

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	1998/0225(COD) 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Repealed by 2007/0286(COD) Amended by 2008/0015(COD)	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		26/04/2001
		PPE-DE OOMEN-RUIJTEN Ria	
	Former committee responsible		
	ENVI Environment, Public Health and Consumer Protection	PPE JACKSON Caroline	01/05/1999
	ENVI Environment, Public Health, Consumer Policy	PPE-DE OOMEN-RUIJTEN Ria	20/11/2000
	ENVI Environment, Public Health and Consumer Protection	PPE OOMEN-RUIJTEN Ria	21/07/1998
Former committee for opinion			
ENER Research, Technological Development and Energy	PPE ESTEVAN BOLEA María Teresa	23/09/1998	
Council of the European Union	Council configuration	Meeting	Date
	Competitiveness (Internal Market, Industry, Research and Space)	2371	27/09/2001
	Culture	2361	21/06/2001
	Education, Youth, Culture and Sport	2303	09/11/2000
	Environment	2278	22/06/2000
	Environment	2235	13/12/1999
European Commission	Environment	2165	11/03/1999
	Commission DG	Commissioner	
	Environment		

Key events			
07/07/1998	Legislative proposal published	COM(1998)0415	Summary
04/11/1998	Committee referral announced in		

	Parliament, 1st reading		
11/03/1999	Debate in Council	2165	
17/03/1999	Vote in committee, 1st reading		Summary
16/03/1999	Committee report tabled for plenary, 1st reading	A4-0121/1999	
13/04/1999	Debate in Parliament		
14/04/1999	Decision by Parliament, 1st reading	T4-0307/1999	Summary
26/07/1999	Vote in committee, 1st reading		
25/07/1999	Committee report tabled for plenary confirming Parliament's position	A5-0004/1999	
16/09/1999	Decision by Parliament, 1st reading	T5-0013/1999	Summary
24/11/1999	Modified legislative proposal published	COM(1999)0611	Summary
08/11/2000	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
25/02/2001	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		
02/07/2001	Report tabled for plenary, 3rd reading	A5-0293/2001	
04/07/2001	Final decision by Conciliation Committee		Summary
01/08/2001	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
	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

Legislative proposal		COM(1998)0415 OJ C 300 29.09.1998, p. 0006	08/07/1998	EC	Summary
Committee draft report		PE229.322	27/01/1999	EP	
Economic and Social Committee: opinion, report		CES0067/1999 OJ C 101 12.04.1999, p. 0055	27/01/1999	ESC	
Committee opinion	ENER	PE228.972/DEF	08/03/1999	EP	
Committee report tabled for plenary, 1st reading/single reading		A4-0121/1999 OJ C 219 30.07.1999, p. 0004	17/03/1999	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0307/1999 OJ C 219 30.07.1999, p. 0175-0248	14/04/1999	EP	Summary
Reconsultation		SEC(1999)0581	28/04/1999	EC	
Committee final report tabled for plenary, 1st reading/single reading		A5-0004/1999 OJ C 054 25.02.2000, p. 0010	26/07/1999	EP	
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	EP	Summary
Modified legislative proposal		COM(1999)0611 OJ C 212 25.07.2000, p. 0036 E	25/11/1999	EC	Summary
Council position		11070/1/2000 OJ C 375 28.12.2000, p. 0012	09/11/2000	CSL	Summary
Commission communication on Council's position		SEC(2000)1961	14/11/2000	EC	Summary
Committee draft report		PE297.213	18/01/2001	EP	
Committee recommendation tabled for plenary, 2nd reading		A5-0068/2001	26/02/2001	EP	
Text adopted by Parliament, 2nd reading		T5-0133/2001 OJ C 343 05.12.2001, p. 0103-0154	14/03/2001	EP	Summary
Commission opinion on Parliament's position at 2nd reading		COM(2001)0222	24/04/2001	EC	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0293/2001	03/07/2001	EP	
Joint text approved by Conciliation Committee co-chairs		3640/2001	02/08/2001	CSL/EP	
Committee draft report		PE287.592	06/09/2001	EP	

Text adopted by Parliament, 3rd reading	T5-0469/2001 OJ C 077 28.03.2002, p. 0019-0089 E	20/09/2001	EP	Summary
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Additional information

European Commission

[EUR-Lex](#)

Final act

[Directive 2001/80](#)
[OJ L 309 27.11.2001, p. 0001](#) Summary

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

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 NO_x 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)

An important report aimed at curtailing pollution from large combustion plants (LCPs) was adopted by an overwhelming majority in the Committee. The report, drafted by Ria OOMEN-RUIJTEN (EPP, NL), amended a Commission proposal designed to update a 1988 directive. About 2000 LCPs (defined as those with a thermal input of 50 megawatts or more) are currently in operation in the Union. A quarter of these are used to produce electricity and the rest generate power for industry (eg for the production of chemicals). LCPs, which may burn solid or liquid fuel as well as gas or biomass, give rise to air pollution within and across national borders through the emission of sulphur dioxide and nitrogen oxides. Reducing these emissions will help combat acidification, prevent the formation of ground-level ozone and improve public health by reducing respiratory problems. All new LCPs will be covered by the updated directive. The amendments adopted - some by narrow majorities - in committee tighten the emission limits proposed by the Commission, bring all existing LCPs within the scope of the legislation (including those licensed before 1987, which are currently excluded), extend the directive to cover offshore gas turbines, and require Member States to give emission information to the public. The proposal is currently covered by the cooperation procedure but will become subject to codecision once the Amsterdam Treaty comes into force this summer. ?

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

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 NO_x 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 NO_x 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 NO_x 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 NO_x 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 NO_x 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)

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 NO_x 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)

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 existing 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 national 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 definition 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 MW_{th}, 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 also apply in the case of combined applications where the cycle efficiency is greater than 55%.?

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

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)

The committee adopted the draft recommendation for second reading (codecision procedure) by Ria OOMEN-RUIJTEN (EPP-ED, NL) amending the Council's common position. The amendments were essentially designed to limit derogations and toughen up emission limits. The committee deleted a number of exemptions, for example, those applicable to solid fuel plants operating less than 2,200 hours per year, a derogation allowing Spain to exceed the SO₂ emission levels on a wide scale, and other exemptions applicable to LCPs burning lignite, where

Member States would have been allowed to permit higher emissions of SO₂, NO_x and dust. The committee also stipulated that the Council's proposal to exempt existing plants from the scope of the directive for a maximum of 20,000 operational hours in total after 1 January 2008 should only apply up to 31 December 2012, after which all derogations would cease. The committee also tightened up the limits laid down in the annexes. In the case of solid fuels it wanted an SO₂ limit starting at 1200 mg/Nm³ for 50 MWth plants, decreasing to 300 mg/Nm³ for 300 MWth plants. For liquid fuels, it called for a starting figure of 1200 mg/Nm³ for 50 MWth plants, decreasing to 300 mg/Nm³ for 300 MWth plants. The committee also voted for lower limits for NO_x, namely 350 mg/Nm³ for solid and liquid fuel and 250 mg/Nm³ for gaseous fuel. In the case of LCPs over 300 MWth, the figure would be 200 mg/Nm³. However, the committee did not change the limits for dust.?

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

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)

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)

The Conciliation Committee reached a final agreement by an exchange of letters on the text of the proposal for a directive. Under the compromise reached, Parliament succeeded in particular in tightening the proposed limit values for sulphur dioxide (SO₂) and nitrogen oxide (NO_x). The Council agreed to considerably reduce the SO₂ emission limit values in particular for medium-sized and large plants. This reduction would be crucial in limiting emissions from larger coal-fired power plants. Parliament also managed to secure a stringent limit value (of 200 mg/Nm³) for nitrogen oxide emissions from large solid fuel plants, to apply from 2016. This limit would be a crucial benchmark in negotiations with the Eastern European candidate countries. Parliament was instrumental in ensuring that existing plants, as well as new ones, would be covered by the new legislation. It also fought hard to ensure that the exemptions demanded by Council for older, dirtier plants were not too generous. The compromise deal provided that the exemption demanded by the Council for older plants should be limited in time and that large power stations operating at peak times for a maximum of two to three months a year would also be subject to nitrogen oxide limit values.?

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

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)

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 (NO_x), 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 NO_x 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.?