

## **INDUSTRIAL EMISSIONS DIRECTIVE - UPCOMING TRILOGUE NEGOTIATIONS**

Following the Common Position of the Council and the European Parliament's ENVI Committee's decision on the Draft Industrial Emissions Directive, trilogue meetings are planned for 20<sup>th</sup> May, 3<sup>rd</sup> June and 16<sup>th</sup> June, 2010. As a compromise would be desirable in the Second Reading and as the issue is important for the coal industry, EURACOAL strongly recommends taking into account the following positions:

### **1. Minimum existing desulphurisation rates for sulphurous indigenous coals**

The Large Combustion Plant Directive includes a desulphurisation rate for indigenous coals that - even when applying Best Available Techniques - cannot comply with the Emission Limit Values set for SO<sub>2</sub>. The rule was always limited to indigenous coals that are relatively sulphurous. Since this is an issue of the quality of the coal - not a technical issue - a time-limitation of the rule is not acceptable for some European mining regions. They will need the alternative of an ambitious minimum desulphurisation rate both for the use of coal in power plants and for waste co-incineration plants firing the concerned fuels also after 2017.

#### **Solution**

- Do not accept EP ENVI amendments 233 and 271 (limitation of minimum desulphurisation rates until 2017 at the latest, Article 31 and Article 72).
- Accept EP ENVI amendment 267 (minimum desulphurisation rates for waste co-incineration plants firing indigenous solid fuels, Article 46). NB: Since the Commission had tried to delete the minimum desulphurisation rates in its proposal, their re-introduction in the case of co-incineration - also in Article 46 - by the Council and the EP would be in line with the rules on the so-called recast Procedure.

## 2. CO<sub>2</sub> emission limit values

The existing IPPC Directive as well as Article 9 of the Common Position of the Council foresee that there will not be CO<sub>2</sub> Emission Limit Values in the plant operation permit if the installation concerned is part of the European Emissions Trading Scheme for greenhouse gases.

The amendment proposed by the Parliament's ENVI Committee that Member States may chose not to impose such an Emission Limit Value would lead to a double regulation. Adding "law and order" would contradict the spirit of the market-based ETS approach. It would not lead to a further emission reduction, as the emission cap of the ETS remains.

### **Solution**

Do not accept amendments 58, 92 and 93 (Recital 9 and Article 9).

## 3. Transitional National Plans and limited lifetime derogation (Articles 32 and 33)

The Council included these instruments to avoid a significant impact on the available fossil fuel power generation capacity in the short term and to reduce the likelihood of security of supply disturbances for electrical power.

The Council agreed on the option for Member States to use the instrument of the Transitional National Plan till 31<sup>st</sup> December 2020, the Parliament's ENVI Committee accepted 30<sup>th</sup> June 2019. The limited lifetime derogation was accepted by EP's ENVI Committee till end 2020, by Council till end 2023.

### **Solution**

Follow the compromise found by Member States in the Common Position.

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