

Procedure file

| Basic information | |
|---|---------------------------------------|
| COD - Ordinary legislative procedure (ex-codecision procedure) Directive | 2013/0442(COD) Procedure completed |
| Limitation of emissions of certain pollutants into the air from medium combustion plants | |
| Subject 3.40 Industrial policy 3.70.02 Atmospheric pollution, motor vehicle pollution | |

| Key players | | | |
|---|--|--|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| |  Environment, Public Health and Food Safety |  GRZYB Andrzej | 10/07/2014 |
| | | Shadow rapporteur | |
| | |  PAOLUCCI Massimo | |
| | |  WIŚNIEWSKA Jadwiga | |
| | |  HUITEMA Jan | |
| | |  RIVASI Michèle | |
| | |  PEDICINI Piernicola | |
| | Former committee responsible | | |
| |  Environment, Public Health and Food Safety | | |
| Committee for opinion | Rapporteur for opinion | Appointed | |
|  Industry, Research and Energy |  FEDERLEY Fredrick | 15/09/2014 | |
| Former committee for opinion | | | |
|  Industry, Research and Energy | | | |
| Council of the European Union | Council configuration | Meeting | Date |
| | Economic and Financial Affairs ECOFIN | 3421 | 10/11/2015 |
| | Environment | 3363 | 17/12/2014 |
| | Environment | 3320 | 12/06/2014 |

Key events

| | | | |
|------------|---|---|---------|
| 18/12/2013 | Legislative proposal published | COM(2013)0919 | Summary |
| 13/01/2014 | Committee referral announced in Parliament, 1st reading | | |
| 12/06/2014 | Debate in Council | 3320 | Summary |
| 20/10/2014 | Committee referral announced in Parliament, 1st reading | | |
| 17/12/2014 | Debate in Council | 3363 | |
| 06/05/2015 | Vote in committee, 1st reading | | |
| 06/05/2015 | Committee decision to open interinstitutional negotiations with report adopted in committee | | |
| 13/05/2015 | Committee report tabled for plenary, 1st reading | A8-0160/2015 | Summary |
| 15/07/2015 | Approval in committee of the text agreed at 1st reading interinstitutional negotiations | | |
| 06/10/2015 | Debate in Parliament |  | |
| 07/10/2015 | Results of vote in Parliament |  | |
| 07/10/2015 | Decision by Parliament, 1st reading | T8-0339/2015 | Summary |
| 10/11/2015 | Act adopted by Council after Parliament's 1st reading | | |
| 25/11/2015 | Final act signed | | |
| 25/11/2015 | End of procedure in Parliament | | |
| 28/11/2015 | Final act published in Official Journal | | |

Technical information

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|--|---|
| Procedure reference | 2013/0442(COD) |
| Procedure type | COD - Ordinary legislative procedure (ex-codecision procedure) |
| Procedure subtype | Legislation |
| Legislative instrument | Directive |
| Legal basis | Treaty on the Functioning of the EU TFEU 192-p1 |
| Mandatory consultation of other institutions | European Economic and Social Committee European Committee of the Regions |
| Stage reached in procedure | Procedure completed |
| Committee dossier | ENVI/8/00320 |

| Documentation gateway | | | | | |
|---|------|--------------------------------|------------|-----|---------|
| Legislative proposal | | COM(2013)0919 | 18/12/2013 | EC | Summary |
| Document attached to the procedure | | SWD(2013)0531 | 18/12/2013 | EC | |
| Document attached to the procedure | | SWD(2013)0532 | 18/12/2013 | EC | |
| Document attached to the procedure | | SWD(2013)0536 | 18/12/2013 | EC | |
| Committee draft report | | PE546.891 | 04/02/2015 | EP | |
| Amendments tabled in committee | | PE551.798 | 10/03/2015 | EP | |
| Amendments tabled in committee | | PE551.872 | 17/03/2015 | EP | |
| Committee opinion | ITRE | PE546.728 | 23/04/2015 | EP | |
| Committee report tabled for plenary, 1st reading/single reading | | A8-0160/2015 | 13/05/2015 | EP | Summary |
| Text adopted by Parliament, 1st reading/single reading | | T8-0339/2015 | 07/10/2015 | EP | Summary |
| Draft final act | | 00042/2015/LEX | 25/11/2015 | CSL | |
| Commission response to text adopted in plenary | | SP(2015)750 | 10/12/2015 | EC | |
| Follow-up document | | COM(2020)0351 | 03/08/2020 | EC | |

| Additional information | |
|------------------------|-------------------------|
| European Commission | EUR-Lex |

| Final act |
|--|
| <p>Directive 2015/2193 OJ L 313 28.11.2015, p. 0001 Summary</p> <p>Final legislative act with provisions for delegated acts</p> |

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

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

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: medium combustion plants are used for a wide variety of applications (including electricity generation, domestic/residential heating and cooling and providing heat/steam for industrial processes, etc.) and are an important source of emissions of sulphur dioxide, nitrogen oxides and particulate matter. The approximate number of medium combustion plants in the EU is 142 986.

Emissions of air pollutants from medium combustion plants are generally not regulated at EU level. The Commission considers it appropriate to complement the existing legislation relating to combustion plants with provisions for this category.

The Communication from the Commission to the Council and the European Parliament "[A Clean Air Programme for Europe](#)" calls for action to control emissions of air polluting substances from combustion plants with a rated thermal input between 1 and 50 MW, thereby completing the regulatory framework for the combustion sector also with a view of increasing the synergies between air pollution and climate change policies.

The present proposal is part of the new framework of action in the field of air quality in the EU, as set out in the revised [EU Thematic Strategy on Air Pollution](#), and is consistent with and reinforces the Europe 2020 objectives.

IMPACT ASSESSMENT: the analysis concluded that there is a need to propose a legislative instrument for controlling emission from such plants at EU-level. Out of the five policy options considered and in depth analysed to control emissions from medium combustion plants, the preferred option would set emission limit values in line with those set in [Directive 2010/75/EU](#) for plants between 50-100 MW and in a number

of Member States, and complemented with a number of emission limit values set out for new plants in the amended Gothenburg Protocol.

CONTENT: the proposed Directive seeks to lay down emission limit values to control emissions of sulphur dioxide, nitrogen oxides and particulate matter into the air from medium combustion plants as minimum standards of protection for the environment and for all citizens of the EU. It introduces minimum requirements, keeping the administrative burden at the lowest possible level and taking special account of the situation of SMEs.

In concrete terms, the proposal:

- sets out the obligation of the competent authority to register medium combustion plants, based on notification by the operator;
- sets out the emission limit values apply to existing combustion plants after a fixed period (from 1 January 2025 emissions into air of sulphur dioxide, nitrogen oxides and particulate matter from an existing medium combustion plant with a rated thermal input above 5 MW shall not exceed the emission limit values; from 1 January 2030 emissions into air of sulphur dioxide, nitrogen oxides and particulate matter from an existing medium combustion plant with a rated thermal input of 5 MW or less shall not exceed the emission limit values);
- requires Member States to apply more stringent emission limit values to individual plants in zones not complying with air quality limit values;
- lays down a provision to require operators to immediately report on non-compliance to the competent authority;
- obliges Member States: (i) to ensure that the operator and the competent authority take necessary measures in case of non-compliance with this Directive; (ii) introduces requirements for Member States to provide for a system of environmental inspections of medium combustion plants covered by this Directive, or implement other measures to check compliance thereof;
- provides for the obligations of the operator and the competent authority in case of changes to a medium combustion plant;
- is concerned with the right of access to information and refers to Directive 2003/4/EC of the European Parliament and of the Council on public access to environmental information;
- requires Member States to designate the competent authorities responsible for carrying out the obligations arising from this Directive;
- establishes a reporting mechanism. While Member States' first report to the Commission, due by 30 June 2019, shall contain a summary of data of key importance in implementing this Directive, the following reports shall contain qualitative and quantitative information on the implementation of this Directive;
- lays down the provisions on penalties applicable to breaches of the national provisions enacted pursuant to the proposal.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

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

Ministers held a policy debate on two legislative proposals (directives on medium-size combustion plants and on [national emission ceilings](#)) which are part of the Clean Air Programme for Europe.

The aim of the programme is to further reduce the impacts of harmful emissions from industry, transport, energy plants and agriculture on human health and the environment. It sets out actions to achieve full compliance with existing air quality standards by 2020, and common EU health and environmental targets for the period up to 2030.

The debate focused on the main political issues, in particular on matters related to the scope such as flexibility and exemptions.

The question of whether the exemptions and the implementation timeline already included in the proposal provide enough flexibility to Member States and at the same time preserve the environmental integrity of the proposal.

It is appropriate to examine: (i) if the proposed categorization of the medium size plants are appropriate for both existing and new plants in relation to the proposed emission limit values and; (ii) are the pollutants included in the scope of the MCP Directive adequate; (iii) should there be a more targeted approach to plants within certain capacity categories.

As regards medium-sized combustion plants, there was much support for the proposal which will be crucial to achieve compliance with air quality standards. However, several delegations requested added flexibilities for specific situations and expressed concerns for small combustion plants and the emission limit values proposed.

With regard to national emission ceilings, many delegations supported the step-by-step approach and the coverage of all economic sectors, but concerns were expressed on the level of ambition, particularly as regards the ceilings to be reached by 2030.

Lastly, several delegations said that further examination of the impacts of the proposed emission ceilings should be carried out, especially impacts on the agricultural sector.

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

The Committee on the Environment, Public Health and Food Safety adopted the report by Andrzej GRZYB (EPP, PL) on the proposal for a directive of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants

The committee recommended that the position of the European Parliament adopted in first reading following the ordinary legislative procedure should amend the commission proposal as follows:

Scope: the Directive laid down rules to monitor emissions of carbon monoxide also.

The Directive should apply to combinations formed by two or more combustion plants having a total rated thermal input equal to or greater than 1 MW and less than 50 MW, unless the combination is a combustion plant covered by Chapter III of [Directive 2010/75/EU](#) on industrial emissions.

If more than one individual combustion plant with a rated thermal input of less than 1 MW were installed on a single site in a load-sharing arrangement, such combination should be considered as a single combustion plant for the purposes of the Directive.

Exclusions: Members considered that the Directive should not apply, inter alia, to:

- combustion plants covered by Directive 97/68/EC of the European Parliament and of the Council on the approximation of the laws of the Member States relating to measures against the emission of gaseous and particulate pollutants from internal combustion engines to be installed in non-road mobile machinery
- on-farm combustion plants with a total rated thermal input not exceeding 5 MW, which are exclusively using unprocessed poultry manure;
- combustion plants in which the gaseous products of combustion are used for the direct heating, drying or any other treatment of objects or materials, or direct gas-fired heating used to heat indoor spaces for the improvement of workplace conditions;
- gas turbines and gas and diesel engines used on offshore platforms;
- facilities for the conversion of hydrogen sulphide into sulphur;
- reactors used in the chemical industry;
- coke battery furnaces.

The Directive should not apply to research or development activities or testing activities relating to medium combustion plants.

Overseas territories: the emission limit values set out in Annex II should not apply to medium combustion plants located in the Canary Islands, French Overseas Departments, and the archipelagos of Madeira and Azores. Member States should set emission limit values for those plants in order to reduce their emissions to air and the potential risks to human health and the environment.

Registration: no new medium combustion plant must be operated without a permit or registration.

Furthermore, none of the following should be operated without a permit or registration:

- as of 1 January 2020 an existing medium combustion plant with a rated thermal input above 15 MW;
- as of 1 January 2022 an existing medium combustion plant with a rated thermal input above 5 MW and less than or equal to 15 MW;
- as of 1 January 2025 an existing medium combustion plant with a rated thermal input of 5 MW .

Competent authorities should hold a publicly accessible register of medium combustion plants.

Emission limit values: Member States may exempt medium combustion plants which were part of an installation covered by Chapter II of Directive 2010/75/EU from compliance with the emission limit values set out in Annex II.

Emissions into air of sulphur dioxide, nitrogen oxides and dust should not exceed the emission limit values set out in Part 1 of Annex II:

- from 1 January 2020 (instead of 2025) from an existing medium combustion plant with a rated thermal input above 15 MW;
- from 1 January 2022 from an existing medium combustion plant with a rated thermal input above 5 MW and less than or equal to 15 MW;
- from 1 January 2027 (instead of from 2030) from an existing medium combustion plant with a rated thermal input of 5 MW or less.

Member States may exempt existing medium combustion plants being part of small isolated systems and micro isolated systems from compliance with the emission limit values set out in Part 1 of Annex II for up to five years, but no later than 2030.

In zones not complying with EU air quality limit values laid down in [Directive 2008/50/EC](#), Member States shall assess the need to apply, for individual medium combustion plants in those zones, stricter emission limit values.

Energy efficiency: the report wanted Member States to take measures to promote increased energy efficiency of medium combustion plants.

By 31 December 2016, the Commission should assess the minimum energy efficiency standards for medium combustion plants in line with best available techniques. The Commission should report the results of that assessment to the European Parliament.

Audits: when audits and inspections were already in place to check compliance with other Union legislation controlling emissions, Member States might make use of those audits and inspections to check compliance with the Directive.

Review: Members stated that with such long time spans, it was important to regularly review the Directive in light of new technology developments.

The Commission should review the emission limit values for new medium combustion plants by 31 December 2025 with the exception of NO_x emission limit values which should be reviewed by 31 December 2021. The emission limit values for new and existing medium combustion plants should be reviewed by 31 December 2030. Thereafter, reviews would take place every ten years.

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

The European Parliament adopted by 623 votes to 70 with 12 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants

Parliaments position adopted in first reading following the ordinary legislative procedure amends the proposal as follows;

Purpose: the Directive lays down rules to control emissions of sulphur dioxide (SO₂), nitrogen oxides (NO_x) and dust into the air from medium combustion plants. It also lays down rules to monitor emissions of carbon monoxide (CO).

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.

It 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](#) on industrial emissions. 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: Parliament excluded from the scope of the legislation, inter alia:

- on-farm combustion plants with a total rated thermal input less than or equal to 5 MW, that exclusively use unprocessed poultry manure, as a fuel;
- combustion plants in which the gaseous products of combustion are used for direct gas-fired heating used to heat indoor spaces for the purpose of improving workplace conditions;
- gas turbines and gas and diesel engines, when used on offshore platforms;
- reactors used in the chemical industry;
- recovery boilers within installations for the production of pulp.

The Directive shall not apply to research activities, development activities or testing activities relating to medium combustion plants.

Permits and registration: 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: emissions into the air of SO₂, NO_x and dust may not exceed the emission limit values set out in Annex II:

- 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.

Parliament specified that Member States might:

- exempt existing medium combustion plants which do not operate more than 500 operating hours per year as a rolling average over a period of five years from compliance with the emission limit values. They may extend the limit to 1 000 operating hours in cases of emergency or extraordinary circumstances, such as for backup power production in connected islands in the event of an interruption of the main power, or for heat production in cases of exceptionally cold weather events;
- exempt, until 1 January 2030, existing plants with a rated thermal input greater than 5 MW from compliance with the emission limit values provided that a significant part of the useful heat production of the plant is delivered in the form of steam or hot water 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. In the event of such exemption, the emission limit values set by the competent authority shall not exceed 150 mg/Nm³ for dust.
- exempt until 1 January 2030, from compliance with emission limit values for NO_x 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 laid down in [Directive 2008/50/EC](#), 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.

Monitoring and inspections: Member States should set up a system to check compliance of medium combustion plants with the requirements of this Directive.

The operator shall keep a record of and process all monitoring results in such a way as to enable the verification of compliance with the emission limit values.

In order to ensure the effective implementation and enforcement of the Directive, inspections should, where possible, be coordinated with those required under other Union legislation, as appropriate.

Review: the Commission shall review: (i) by 1 January 2020, the benefits of setting minimum energy efficiency standards; (ii) by 1 January 2023, the need to review the provisions concerning plants which are part of small isolated systems or micro isolated systems. In this context, the Commission should also consider the need to set specific emission limit values for carbon monoxide. 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.

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

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 (NO_x) 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 NO_x 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.

