement to submit proposals before 1 July 2007.to update the emission value limit applicable. This will be done through the implementation of the Directive on Integrated Pollution Prevention and Control (IPPC). - Amendment 15:dissemination of information to public and appropriate organisations to the extent that it can be accommodated through the development of a Pollutant Emission Register under the IPPC Directive. Amendments not accepted by the Commission: - Amendment 2: this relates through international treaties to emission limit values in Directive 88/609, which are subject to revision under the Commission's proposal - Amendment 4: gas turbines on offshore platforms are excluded from the scope due to the operational characteristics of these installations. Propulsion applications will not be included in the scope since the proposal addresses emissions from stationary sources only. - Amendment 6 : the derogation for Spain cannot be deleted - Amendments 8, 12, 14, 20: these propose to revise the emission limit values applicable to large combustible plants for which a license was issued between 1 July 1987 and 1 January 2000 and also to apply these emission limit values to plants for which a license was issued before 1 July 1987. Emissions from the latter category are controlled through national sectoral ceilings. Member States can achieve the required emission limits in the most cost-effective manner at national level. The scope of the proposal is therefore limited to new plants for which a license is issued after 1 January. Amendments 7, 11 and 13 - the Commission does not consider more stringent emission limit values to be more appropriate, since it aims to set minimum standards that can be applied at Community level. Member States may apply more stringent values if warranted by local circumstances or to meet emission targets for sulphur dioxide or nitrogen oxides resulting from the Commission·s proposal on national emission ceilings.

Atmospheric pollution: large combustion plants, limitation of emissions (amend. direct. 88/609/EEC)

1998/0225(COD) - 09/11/2000 - Council position

The Council's common position extends the scope of the Commission's proposal by also applying emission limit values (ELVs) or other provisions to those combustion plants licensed before 1 July 1987 ("existing plants"). The common position provides the Member States with two alternatives for the treatment of exsting plants, which must be achieved by 1 January 2008: - compliance with the ELVs and other conditions set out for "old new plants"; or - compliance with antional emission reduction plan, in accordance with guidelines to be issued by the Commission, leading to the same emission level that would have been achieved by applying the abovementioned ELVs to the existing plants in operation in the year 2000. The existing plants may be exempt from these obligations if, before 30 June 2004, an operator declares not to operate the plant for more than 20 000 hours from 1 January 2008. In addition, the common position incorporates amendments relating to: - biomass: the defintion of biomass has been adapted to ensure consistency with the pending Directive relating to incineration of waste; - combined heat and power: this text has been amended to clarify that the responsibility of the Member States is to ensure that the technical and economic feasibility of providing for combined generation of heat and power is examined in the case of new plants licensed after this proposal comes into effect and in the case of other plants subject to an extension of greater than 50 MWth, also after the proposal comes into force; - indigenous fuel provisions: the provisions which allow for exceedances of the emission limit values for plants licensed after 1 July 1987 where the emission limit values cannot be respected due to the nature of indigenous lignite, shall no longer apply to plants licensed after the entry into force of this proposal; - provisions for gas turbines: the higher emission limit value of 75 mg/Nm3 applicable in the case of combined heat power applications where the overall efficiency is greater than 75% will aslo apply in the case of combined applications where the cycle efficiency is greater than 55%.