



COMMENTS ON THE PROPOSAL FOR A DIRECTIVE ON INDUSTRIAL EMISSIONS (IPPC) (November 2009)

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Directive on industrial emissions shall have an essential impact on the respective industry (energy companies, heating companies, mining companies, heavy industry in general) and it shall influence its functioning after 2015. It is clear that the protection of environment plays currently a primordial role and the industry fully supports the protection of climate and the decrease of emissions.

However, in order to adapt the respective industry and with regard to its investments cycles it is necessary that the final wording of the directive includes some flexible mechanisms that shall allow the industry to change and adapt its portfolio in a flexible way and to simultaneously operate its combustion plants in a sustainable way.

These mechanisms shall enable to realise a complex modernisation of respective plants which shall in the same time increase their efficiency. In order to comply with the given conditions since 2016 it would be possible to realise only partial ecological measures which would on the contrary decrease the efficiency of the plants. These flexible mechanisms shall in the same time ensure the energy security of the EU Member States and shall contribute to the achievement of the 20/20/20 binding targets set up in the climate package in 2009.

The comments are based on the common position of the Council from July 2009 with which the industry in principle agrees.

The flexible mechanisms are laid out in the Article 33a et sequentia of the proposal of the directive under the common position of the Council. **The existence of these mechanisms in the final wording of the directive is crucial.**

1. Desulphurisation rate (Article 33a)

For combustion plants firing indigenous solid fuel, which cannot comply with the emission limit values for sulphur dioxide, referred to in Article 33(2) and (3), due to the characteristics

of this fuel, Member States may apply instead the minimum rates of desulphurisation set out in the Part 5 of Annex V.

2. Transitional national plan (Article 33b)

Member States may define and implement a transitional national plan covering some predefined combustion plants. **These combustion plants may be exempted from compliance with the emission limit values referred to in Article 33(2) of the directive.**

In contrast to the common position of the Council that proposed the transitional national plan for the period of the years 2016-2020, **it is proposed that the validity of the transitional national plan should be extended till 2023**, which is the date decisive for other flexible mechanisms (limited life time derogation).

In contrast to the common position of the Council that proposed the twelve-month limit for the Commission's evaluation of the transitional national plan, **it is proposed that the limit for the Commission's evaluation should be shortened to 6 months**. The respective plants shall thus be provided with legal certainty about the future emissions well in advance before the given period. The limit of 6 months is moreover used in case of other legislation (e.g. EU ETS).

3. Limited life time derogation (Article 33c)

During the period from 2016 to 2023, some combustion plants may be exempted from compliance with the emission limit values referred to in Article 33(2) of the directive and with the rates of desulphurisation referred to in Article 33a, where applicable, and from their inclusion in the transitional national plan referred to in Article 33b, **if they are not in operation more than 20 000 operating hours.**

4. Districts heating plants (Article 33e)

Until the end of 2023, a combustion plant may be exempted from compliance with the emission limit values referred to in Article 33(2) and the rates of desulphurisation referred to in Article 33a, if its total rated thermal input does not exceed 200 MWth. This flexible mechanism is essential for the heating plants within the territory of the Czech Republic.