

General deadline for the implementation of the Directive on Large Combustion Plants (LCP), as well as deadlines for the National Plan for the reduction of emissions (Nerpa), and an opt-out mechanism, are close and the time period left for Contracting Parties to prepare for the implementation of the Directive is very limited. Reform of the Energy Community will not happen in one piece, but in the next two or three meetings of the Ministerial Council – said Dirk Buslete, Deputy Director of the Energy Community Secretariat in his introductory remarks at a recent meeting of the Working Group of the Energy Community for the environment (ECS).

He noted that the key role of the Working Group on Environmental Protection is to assist in the implementation of the Directives covered by the Energy Community Treaty, as well as to advise the Government in decision-making in the institutions of the Energy Community. One of the proposals on the agenda was how to strengthen rather weak segment of the environmental protection of the Energy Community Treaty, which refers to the application of the Directive on industrial emissions, whose proposal on the implementation deadline was presented by the European Commission.

According to the Commission's proposal on the deadline for implementation of the Directive on industrial emissions (IED), defined deadline for existing plants will be January 1st, 2028th, which corresponds to the optional termination of using a National plan to reduce emissions (Nerpa) in the Energy Community Treaty, scheduled by December 31st 2027th. Combustion facilities which have obtained a license before January 1st, 2018th, or the operators who have submitted a complete request for a permit before that date (provided that these facilities would be put into operation no later than January 1st, 2019th), should be considered the existing facilities, while all other installations should be considered the new plants.

It was also discussed about the preparation of national plans for reducing emissions and plants that plan to use the option of limited operation (opt-out mechanism). Each of the parties reported on the work progress in terms of Nerpa adoption. Representative of CEE Bankwatch pointed out that in all Contracting Parties must be the public participation in respect of Nerpa before their approval.

Juergen Schneider, president of the working group concluded its first session highlighting the importance of the deadline approaching, both in terms of Nerpa delivery, as well as notification of the use of the opt-out mechanism (mechanism of limited plant operation). He encouraged the Contracting Parties to address the Secretariat for assistance which would be necessary or useful whenever meetings are held. He also added that it would be desirable in the terms of procedure to await the formal adoption of the Nerpa until it

receives the approval of the Secretariat during 2016th, in order to avoid unnecessary problems in terms of possible changes in formally adopted plans. The President noted that Nerpa process would be inclusive with effective opportunities for public participation. Based on the presentation of the Secretariat and the discussions, the Working Group concluded that the proposals of the Permanent High Level Group (HLRG) would be individually considered. As a first priority, already in 2015th, it will be carried the update existing parts of the acquis which regulates environmental protection already covered by the Energy Community Treaty (Assessment of Environmental Impact, Sulphur in fuels). As a second step, during 2015th and 2016th, it will take place the inclusion of proposals concerning small effort in terms of implementation, while the proposals in connection with moderate and great efforts in terms of implementation require further analysis by the Secretariat and other interested parties.

The European Commission proposal on the deadline for implementation for existing installations was adopted by the Working Group and submitted to the Permanent High Level Group and the Ministerial Council for adoption.

The Working Group agreed that the nature of the proposal of the Permanent High Level Group relating to the environment is extremely diverse, and some of them require much greater efforts of the Contracting Parties concerning the implementation in relation to the other. In this regard, the Working Group adopted that the proposals of the Permanent High Level Group (HLRG) as well as other proposals would be considered individually and that the update existing parts of the acquis which regulate the environmental protection which are already covered by the Energy Community Treaty (Assessment of the impact on the environment, Sulfur in fuels) would be treated as a first priority.

The Working Group agreed that the proposals regarding the moderate and great efforts for the implementation would be further analyzed and it advised the Secretariat to carry out a detailed analysis of these proposals with the possible involvement of all stakeholders and academia with the aim of possession of the better established context for decision-making.

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