

EN  
ANNEX

Proposal for a

**DECISION No. XXXX/XX/MC-EnC  
OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY  
of XX XX XXXX**

**on the implementation of Chapter III, Annex V, and Article 72(3)-(4) of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) for existing combustion plants and amending Annex II of the Energy Community Treaty**

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

Having regard to the Treaty establishing the Energy Community (“the Treaty”), and in particular Articles 24, 79 and 81 thereof,

Having regard to the proposal from the European Commission<sup>1</sup>,

Whereas:

- 1) Article 16 of the Treaty refers to the following 'acquis communautaire on environment': (i) Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC of 3 March 1997 and Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003<sup>2</sup>, (ii) Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC<sup>3</sup>, (iii) Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants<sup>4</sup>, and (iv) Article 4(2) of Directive 79/409/EEC of the Council of 2 April 1979 on the conservation of wild birds<sup>5</sup>, (v) Chapter III, Annex V, and Article 72(3)-(4) of Directive 2010/75/EU<sup>6</sup> of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control).
- 2) Article 12 of the Treaty requires each Contracting Party to implement the 'acquis communautaire on environment' in compliance with the timetable for the implementation of those measures set out in Annex II to the Treaty.
- 3) Directive 2001/80/EC is replaced by Chapter III, Annex V, and by Article 72(3)-(4) of Directive 2010/75/EU and will be repealed on 31 December 2015.

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<sup>1</sup> C(201x) xxxx final, xx.x.201x

<sup>2</sup> OJ L 175, 5.7.1985, p. 40

<sup>3</sup> OJ L 121, 11.5.1999, p. 13

<sup>4</sup> OJ L 309, 27.11.2001, p. 1

<sup>5</sup> OJ L 103, 25.4.1979, p. 1

<sup>6</sup> OJ L 334, 17.12.2010, p.17

- 4) By Decision D/2013/06/MC-EnC<sup>7</sup>, Chapter III, Annex V and Article 72(3)-(4) of Directive 2010/75/EU have been included in Article 16 of the Treaty as part of the 'acquis communautaire on environment' and a deadline for its implementation for new plants of 1 January 2018 has been set in Annex II of the Treaty.
- 5) According to point 3 of Article 1 of Decision D/2013/06/MC-EnC, a deadline for the implementation of the provisions of Chapter III, Annex V and Article 72(3)-(4) of Directive 2010/75/EU for existing plants should be laid down by the Ministerial Council of the Energy Community by 31 December 2015, upon the proposal by the Commission.
- 6) By Decision D/2013/05/MC-EnC<sup>8</sup>, Article 4(6) of Directive 2001/80/EC has been adapted for the specific purposes of the Energy Community, including the deadline for using National Emission Reduction Plans which was set at 31 December 2027.
- 7) This deadline has been taken into account in deciding on the deadline for implementing Chapter III, Annex V and Article 72(3)-(4) for existing plants.
- 8) The Environmental Task Force, at its meeting on XX XX 2015 analysed the proposal in detail and recommended its adoption.
- 9) The Permanent High Level Group, at its meeting of XX XX 2015 elaborated and endorsed the present Decision,

HAS ADOPTED THIS DECISION:

*Article 1*

The second sentence of Point 5 of Annex II of the Treaty shall be replaced by the following:

"For existing plants, Contracting Parties shall implement those provisions by 1 January 2028 at the latest. Prior to that date, they shall endeavour to implement the provisions of Chapter III and Annex V within the shortest possible timeframe, in particular in the case of retrofitting existing plants."

*Article 2*

This Decision shall enter into force upon its adoption by the Ministerial Council.

*Article 3*

This Decision is addressed to the Contracting Parties.

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<sup>7</sup> Decision D/2013/06/MC-EnC of the Ministerial Council of the Energy Community of 24 October 2013 on the implementation of Chapter III, Annex V and Article 72(3)-(4) of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) and amending Article 16 and Annex II of the Energy Community Treaty

<sup>8</sup> Decision D/2013/05/MC-EnC of the Ministerial Council of the Energy Community of 24 October 2013 on the implementation of Directive 2001/80/EU of the European Parliament and Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants

Done at , XX XX XXXX

*For the Ministerial Council  
(President)*