

1. In his opening remarks, Dirk Buschle, Deputy Director of the Energy Community Secretariat (ECS) mentioned that while the key role of the Environmental Task Force is to help with the implementation of the directives covered by the Energy Community Treaty and to advise the governments for taking decisions in the Energy Community institutions, the Task Force shall also keep an eye on the discussions on the future of the Energy Community. One of the proposals on the table in these discussions is to reinforce the rather weak environmental leg of the Energy Community Treaty. He referred to the Commission proposal on the IED implementation deadline as a concrete step forward and asked clear advice from the Environmental Task Force on what would be possible to implement and by when from other proposals on the table, either included by the HLRG report or not. He pointed out that Energy Community reform will not happen in one piece but rather over a stretch of the next 2-3 meetings of the Ministerial Council. Secondly, he recalled that both general implementation deadline for the LCP Directive as well as the deadlines for NERP and opt-out are getting closer and there is very limited time left for Contracting Parties to prepare themselves for implementing the provisions of the Directive.

2. Jürgen Schneider, Chairman of the Task Force welcomed the Task Force members and thanked the Contracting Parties present for ensuring their participation at the meeting. He also welcomed participants from civil society. The Chairman expressed his regrets that the task force members of Albania, Moldova and Montenegro were unable to attend the meeting.

3. The Task Force adopted the agenda.

I. Large Combustion Plants

Commission proposal on the IED implementation deadline for existing plants

4. The Chairman noted that no objection from the Task Force members were made against the participation of civil society representatives participating at the agenda item addressing the proposal of the European Commission on the implementation deadline for the Industrial Emissions Directive.

5. The representative of DG Environment presented the proposal of the European Commission pursuant to Article 1(3) of Decision D/2013/06/MC-EnC of the Ministerial Council which requests that “[b]y 31 December 2015, upon a proposal from the European Commission, the Ministerial Council shall, by way of a decision amending Annex II of the Treaty, set a deadline for the implementation of the provisions of Chapter III and Annex V of Directive 2010/75/EU for existing plants.” According to the proposal, the deadline for existing plants shall be set as 1 January 2028 which corresponds to the end of using the option of the national emission reduction plan (NERP) in the Energy Community, namely 31

December 2027.

6.The representative of the Federation of Bosnia and Herzegovina asked whether the decision refers to emission limit values as expressed in Part 1 or Part 2 of Annex V of the IED and to which combustion plants does it refer to precisely.

7.The representative of DG Environment explained that the proposal refers to emission limit values for existing plants and therefore it should be understood as referring to Part 1 of Annex V.

8.With regard to the combustion plants covered, the representative of the Secretariat quoted the relevant points of Policy Guidelines PG/02/2014 about the definition of new and existing plants: “combustion plants that have been granted a permit before 1 January 2018, or the operators of which have submitted a complete application for a permit before that date (provided that such plants are put into operation no later than 1 January 2019), should be considered as existing plants under Article 1(2) of Ministerial Council Decision 2013/06/MC-EnC. All other plants should be considered as new plants under Article 1(2) of Ministerial Council decision D/2013/06/MC-EnC.” With regard to which permit should be considered as the decisive one, the representative of the Secretariat referred to the position as expressed in point 6 of Policy Guidelines PG/02/2014.

9.The representatives of the Federation of Bosnia and Herzegovina presented that they are in the process of amending the Rulebook on emission limit values in order to transpose the relevant requirements of the 2013 decision of the Ministerial Council and that the cut-off date should be clearly defined.

10.The representative of Serbia pointed out that the date included in the Commission proposal is neither a result of the Task Force’s analysis, nor it is based on a plant-by-plant assessment. It was however concluded that the proposal is well reasoned and no objections were made. Support was given to the comment of the Federation of Bosnia and Herzegovina with regard to Part 1 and Part 2 of Annex V of the IED.

11.The representatives of DG Environment and the Secretariat explained that while it follows from the texts of the 2013 decision read in conjunction with the current proposal that the implementation of Part 1 of Annex V of the IED is required in the case of existing plants, it is correct that no explicit reference is made to the implementation of Part 1 or Part 2 of Annex V of the IED in the proposal.

12.The Task Force endorsed the proposal and referred it to the Permanent High Level Group with the comment that it should be made clear that the implementation of Part 1 of Annex V of the IED is required for existing plants and Part 2 of Annex V only for new plants. The Task Force recommended the adoption of the proposal by the Ministerial Council.

Source; National Emission Reduction Plans