

Romania could face legal action after environmental groups lodged a complaint with the EU over allegedly lax penalties against coal power polluters in the Eastern European country.

EU rules on industrial emissions say it is up to national governments to decide how to penalise installations that break pollution limits.

According to a complaint filed by green groups ClientEarth and Greenpeace Romania, fines handed down by the Romanian authorities against coal power plants are “pitiful” and are in some cases equal to the penalties levied against restaurants that allow diners to smoke indoors.

In a letter sent to the European Commission, the two groups said that fines of between €6,440 and €12,880 handed down to companies with annual turnovers of €86-400 million are “too low to deter them from operating illegally”.

Spain and Greece, by contrast, can issue penalties of up to €2 million to power plant owners that operate without a permit.

But Romania’s environment ministry told EURACTIV that the fines “are established by the legislature in accordance with Romania’s GDP and other national macroeconomic elements”.

The Romanian authorities can also apply complementary sanctions like suspension of operating activities, which the ministry described as “a strong and discouraging coercive measure”.

The complaint also said that power plants can stay online if they challenge any legal action against them and keep operating during the appeal process.

However, EURACTIV understands that the courts’ hands are tied by Romanian law, which is heavily based on the French system.

The EU’s industrial emissions directive (IED) is meant to guide operators towards cleaning up their act and spending money on measures like air filters, more efficient machinery and other best available technologies (BATs).

But ClientEarth lawyer Dominique Doyle said that “Romania is one of the EU’s biggest polluters and currently holds the EU Council Presidency, yet nearly half of its primarily state-owned coal plants have been functioning without environmental permits for years.” According to NGO Bankwatch Europe, none of Romania’s coal plants, which satisfy about a quarter of the country’s power needs, are fully compliant with the IED.

On Tuesday (26 March), Minister for Energy Anton Anton said that a 2% tax on coal-fired electricity production would be scrapped. Energy analysts said that the move would be discriminatory against other power sources.

The Commission will review whether to launch legal action against Romania. If the EU executive finds merit in the complaint, it would complement an already open infringement procedure based on several plants that exceed pollution levels.

Source: euractiv