

Energy Community Task Force on Environment, 22nd Meeting

7 December 2021
(WebEx online)

Conclusions

Due to the Covid-19 pandemic, the meeting was held online via WebEx. The Task Force welcomed that representatives of all Contracting Parties, were able to attend the 22nd meeting.

The Task Force adopted the draft agenda of the meeting without amendments.

I. LCPD implementation – Focus on opt-out

Following the Chair's introductory remarks, the European Environment Agency, represented by Juan Calero, gave a brief update on the reported data of emissions, submitted by the Contracting Parties based on the Large Combustion Plants Directive (LCPD). The data showed that there is a general decreasing trend in emissions - to some extent due to the Covid-19 pandemic having an impact on the 2020 data. With regard to the average emission factor, SO₂ remains the main pollutant, followed by NO_x and dust. According to the submitted data, Montenegro shows the highest SO₂ emission factor (emissions per TJ energy input), followed by North Macedonia, Bosnia and Herzegovina and Republic of Serbia. Focusing on opt-out, it was presented that a number of plants have either already reached their 20,000 hour operating limit or will do so in near future. Contracting Parties will receive the note on reporting of their 2021 data in January 2022.

The Secretariat presented the state of play on the LCPD's implementation in the Contracting parties based on the recently published 2021 Implementation Report. To address the non-compliant situation with the implementation of the NERPs, the Secretariat has initiated procedures in the case of Bosnia and Herzegovina, Kosovo*, North Macedonia, and Serbia. Furthermore, the situation of opted-out plants to illustrate the timeframe of the expected expiry of the opt-out period was presented. The Chair called for contributions/comments from the Contracting Parties.

Georgia stated that there is most likely an issue with the reported data. According to the Agency, the enterprises provide emission data which are based on calculation methods. The next steps for Georgia will be to implement an efficient monitoring system that will be obligatory as well as enforcing the reporting of real-time measured data instead of calculations. Obligatory monitoring should also provide assistance in the implementation and compliance to the LCPD.

In Bosnia and Herzegovina, SO₂ emissions were mainly emitted by TPP Ugljevik, while NO_x were mainly emitted by TPP Kakanj, dust by TPP Gacko and Ugljevik. From the opted-out plants, TPP Tuzla 3 worked 2,249 hours, Tuzla 4 5,383 hours and Kakanj 5 3,293 hours. The shutdown of these plants is planned for 2023 – however, Tuzla 4 is also used for heating purposes, therefore

discussions are currently in preparation with EPBiH (the operator of the plant) to see how this matter could be addressed.

Kosovo* finalised the transposition of the LCPD via the new Administrative Instruction which was adopted by the government in July 2021.

Moldova informed about the advancement with the legislation on industrial emissions. In two weeks, a draft law will be purposed to the government.

Montenegro expressed that the situation and the ongoing dispute settlement procedure is well known and was interested in further procedure to the ecological reconstruction of TPP Pljevlja.

North Macedonia confirmed receiving the Opening Letter and informed that the Ministry of Economy currently working on preparing information for the government, which will also be distributed to the ECS. The strategy for the energy development after 2040 resolved some scenarios in order to achieve better emissions rates. After 2025, there will be a program for the implementation of the strategy and the current green scenarios will be adopted by the government of Macedonia in terms of PV-systems as well as in accordance with the Paris agreement to reduce of SO₂, NO_x and dust pollution further.

Serbia introduced the new representative of the Task Force and presented information regarding the ongoing dispute settlement procedure about the non-implementation of the NERP.

II. *ELD Transposition and Implementation*

The Secretariat gave a brief introduction on the Environmental Liability Directive (ELD) It was empathized that competent authorities and competences at national level are vital for the implementation and enforcement of the ELD.

Georgia presented the ELD transposition process in that Contracting Party. Ms. Nino Latsabidze of the Ministry of Environmental Protection and Agriculture of Georgia shared the challenges as well as the key indicators that were necessary in order to ensure a successful transposition. The main challenges included dealing with a completely new system of environmental liability, long consultations with the business sector and stakeholders as well as the need for capacity building for enforcement authorities. Furthermore, she stated that strengthening of the authorities through expert support and building of a new responsible department are a necessary asset.

Ms. Brankica Cmiljanovic, Head of the Directorate for Horizontal Legislation of the Ministry of Spatial Planning and Environment of Montenegro presented the experience of the ELD's implementation in Montenegro. Ms. Cmiljanovic shared important cases regarding remediation measures and monitoring programs which showed the need to implement the ELD in order to minimize and prevent further environmental damage. She also shared experience in the preparation of the implementation of the legislation with the need to ensure administrative

capacities at all levels, providing trainings as well as raising awareness on ELD to operators, public as well as insurance companies. Ms. Cmiljanovic also summarized challenges in the implementation such as the polluter pays principle and insurance, training of staff and further inspection and monitoring of operating plants and thus the surrounding environmental area.

III. Work Programme (including the EIA WG)

The Secretariat gave a brief presentation on the draft of the future Work Programme. Task Force members Parties are invited to provide comments by 10 January 2022.

IV. AOB, Wrap-Up and Next Steps

The next meeting of the EIA Working Group is foreseen for April 2022.