REPORT


Committee on the Environment, Public Health and Food Safety

Rapporteur: Andrzej Grzyb
### Symbols for procedures

<table>
<thead>
<tr>
<th>Symbol</th>
<th>Description</th>
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<tr>
<td>*</td>
<td>Consultation procedure</td>
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<td>***</td>
<td>Consent procedure</td>
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<tr>
<td>***I</td>
<td>Ordinary legislative procedure (first reading)</td>
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<tr>
<td>***II</td>
<td>Ordinary legislative procedure (second reading)</td>
</tr>
<tr>
<td>***III</td>
<td>Ordinary legislative procedure (third reading)</td>
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</tbody>
</table>

(The type of procedure depends on the legal basis proposed by the draft act.)

### Amendments to a draft act

#### Amendments by Parliament set out in two columns

Deletions are indicated in *bold italics* in the left-hand column. Replacements are indicated in *bold italics* in both columns. New text is indicated in *bold italics* in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### Amendments by Parliament in the form of a consolidated text

New text is highlighted in *bold italics*. Deletions are indicated using either the ▌ symbol or strikeout. Replacements are indicated by highlighting the new text in *bold italics* and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION


(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2013)0919),

– having regard to Article 294(2) and Article 192(1) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0003/2014),

– having regard to Article 294(3) of the Treaty on the Functioning of the European Union,

– having regard to the opinion of the Economic and Social Committee of 10 July 2014¹,

– having regard to the opinion of the Committee of the Regions of 7 October 2014²,

– having regard to Rule 59 of its Rules of Procedure,

– having regard to the report of the Committee on the Environment, Public Health and Food Safety and the opinion of the Committee on Industry, Research and Energy (A8-0160/2015),

1. Adopts its position at first reading hereinafter set out;

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) Decision XXX/XXXX of the European Parliament and of the Council\textsuperscript{14} (the Action Programme) recognises that emissions of pollutants to air have been reduced significantly over the past decades, but at the same time air pollution levels are still problematic in many parts of Europe, and citizens of the Union continue to be exposed to air polluting substances, potentially compromising their health and wellbeing. According to the Action Programme, ecosystems continue to suffer from excess nitrogen and sulphur deposition associated with emissions from transport, unsustainable agricultural practices and power generation.

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\textsuperscript{14} Decision XXX/XXXX of the European Parliament and of the Council of … … … on a General Union Environment Action Programme to 2020 "Living well, within the limits of our planet" (OJ L…, …, …, …, p…).

Amendment

(1) Decision XXX/XXXX of the European Parliament and of the Council\textsuperscript{14} (the Action Programme) recognises that emissions of pollutants to air have been reduced significantly over the past decades, but at the same time air pollution levels are still problematic in many parts of Europe, and citizens of the Union continue to be exposed to air polluting substances, potentially compromising their health and wellbeing. According to the Action Programme, ecosystems continue to suffer from excess nitrogen and sulphur deposition associated with emissions from transport, unsustainable agricultural practices and power generation. \textit{In many areas of the Union, air quality levels are still above the limits that the Union itself has set, and are still failing to meet the targets set by the World Health Organisation.}

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\textsuperscript{14} Decision XXX/XXXX of the European Parliament and of the Council of … … … on a General Union Environment Action Programme to 2020 "Living well, within the limits of our planet" (OJ L…, …, …, …, p…).

Amendment 2

Proposal for a directive
Recital 5


**Amendment 3**
Proposal for a directive  
Recital 9  

**Text proposed by the Commission**  

(9) This Directive should not apply to energy related products covered by implementing measures adopted in accordance with Directive 2009/125/EC or by Chapter III or IV of Directive 2010/75/EU. Certain other combustion plants should also be exempted from the scope of this Directive, on the basis of their technical characteristics or their use in particular activities.

**Amendment**

(9) This Directive should not apply to medium combustion plants covered by Chapter III or IV of Directive 2010/75/EU. Certain other combustion plants should also be exempted from the scope of this Directive, on the basis of their technical characteristics or their use in particular activities.

**Amendment 4**

Proposal for a directive  
Recital 9 a (new)

**Text proposed by the Commission**

(9a) The emission limit values set out in Annex II should not apply to medium combustion plants located in the Canary Islands, French Overseas Departments, and the archipelagos of Madeira and Azores, because of the technical and logistical problems associated with those plants' isolated location. Member States should set emission limit values for those plants in order to reduce their emissions to air and the potential risks to human health and the environment.

**Amendment**

(9a) The emission limit values set out in Annex II should not apply to medium combustion plants located in the Canary Islands, French Overseas Departments, and the archipelagos of Madeira and Azores, because of the technical and logistical problems associated with those plants' isolated location. Member States should set emission limit values for those plants in order to reduce their emissions to air and the potential risks to human health and the environment.

**Amendment 5**

Proposal for a directive  
Recital 9 b (new)
(9b) This Directive should apply to combinations formed by two or more combustion plants having a total rated thermal input equal to or greater than 1 MW and less than 50 MW, unless the combination is a combustion plant covered by Chapter III of Directive 2010/75/EU. If more than one individual combustion plant with a rated thermal input of less than 1 MW is installed on a single site in a load-sharing arrangement, such combination should be considered as a single combustion plant for the purposes of this Directive.

Proposal for a directive
Recital 9 c (new)

(9c) It should be possible for Member States not to apply this Directive to installations covered by Chapter II of Directive 2010/75/EU for pollutants for which emission limit values apply pursuant to this Directive when those emission limit values do not exceed the limits laid out in Annex II of this Directive, unless those are plants firing fuels in mineral oil and gas refineries or recovery boilers used in pulp production. In those cases, Member States should exempt those plants on request by the operator.
Amendment 7

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) In order to ensure the control of emissions of sulphur dioxide, nitrogen oxides and particulate matter into the air, each medium combustion plant should operate only if it is at least registered by the competent authority, based on notification by the operator.

Amendment

(10) In order to ensure the control of emissions of sulphur dioxide, nitrogen oxides and dust into the air, each medium combustion plant should operate only if it has at least been granted a permit or been registered by the competent authority, based on notification or information submitted by the operator.

Amendment 8

Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

(10a) When audits and inspections are already in place to verify compliance with other environmental legislation competent authorities should use those existing mechanisms for compliance with this Directive as much as possible. Such mechanisms could for example include mechanisms set out in Directive 2003/87/EC of the European Parliament and of the Council\(^{1a}\) or Directive 2012/27/EU of the European Parliament and of the Council\(^{1b}\).

Amendment

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Amendment 9

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) In accordance with Article 193 of the Treaty on the Functioning of the European Union (TFEU), this Directive does not prevent Member States from maintaining or introducing more stringent protective measures, for example for the purposes to comply with environmental quality standards. In particular, in zones not complying with air quality limit values, more stringent emission limit values, which would also promote eco-innovation in the Union, facilitating in particular market access of small and medium enterprises, should be applied by Member States, such as the benchmark values set out in Annex III to this Directive.

Amendment

(13) In accordance with Article 193 of the Treaty on the Functioning of the European Union (TFEU), this Directive does not prevent Member States from maintaining or introducing more stringent protective measures, for example for the purposes to comply with environmental quality standards. In particular, in zones not complying with air quality limit values, more stringent emission limit values, which would also promote eco-innovation in the Union, facilitating in particular market access of small and medium enterprises, should be considered by Member States, such as the benchmark values set out in Annex III to this Directive. Member States should conduct an assessment of possible impacts where they decide to take such measures.

Amendment 10

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) In order to limit the burden for small and medium enterprises operating medium combustion plants, the administrative obligations on operators for notifying,

Amendment

(15) In order to limit the burden for small and medium enterprises operating medium combustion plants, the administrative obligations on operators for notifying,
monitoring and reporting should be proportionate, while still allowing effective compliance verification by the competent authorities.

Amendment 11
Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

(16a) The Commission should assess, within a reasonable period of time, the need to modify the emission limit values set out in Annex II on the basis of more advanced technologies. The Commission should also assess the need to propose specific emission limit values for other pollutants, such as carbon monoxide, on the basis of the monitoring referred to in Article 6. To that end, Member States should take the necessary measures to ensure that such monitoring is carried out.

Amendment 12
Proposal for a directive
Recital 16 b (new)

Text proposed by the Commission

(16b) The revision of this Directive should take place in relation to [Directive (EU) .../...*].

*OJ: Please insert the number, title and reference of COD 2013/0443
Amendment 13
Proposal for a directive
Article 1 – subparagraph 1 a (new)

Text proposed by the Commission

This Directive lays down rules also to monitor emissions of carbon monoxide.

Amendment 14
Proposal for a directive
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

1a. This Directive shall also apply to a combination formed by new medium combustion plants pursuant to Article 3a, including where the total rated thermal input of such combination is equal to or more than 50 MW, unless the combination is a combustion plant covered by Chapter III of Directive 2010/75/EU.

Amendment 15
Proposal for a directive
Article 2 – paragraph 2 – point a a (new)

Text proposed by the Commission


Amendment 16

Proposal for a directive
Article 2 – paragraph 2 – point a b (new)

Text proposed by the Commission

Drafted

Amendment

(ab) on-farm combustion plants with a total rated thermal input not exceeding 5 MW, which are exclusively using unprocessed poultry manure, as referred to in Article 9(a) of Regulation (EC) No 1069/2009 of the European Parliament and of the Council\(^1\), as a fuel;


Amendment 17

Proposal for a directive
Article 2 – paragraph 2 – point b

Text proposed by the Commission

Drafted

Amendment

(b) energy related products which are covered by implementing measures adopted in accordance with Directive 2009/125/EC where those implementing acts are setting emission limit values for the pollutants listed in Annex II of this Directive;

deleted
Justification

From a legal perspective the scope of the MCP – as an essential part of the directive itself – should not be changed/restricted by implementing measures adopted in accordance with another directive. In case the scope of the MCPD is not extended so as to cover plants below 1MW, the exemption is not needed, as the implementing acts to ECODESIGN directive will not cover plants exceeding or equal to 1MW.

Amendment 18

Proposal for a directive
Article 2 – paragraph 2 – point c

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tr>
<td>(c) combustion plants in which the gaseous products of combustion are used for the direct heating, drying or any other treatment of objects or materials;</td>
<td>(c) combustion plants in which the gaseous products of combustion are used for the direct heating, drying or any other treatment of objects or materials, or direct gas-fired heating used to heat indoor spaces for the improvement of workplace conditions;</td>
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Amendment 19

Proposal for a directive
Article 2 – paragraph 2 – point f a (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
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<tbody>
<tr>
<td>(fa) gas turbines and gas and diesel engines used on offshore platforms;</td>
<td></td>
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Amendment 20

Proposal for a directive
Article 2 – paragraph 2 – point f b (new)

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
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<td>(fb) facilities for the regeneration of catalytic cracking catalysts;</td>
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Amendment 21
Proposal for a directive
Article 2 – paragraph 2 – point f c (new)

Text proposed by the Commission

Amendment
(fc) facilities for the conversion of hydrogen sulphide into sulphur;

Amendment 22
Proposal for a directive
Article 2 – paragraph 2 – point f d (new)

Text proposed by the Commission

Amendment
(fd) reactors used in the chemical industry;

Amendment 23
Proposal for a directive
Article 2 – paragraph 2 – point f e (new)

Text proposed by the Commission

Amendment
(fe) coke battery furnaces;

Amendment 24
Proposal for a directive
Article 2 – paragraph 2 – point f f (new)

Text proposed by the Commission

Amendment
(ff) cowpers;
Amendment 25

Proposal for a directive
Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. This Directive shall not apply to research activities, development activities or testing activities relating to medium combustion plants. Member States may establish specific conditions for the application of this paragraph.

Amendment 26

Proposal for a directive
Article 2 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. The emission limit values set out in Annex II shall not apply to medium combustion plants located in the Canary Islands, French Overseas Departments, and the archipelagos of Madeira and Azores. Member States shall set emission limit values for those plants in order to reduce their emissions to air and the potential risks to human health and the environment.

Amendment 27

Proposal for a directive
Article 3 – point 4

Text proposed by the Commission

Amendment

(4) ‘particulate matter’ means particles, of any shape, structure or density, dispersed

(4) ‘dust’ means particles, of any shape, structure or density, dispersed in the gas
in the gas phase at the sampling point conditions which may be collected by filtration under specified conditions after representative sampling of the gas to be analysed, and which remain upstream of the filter and on the filter after drying under specified conditions;

phase at the sampling point conditions which may be collected by filtration under specified conditions after representative sampling of the gas to be analysed, and which remain upstream of the filter and on the filter after drying under specified conditions;

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Amendment 28
Proposal for a directive
Article 3 – point 6

Text proposed by the Commission

(6) ‘existing combustion plant’ means a combustion plant put into operation before [1 year after the date of transposition];

Amendment

(6) ‘existing combustion plant’ means a combustion plant put into operation before [12 months after the date of transposition] or for which a permit was granted before [6 months after the date of transposition] pursuant to national legislation provided that the plant is put into operation no later than [18 months after the date of transposition];

Amendment 29
Proposal for a directive
Article 3 – point 16

Text proposed by the Commission

(16) ‘operating hours’ means the time, expressed in hours, during which a combustion plant is discharging emissions into the air;

Amendment

(16) ‘operating hours’ means the time, expressed in hours, during which a combustion plant is operating and discharging emissions into the air, including start-up and shut-down periods;
Amendment 30
Proposal for a directive
Article 3 – point 19 a (new)

Text proposed by the Commission

(19a) ‘small isolated system’ (SIS) means a small isolated system as defined in point 26 of Article 2 of Directive 2009/72/EC of the European Parliament and of the Council\(^{1a}\);


Amendment 31
Proposal for a directive
Article 3 – point 19 b (new)

Text proposed by the Commission


Amendment 32
Proposal for a directive
Article 3 – paragraph 1 – point 19 c (new)

Text proposed by the Commission

Amendment

(19c) ‘substantial change’ means a change in the characteristics or in the operation, or an expansion, of a combustion plant that could have significant negative effects on human health or the environment.

Amendment 33
Proposal for a directive
Article 3 – paragraph 1 – point 19 d (new)

Text proposed by the Commission

Amendment

(19d) 'natural gas' means a gaseous fuel as defined in ISO 13686:2013.

Amendment 34
Proposal for a directive
Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a
Aggregation rules

1. The combination formed by two or more new medium combustion plants shall be considered to be a single medium combustion plant for the purpose of this Directive and their rated thermal input added together for the purpose of calculating the total rated thermal input
of the plant, where:
- the waste gases of such medium combustion plants are discharged through a common stack; or
- taking into account technical and economic factors, the waste gases of such medium combustion plants could, in the judgment of the competent authority, be discharged through a common stack.

2. For the purpose of calculating the total rated thermal input of a combination of two or more combustion plants, individual combustion plants with a rated thermal input below 1 MW shall not be considered unless more than one medium combustion plant is installed for the same purpose on a single site in a load-sharing arrangement. In this case, the load sharing combination formed by such plants shall be considered to be a single combustion plant and their capacities added together for the purpose of calculating the total rated thermal input even if each individual combustion plant has a rated thermal input below 1 MW.

Amendment 35
Proposal for a directive
Article 4 – title

Text proposed by the Commission
Amendment
Registration

Permits and registration

Amendment 36
Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission
Amendment
1. Member States shall take the necessary
measures to ensure that medium combustion plants are operated only if they are registered by the competent authority.

Amendment 37

Proposal for a directive
Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall take the necessary measures to ensure that as of 1 January 2020 no existing medium combustion plant with a rated thermal input above 15 MW is operated without a permit or registration.

Amendment 38

Proposal for a directive
Article 4 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Member States shall take the necessary measures to ensure that as of 1 January 2022 no existing medium combustion plant with a rated thermal input above 5 MW and less than or equal to 15 MW is operated without a permit or registration.

Amendment 39

Proposal for a directive
Article 4 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Member States shall take the necessary measures to ensure that as of 1 January 2025 no existing medium combustion plant with a rated thermal input
Amendment 40
Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

2. The procedure for registration shall include at least a notification to the competent authority by the operator of the operation or the intention to operate a medium combustion plant.

Amendment

2. Member States shall specify the procedures for granting a permit or for registration. The procedures shall include at least an obligation for the operator to notify or to inform the competent authority of the operation or the intention to operate a medium combustion plant.

Amendment 41
Proposal for a directive
Article 4 – paragraph 4

Text proposed by the Commission

4. The competent authority shall register, the medium combustion plant within one month following the notification by the operator and shall inform the operator thereof.

Amendment

4. The competent authority shall register, or start the procedure for granting a permit to the medium combustion plant within one month following the notification or information submitted by the operator and shall inform the operator thereof.

Amendment 42
Proposal for a directive
Article 4 – paragraph 5

Text proposed by the Commission

5. Existing medium combustion plants may be exempted from the notification obligation referred to in paragraph 2 provided that all information referred to in paragraph 3 has been made available

Amendment

deleted

input of 5 MW or less is operated without a permit or registration.
to the competent authorities.

Those combustion plants shall be registered by [thirteen months after the date of transposition].

Amendment 43

Proposal for a directive
Article 4 – paragraph 6

Text proposed by the Commission

6. For each medium combustion plant, the register held by the competent authorities shall at least include the information listed in Annex I, as well as any information obtained through the verification of monitoring results or other compliance checks referred to in Articles 7 and 8.

Amendment

6. The competent authorities shall hold a publicly accessible register of medium combustion plants that at least includes the information listed in Annex I, as well as any information obtained through the verification of monitoring results or other compliance checks referred to in Articles 7 and 8 and any information obtained following changes made to the medium combustion plants within the meaning of Article 9.

Amendment 44

Proposal for a directive
Article 4 – paragraph 6 a (new)

Text proposed by the Commission

6a. Any permit granted or registration carried out pursuant to other national or Union legislation may be combined with the permit or registration required under paragraph 1 to form a single permit or registration provided that the permit or registration contains the information required by this Article.

Amendment

6a. Any permit granted or registration carried out pursuant to other national or Union legislation may be combined with the permit or registration required under paragraph 1 to form a single permit or registration provided that the permit or registration contains the information required by this Article.
Text proposed by the Commission

1a. Member States may exempt medium combustion plants which are part of an installation covered by Chapter II of Directive 2010/75/EU from compliance with the emission limit values set out in Annex II and the provisions of Article 6 of this Directive for those pollutants for which emission limit values apply pursuant to the provisions of Article 13(5) and Article 15(3) of Directive 2010/75/EU for those plants only when those emission limit values do not exceed the limits set out in Annex II of this Directive.

In the case of combustion plants firing fuels in mineral oil and gas refineries and in the case of recovery boilers used in pulp production, on a request by an operator of a medium combustion plant Member States shall exempt medium combustion plants which are part of an installation covered by Chapter II of Directive 2010/75/EU from compliance with the emission limit values set out in Annex II and the provisions of Article 6 of this Directive for those pollutants for which emission limit values apply pursuant to the provisions of article 13(5) and Article 15(3) of Directive 2010/75/EU for these plants.

Amendment 46

Proposal for a directive
Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission

From 1 January 2025 emissions into air of sulphur dioxide, nitrogen oxides and particulate matter from an existing medium combustion plant with a rated thermal input above 5 MW shall not exceed

Amendment

From 1 January 2020 emissions into air of sulphur dioxide, nitrogen oxides and dust from an existing medium combustion plant with a rated thermal input above 15 MW shall not exceed the emission limit values
the emission limit values set out in Part 1 of Annex II.

Amendment 47

Proposal for a directive
Article 5 – paragraph 2 – subparagraph 1a (new)

Text proposed by the Commission

From 1 January 2022 emissions into air of sulphur dioxide, nitrogen oxides and dust from an existing medium combustion plant with a rated thermal input above 5 MW and less than or equal to 15 MW shall not exceed the emission limit values set out in Part 1 of Annex II.

Amendment 48

Proposal for a directive
Article 5 – paragraph 2 – subparagraph 2

Text proposed by the Commission

From 1 January 2030 emissions into air of sulphur dioxide, nitrogen oxides and particulate matter from an existing medium combustion plant with a rated thermal input of 5 MW or less shall not exceed the emission limit values set out in Part 1 of Annex II.

Amendment 49

Proposal for a directive
Article 5 – paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission

Member States may exempt existing medium combustion plants being part of SIS and MIS from compliance with the emission limit values set out in Part 1 of Annex II for up to five years, but no later
than 2030, from the dates set out in the first, second and third subparagraphs of paragraph 2 of this Article respectively, without prejudice to existing international commitments.

Amendment 50

Proposal for a directive
Article 5 – paragraph 2 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

By way of derogation from paragraph 1, without prejudice to environmental and air quality standards, the competent authority may, for up to five years from the date of compliance with emission limit values set out in Annex II but not later than 2030, in specific cases, set less strict emission limit values, provided that at least 50% of the useful heat production of the plant, as a rolling average over a period of five years, is delivered in the form of steam or hot water to a public network for district heating, or that the plant fires solid biomass as main fuel. Such a derogation may apply only where an assessment shows that the achievement of emission levels provided in Annex II would lead to disproportionately higher costs compared to the environmental benefits due to:

(a) the geographical location or the local environmental conditions of the installation concerned; or

(b) the technical characteristics of the installation concerned.

The maximum emission limit values set by competent authorities shall not exceed 1100 mg/Nm³ for SO₂ and 150 mg/Nm³ for dust.

The competent authority shall in any case ensure that no significant pollution is caused and that a high level of protection
of the environment as a whole is achieved.

Amendment 51

Proposal for a directive
Article 5 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Member States may exempt existing medium combustion plants which do not operate more than 500 operating hours per year from compliance with the emission limit values set out in Part 1 of Annex II. In that case, for plants firing solid fuels, an emission limit value for particulate matter of 200 mg/Nm³ shall apply.

Amendment

Member States may exempt existing medium combustion plants which do not operate more than 500 operating hours per year as a rolling average over a period of five years from compliance with the emission limit values set out in Part 1 of Annex II in cases of emergency or where extraordinary circumstances apply that make the use of those medium combustion plants necessary. Member States may extend the limit to 800 hours in the following cases:

- for backup power production in connected islands in the event of breakup of the main power supply to the island;
- medium combustion plants used for heat production in cases of exceptionally cold weather events.

In that case, for plants firing solid fuels, an emission limit value for dust of 200 mg/Nm³ shall apply.

Amendment 52

Proposal for a directive
Article 5 – paragraph 3 – subparagraph 1

Text proposed by the Commission

From [1 year after the date of transposition] emissions into air of sulphur dioxide, nitrogen oxides and particulate matter from a new medium combustion plant shall not exceed the emission limit

Amendment

From [12 months after the date of transposition] emissions into air of sulphur dioxide, nitrogen oxides and dust from a new medium combustion plant shall not exceed the emission limit values set out in
values set out in Part 2 of Annex II.

Amendment 53

Proposal for a directive
Article 5 – paragraph 3 – subparagraph 2

Text proposed by the Commission
Member States may exempt new medium combustion plants which do not operate more than 500 operating hours per year from compliance with the emission limit values set out in Part 2 of Annex II. In that case, for plants firing solid fuels, an emission limit value for particulate matter of 100 mg/Nm³ shall apply.

Amendment
Member States may exempt new medium combustion plants which do not operate more than 500 operating hours per year as a rolling average over a period of three years from compliance with the emission limit values set out in Part 2 of Annex II in cases of emergency that make the use of those medium combustion plants necessary. In that case, for plants firing solid fuels, an emission limit value for dust of 100 mg/Nm³ shall apply.

Amendment 54

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission
4. In zones not complying with EU air quality limit values laid down in Directive 2008/50/EC, Member States shall apply, for individual medium combustion plants in those zones, emission limit values based on the benchmark values laid down in Annex III or on stricter values established by the Member States, unless it is demonstrated to the Commission that applying such emission limit values would entail disproportionate costs and that other measures ensuring compliance with the air quality limit values have been included in the air quality plans required

Amendment
4. In zones not complying with EU air quality limit values laid down in Directive 2008/50/EC, Member States shall assess the need to apply, for individual medium combustion plants in those zones, stricter emission limit values based on the benchmark values laid down in Annex III.
under Article 23 of Directive 2008/50/EC.

Amendment 55

Proposal for a directive
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a
Energy efficiency

1. Member States shall take measures to promote increased energy efficiency of medium combustion plants.

2. By 31 December 2016, the Commission shall assess the minimum energy efficiency standards for medium combustion plants in line with best available techniques.

3. The Commission shall report the results of that assessment to the European Parliament and to the Council accompanied by a legislative proposal, where appropriate, setting efficiency performance levels for new medium combustion plants that will apply from 1 January 2020.

Amendment 56

Proposal for a directive
Article 7 – paragraph 1

Text proposed by the Commission

1. Member States shall set up a system of environmental inspections of medium combustion plants, or implement other measures to check compliance with the requirements of this Directive.

Amendment

1. Member States shall set up an effective system, based on either environmental inspections or other measures, to check compliance with the requirements of this Directive.
Amendment 57

Proposal for a directive
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

1a. When audits and inspections are already in place to check compliance with other Union legislation controlling emissions, Member States may make use of those audits and inspections to check compliance with this Directive.

Amendment 58

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

3. Member States shall take the necessary measures to ensure that the periods of start-up and shut-down of the medium combustion plants and of any malfunctions are kept as short as possible. In case of a malfunction or a breakdown of secondary abatement equipment, the operator shall immediately inform the competent authority.

Amendment 59

Proposal for a directive
Article 7 – paragraph 3 a (new)

Text proposed by the Commission

3a. Events of non-compliance shall be communicated by the operator to the competent authority as soon as possible and in a format decided by the Member States.
Amendment 60

Proposal for a directive
Article 7 – paragraph 4

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>4. In the event of non-compliance, Member States shall ensure that:</td>
<td>4. In the event of non-compliance, Member States shall ensure that the operator is required by the competent authority to take the necessary measures to ensure that compliance is restored without undue delay.</td>
</tr>
<tr>
<td>(a) the operator immediately informs the competent authority;</td>
<td></td>
</tr>
<tr>
<td>(b) the operator immediately takes the measures necessary to ensure that compliance is restored within the shortest possible time;</td>
<td></td>
</tr>
<tr>
<td>(c) the competent authority requires the operator to take any appropriate complementary measures that the competent authority considers necessary to restore compliance;</td>
<td></td>
</tr>
<tr>
<td>If compliance cannot be restored, the competent authority shall suspend the operation of the plant and withdraw its registration.</td>
<td>If compliance cannot be restored, the competent authority shall suspend the operation of the plant and withdraw its permit or registration.</td>
</tr>
</tbody>
</table>

Amendment 61

Proposal for a directive
Article 8 – paragraph 2 – point a

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) without prejudice to Article 4(5), the proof of notification to the competent authority;</td>
<td>deleted</td>
</tr>
</tbody>
</table>

PE546.891v02-00 32/65 RR\1061417EN.doc
Proposal for a directive
Article 8 – paragraph 2 – point b

Text proposed by the Commission
(b) the proof of registration by the competent authority;

Amendment
(b) the permit or the proof of registration by the competent authority;

Proposal for a directive
Article 8 – paragraph 2 – point d

Text proposed by the Commission
(d) where applicable, the record of operating hours referred to in the second subparagraph of Article 5(2);

Amendment
(d) where applicable, the record of operating hours referred to in the third subparagraph of Article 5(2), and in the second subparagraph of Article 5(3);

Proposal for a directive
Article 8 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment
(ea) a record of the instances of non-compliance and the measures taken pursuant to Article 7(4).

Proposal for a directive
Article 8 – paragraph 2 – point e b (new)

Text proposed by the Commission

Amendment
(EB) the documents referred to in Article 9.
Amendment 66

Proposal for a directive
Article 8 – paragraph 4 a (new)

Text proposed by the Commission

4a. The data listed in paragraph 2 shall be made available to the local and regional authorities of the area in which the medium combustion plant is located.

Amendment

Amendment 67

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

1. The operator shall notify the competent authority of any planned change to the medium combustion plant which would affect the applicable emission limit values. Such notification shall be provided at least one month before the change takes place.

Amendment

1. The operator shall inform the competent authority of any planned change to the medium combustion plant which would affect the applicable emission limit values. Such information shall be provided at least one month before the change takes place.

Amendment 68

Proposal for a directive
Article 9 – paragraph 2

Text proposed by the Commission

2. Upon notification from the operator in accordance with paragraph 1, the competent authority shall register any such change within one month.

Amendment

2. Upon receipt of the information sent by the operator in accordance with paragraph 1, the competent authority shall update the permit or the registration, as appropriate, within three months and shall inform the operator thereof.
Justification

The competent authority needs to be left with the option of updating the permit or registration of the plant based on the effects that the changes could have on air quality and on the applicable emission limit values.

Amendment 69

Proposal for a directive

Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In the event of a substantial change, as defined in point 19a of Article 3(1), being made to an existing medium combustion plant, the competent authority shall update its permit or registration to that of a new combustion plant and shall inform the operator thereof.

Amendment 70

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

Amendment

Without prejudice to Directive 2003/4/EC of the European Parliament and of the Council\textsuperscript{24}, the competent authority shall make available to the public, including via the Internet, the register of medium combustion plants.

Amendment 71

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall, by [2 years after the date of transposition], report to the Commission a summary of the data listed in Annex I, with an estimate of the total annual emissions of sulphur dioxide, nitrogen oxides and particulate matter from these plants, grouped by fuel type and capacity class.

Amendment

1. Member States shall, by 31 December 2024, report to the Commission a summary of the data listed in Annex I, with an estimate of the total annual emissions of sulphur dioxide, nitrogen oxides and dust from medium combustion plants, grouped by plant type, fuel type and capacity class.

Justification

A longer time limit is justified by the introduction of a possible permitting regime, which is more complex than registration alone.

Amendment 72

Proposal for a directive
Article 12 – paragraph 1 a (new)

Text proposed by the Commission

1a. Member States shall also report to the Commission, by 31 December 2024, an estimate of the total annual emissions of carbon monoxide from these plants, grouped by fuel type and capacity class.

Amendment

1a. Member States shall also report to the Commission, by 31 December 2024, an estimate of the total annual emissions of carbon monoxide from these plants, grouped by fuel type and capacity class.

Amendment 73

Proposal for a directive
Article 12 – paragraph 2 – subparagraph 1
Member States shall send to the Commission a second and third report containing the update of the data referred to in paragraph 1 by respectively 1 October 2026 and 1 October 2031.

Member States shall send to the Commission a second and third report containing the update of the data referred to in paragraphs 1 and 1a by respectively 1 October 2029 and 2034.

**Amendment 74**

**Proposal for a directive**
**Article 12 – paragraph 2 – subparagraph 2**

The reports drawn up under the first subparagraph shall contain qualitative and quantitative information on the implementation of this Directive, any action taken to verify compliance of the operation of medium combustion plants with this Directive and any enforcement action taken for the purposes thereof.

The reports drawn up under paragraphs 1 and 1a and the first subparagraph of this paragraph shall contain qualitative and quantitative information on the implementation of this Directive, any action taken to verify compliance of the operation of medium combustion plants with this Directive and any enforcement action taken for the purposes thereof.

**Amendment 75**

**Proposal for a directive**
**Article 12 – paragraph 5**

5. The second summary report of the Commission shall review the implementation of this Directive, with special regard to the need to establish the benchmark values laid down in Annex III as Union-wide emission limit values, and shall be accompanied by a legislative proposal where appropriate.

5. The second summary report of the Commission shall review the implementation of this Directive, with special regard to the need to establish the benchmark values laid down in Annex III as Union-wide emission limit values, and shall be accompanied by a legislative proposal where appropriate.
Amendment 76
Proposal for a directive
Article 12a (new)

Text proposed by the Commission

Amendment

Article 12a

Review

1. The Commission shall review the emission limit values for new medium combustion plants by 31 December 2025 with the exception of NOx emission limit values which shall be reviewed by 31 December 2021. The emission limit values for new and existing medium combustion plants shall be reviewed by 31 December 2030. Thereafter, the review shall take place every ten years. The review shall take into account the best available technologies and where possible the data collected from the monitoring referred to in Article 6.

2. The Commission shall assess whether medium combustion plants need to be regulated in terms of their carbon monoxide emissions.

3. The Commission shall submit the results of this review to the European Parliament and to the Council, accompanied, if necessary, by a legislative proposal.

Justification

With such long time spans, it is important to regularly review the Directive in light of new technology developments.

Amendment 77
Proposal for a directive
Article 14 – paragraph 2
2. The power to adopt delegated acts referred to in Article 13 shall be conferred on the Commission for a period of five years from [the date of entry into force]. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than four months before the end of each period.

Amendment 78

Proposal for a directive
Article 16 – paragraph 1 – subparagraph 1

2. The power to adopt delegated acts referred to in Article 13 shall be conferred on the Commission for a period of five years from [the date of entry into force]. The Commission shall draw up a report in respect of the delegation of power no later than nine months before the end of the five-year period and shall send it to the European Parliament and to the Council. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than four months before the end of each period.

Amendment 79

Proposal for a directive
Annex I – point 8

8. In case the second subparagraph of Article 5(2) is used, a declaration signed by the operator to operate the plant not more
than 300 hours per year; than the amount of hours referred to in those subparagraphs;

amendment 80
Proposal for a directive
Annex IV – title

Text proposed by the Commission
Emission monitoring

Amendment
Emission monitoring and assessment of compliance

Amendment 81
Proposal for a directive
Annex IV – part 1 – point 1

Text proposed by the Commission

1. Periodic measurements of SO$_2$, NO$_x$ and particulate matter shall be required at least every three years for medium combustion plants the rated thermal input of which is greater than 1 MW and less than 20 MW, and at least annually for medium combustion plants the rated thermal input of which is equal to or greater than 20 MW but less than 50 MW.

- every three years for medium combustion plants the rated thermal input of which is greater than 1 MW and less than 5 MW,
- every two years for medium combustion plants the rated thermal input of which is equal to or greater than 5 MW but less than 15 MW.
- every year for medium combustion plants the rated thermal input of which is equal to or greater than 15 MW.
Amendment 82
Proposal for a directive
Annex IV – part 1 – point 2

Text proposed by the Commission

2. Measurements are only required for pollutants for which an emission limit value is laid down in Annex II for the plant concerned.

Amendment

2. Member States shall take the necessary measures to ensure that measurements are carried out also for carbon monoxide (CO).

Amendment 83
Proposal for a directive
Annex IV – part I – point 3

Text proposed by the Commission

3. The first measurements shall be carried out within three months following the registration of the plant.

Amendment

3. The first measurements shall be carried out within three months following the registration or permitting of the plant.

Amendment 84
Proposal for a directive
Annex IV – part I – point 4 a (new)

Text proposed by the Commission

4a. As an alternative to the periodic measurements referred to in point 1, Member States may require continuous measurements.

Amendment

In the case of continuous measurements, the automated measuring systems shall be subject to control by means of parallel measurements with the reference methods at least once per year and the operator shall inform the competent authority about the results of those controls.
Amendment 85
Proposal for a directive
Annex IV – part I – point 5

Text proposed by the Commission
5. Sampling and analysis of polluting substances and measurements of process parameters as well as any alternatives used as referred to under point 4, shall be carried out in accordance with CEN standards. If CEN standards are not available, ISO, national or other international standards which ensure the provision of data of an equivalent scientific quality shall apply.

Amendment
5. Sampling and analysis of polluting substances and measurements of process parameters as well as any alternatives used as referred to under point 4, shall be carried out in accordance with CEN standards. During the measurement, the plant shall be operating under stable conditions at a representative even load. Start-up and shut-down periods shall be excluded. If CEN standards are not available, ISO, national or other international standards which ensure the provision of data of an equivalent scientific quality shall apply.

Amendment 86
Proposal for a directive
Annex IV – part I a (new)

Text proposed by the Commission
Part Ia - Assessment of compliance
1. In the case of periodic measurements, the emission limit values referred to in Article 5 shall be regarded as having been complied with if the results of each of the series of measurements or of the other procedures defined and determined according to the rules laid down by the competent authorities, do not exceed the relevant emission limit value.

Amendment
2. In the case of continuous measurements, compliance with the emission limit values referred to in Article 5 shall be assessed as set out in point 1 of Part 4 of Annex V of Directive 2010/75/EU.
The validated average values are determined as set out in points 9 and 10 of Part 3 of Annex V of Directive 2010/75/EU.

For the purpose of the calculation of the average emission values, the values measured during the periods referred to in Article 5(6) and 5(7) as well as during the start-up and shut-down periods shall be disregarded.
EXPLANATORY STATEMENT

There are approximately 150,000 medium combustion plants in the EU, namely combustion plants with a rated thermal input between 1 and 50 MW: they are used for a wide variety of applications (including electricity generation, domestic/residential heating and cooling and providing heat/steam for industrial processes, etc.) and are an important source of emissions of sulphur dioxide, nitrogen oxides and dust. While small combustion plants can be covered by Directive 2009/125/EC (ecodesign), and large combustion plants are controlled by Directive 2010/75/EU (industrial emissions – IED), emissions of air pollutants from medium combustion plants are generally not regulated at EU level.

The Commission proposal therefore puts forward provisions for medium combustion plants. It is designed to make a significant contribution to reduce pollution of NOx, SO2 and dust by setting limit values for new and existing installations, together with a simple registration scheme, in order to help deliver a significant part of Member States' emission reduction obligations and also avoid possible trade-offs between air quality and increased biomass use, which may otherwise result in increased air pollution.

In line with the principle of better regulation, this draft report aims at avoiding double regulation and excessive administrative burdens, while keeping the goals of the initial legislative proposal intact.

In this spirit, the scope of the Directive in Article 2 was amended in order to clarify the respective application of the proposed Directive and of the existing acquis, especially but not exclusively for what concerns the Industrial Emissions Directive 2010/75/EU. Further clarifications were also introduced to keep the regulatory consistency with the IED.

The Rapporteur believes that his proposed changes improve the possibility of a realistic implementation of the Directive, so that it can become an important instrument for the improvement of air quality in the European Union without imposing unjustified burdens on society and the economy.
OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

for the Committee on the Environment, Public Health and Food Safety


Rapporteur: Fredrick Federley

SHORT JUSTIFICATION

Background

Air pollution is a truly transboundary problem and many Member States import a significant part of their air pollution from neighbouring countries. Action at Union level is therefore necessary to establish a coherent and ambitious framework to tackle emissions.


However, there is currently no specific regulation at EU level of emissions of air pollutants from medium combustion plants (plants with a rated thermal input between 1 and 50 MW) (MCP) and the rapporteur welcomes the Commission proposal's aim of filling this gap so as to create a more coherent regulatory environment.

The proposal is important for several reasons. Firstly, according to the Commission impact assessment, air pollution is estimated to lead to more than 400,000 premature deaths per year and health costs of up to €940 billion. It also contributes to significant environmental degradation with 62% of the EU area exposed to eutrophication and economic damage such as €15 billion from lost workdays, €4bn healthcare costs, €3bn crop yield loss and €1bn damage to buildings. Secondly, reducing emissions from medium combustion plants can
contribute to achieving the EU climate and energy targets, in reducing greenhouse gases, improving energy efficiency and promoting renewables. By acting now and filling the current regulatory gap, we can provide clear signals for investments and provide further incentives for research and innovation in breakthrough technologies. This will create conditions for European businesses to lead in green innovation, with enormous potential in export markets. For example, air pollution alone costs China 12-13% of GDP every year.

Clarifications and changes proposed by the rapporteur

However, there are a number of points that need to be clarified and improved in relation to the Commission proposal. The rapporteur has identified the following main points.

Relation to existing legislation

The regulatory framework needs to be coherent and risks of double regulation should be avoided. In particular, there is a need to clarify the relation between the current proposal and the Industrial Emissions Directive already in force.

SME-perspective

Given that about 75% of the MCPs are run by SMEs, special attention has to be given not to impose an excessive administrative burden. SMEs do not have the administrative capacity of larger companies and there are several parts of both the current proposal and the Council position where this perspective is lacking.

Cost effectiveness

There is a clear need to strike a proper balance between the costs for businesses and environmental and health gains. While it is clear that we need emission limit values, these need to be proportionate and work in practice. At the same time, the rapporteur believes that there is a strong case for an ambitious framework.

Flexibility

The Commission proposal already differentiates between new and existing plants. However, there is scope to improve the flexibility for the smallest existing plants up to 5 MW, for which the costs could be relatively high.

AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive

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Recital 5

Text proposed by the Commission


Amendment


____________________


Justification

The legislative gap between the ecodesign Directive and this directive should be addressed in the ecodesign Directive, as proposed in the Council position.

Amendment 2
Proposal for a directive
Recital 9

Text proposed by the Commission

(9) This Directive should not apply to energy related products covered by implementing measures adopted in accordance with Directive 2009/125/EC or by Chapter III or IV of Directive 2010/75/EU. Certain other combustion plants should also be exempted from the scope of this Directive, on the basis of their technical characteristics or their use in particular activities.

Amendment

(9) This Directive should not apply to combustion plants covered by implementing measures adopted in accordance with Directive 2009/125/EC or by Directive 2010/75/EU. Certain other combustion plants should also be exempted from the scope of this Directive, on the basis of their technical characteristics or their use in particular activities. No combustion plant should be subject to double regulation. If needed, the Commission should come forward with clarifying guidelines.

Amendment 3

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

(9a) Given the location of the combustion plants concerned and the related technical and logistical matters, it is more appropriate for Spain, as regards the Canary Islands, France, as regards the French Overseas Departments, and Portugal, as regards Madeira and the Azores, to set out the emission limit values for medium combustion plants operating in those areas without making them subject to the Union-wide minimum requirements.

Amendment 4

Proposal for a directive
Recital 10
Text proposed by the Commission

(10) In order to ensure the control of emissions of sulphur dioxide, nitrogen oxides and particulate matter into the air, each medium combustion plant should operate only if it is at least registered by the competent authority, based on notification by the operator.

Amendment

(10) In order to ensure the control of emissions of sulphur dioxide, nitrogen oxides and particulate matter into the air, each medium combustion plant should operate only if it is at least registered by the competent authority or if it has been granted a permit by that authority, based on notification by the operator.

Amendment 5

Proposal for a directive
Article 2 – paragraph 2 – point a

Text proposed by the Commission

(a) combustion plants which are covered by Chapter III or Chapter IV of Directive 2010/75/EU;

Amendment

(a) combustion plants which are covered by Directive 2010/75/EU;

Justification

To prevent double regulation, plants covered under Directive 2010/75/EU should not be covered by this directive.

Amendment 6

Proposal for a directive
Article 2 – paragraph 2 – point b

Text proposed by the Commission

(b) energy related products which are covered by implementing measures adopted in accordance with Directive 2009/125/EC where those implementing acts are setting emission limit values for the pollutants listed in Annex II of this Directive;

Amendment

(b) combustion plants which are covered by implementing measures adopted in accordance with Directive 2009/125/EC where those implementing acts are setting emission limit values for the pollutants listed in Annex II of this Directive;
Amendment 7

Proposal for a directive
Article 2 – paragraph 2 – point c

Text proposed by the Commission
(c) combustion plants in which the gaseous products of combustion are used for the direct heating, drying or any other treatment of objects or materials;

Amendment
(c) combustion plants in which the products of combustion are used for the direct heating, drying or any other treatment of objects or materials, such as melting furnaces, reheating furnaces, furnaces for heat treatment;

Justification
For legal certainty, the same formulation as in Art. 28 a) of Directive 2010/75/EU on industrial emissions should be used.

Amendment 8

Proposal for a directive
Article 2 – paragraph 2 – point f a (new)

Text proposed by the Commission
(fa) recovery boilers in installation for the production of pulp

Amendment

Amendment 9

Proposal for a directive
Article 2 – paragraph 2 – point f b (new)

Text proposed by the Commission
(fb) combustion plants firing refinery fuels alone or with other fuels for the production of energy within mineral oil and gas refineries;

Amendment

Amendment 10

Proposal for a directive
Article 2 – paragraph 2 a (new)
This directive shall not apply to research activities, development activities or the testing activities relating to medium combustion plants. Member States may establish specific conditions for the application of this paragraph.

Amendment 11
Proposal for a directive
Article 3 – point 4

(4) 'particulate matter' means particles, of any shape, structure or density, dispersed in the gas phase at the sampling point conditions which may be collected by filtration under specified conditions after representative sampling of the gas to be analysed, and which remain upstream of the filter and on the filter after drying under specified conditions;

(4) 'dust' means particles, of any shape, structure or density, dispersed in the gas phase at the sampling point conditions which may be collected by filtration under specified conditions after representative sampling of the gas to be analysed, and which remain upstream of the filter and on the filter after drying under specified conditions.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Amendment 12
Proposal for a directive
Article 3 – point 6

(6) 'existing combustion plant' means a combustion plant put into operation before [1 year after the date of transposition];

(6) 'existing combustion plant' means a combustion plant put into operation before [1 year after the date of transposition] or for which a permit was granted before [date of transposition] pursuant to national legislation provided that the plant is put into operation no later than [1 year after date of transposition];
Amendment 13
Proposal for a directive
Article 3 – point 16

Text proposed by the Commission

(16) ‘operating hours’ means the time, expressed in hours, during which a combustion plant is discharging emissions into the air;

Amendment

(16) ‘operating hours’ means the time, expressed in hours, during which a combustion plant is operating and discharging emissions into the air, excluding start-up and shut-down periods;

Amendment 14
Proposal for a directive
Article 3 a (new)

Text proposed by the Commission

Article 3a
Aggregation rules

Member States may consider the combination formed by two or more new medium combustion plants as a single medium combustion plant for the purpose of this Directive and add their rated thermal input for the purpose of calculating the total rated thermal input of the plant, where:

- the waste gases of such medium combustion plants are discharged through a common stack; or
- taking into account technical and economic factors, the waste gases of such medium combustion plants could be discharged through a common stack.

Justification

In the Council position, mandatory aggregation rules are proposed. The reasoning behind the Commission refraining from proposing aggregation rules is the heavy administrative burden this might imply. However, several Member States already have aggregation rules in place. This amendment makes aggregation rules voluntary, thus making it possible for Member States to continue with aggregation rules, but at the same time does not force any Member State to introduce it.
Amendment 15

Proposal for a directive
Article 4

Text proposed by the Commission

1. Member States shall take the necessary measures to ensure that medium combustion plants are operated only if they are registered by the competent authority.

2. The procedure for registration shall include at least a notification to the competent authority by the operator of the operation or the intention to operate a medium combustion plant.

3. For each medium combustion plant, the notification by the operator shall contain at least the information listed in Annex I.

4. The competent authority shall register the medium combustion plant within one month following the notification by the operator and shall inform the operator thereof.

5. Existing medium combustion plants may be exempted from the notification obligation referred to in paragraph 2 provided that all information referred to in paragraph 3 has been made available to the

Amendment

1. Member States shall take the necessary measures to ensure that no new medium combustion plants are operated without a permit or registration.

1a. Member States shall take the necessary measures to ensure that as of 1 January 2025 no existing medium combustion plant with a rated thermal input above 5 MW is operated without permit or registration.

Member States shall take the necessary measures to ensure that as of 1 January 2030 no existing medium combustion plant with a rated thermal input of 5 MW or less is operated without permit or registration.

2. Member States shall specify the procedures for granting a permit and for registration. This shall include at least an obligation for the operator to notify the competent authority of the operation or the intention to operate a medium combustion plant.

3. For each medium combustion plant, the notification by the operator shall contain at least the information listed in Annex I.

4. The competent authority shall register, or start the procedure for granting a permit to, the medium combustion plant within one month following the notification by the operator and shall inform the operator thereof.

5. Existing medium combustion plants may be exempted from the notification obligation referred to in paragraph 2 provided that all information referred to in paragraph 3 has been made available to the
competent authorities.

Those combustion plants shall be registered by [thirteen months after the date of transposition].

6. For each medium combustion plant, the register held by the competent authorities shall at least include the information listed in Annex I, as well as any information obtained through the verification of monitoring results or other compliance checks referred to in Articles 7 and 8.

Amendment 16

Proposal for a directive
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States may exempt medium combustion plants which are part of an installation covered by Chapter II of Directive 2010/75/EU from compliance with the emission limit values set out in Annex II, and the provisions of Article 6 of this Directive, for those pollutants for which emission limit values apply pursuant to Articles 13(5) and 15(3) of Directive 2010/75/EU for these plants.

Justification

As suggested by the Council, plants which are part of an installation covered by Directive 2010/75/EU may be exempted by the Member States.

Amendment 17

Proposal for a directive
Article 5 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The emission limit values set out in Annex II shall not apply to medium combustion plants in the Canary Islands,
Amendment 18

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. From 1 January 2025 emissions into air of sulphur dioxide, nitrogen oxides and particulate matter from an existing medium combustion plant with a rated thermal input above 5 MW shall not exceed the emission limit values set out in Part 1 of Annex II.

From 1 January 2030 emissions into air of sulphur dioxide, nitrogen oxides and particulate matter from an existing medium combustion plant with a rated thermal input of 5 MW or less shall not exceed the emission limit values set out in Part 1 of Annex II.

Member States may exempt existing medium combustion plants which do not operate more than 500 operating hours per year from compliance with the emission limit values set out in Part 1 of Annex II. In that case, for plants firing solid fuels, an emission limit value for particulate matter of 200 mg/Nm³ shall apply.

Amendment

2. From 1 January 2025 emissions into air of sulphur dioxide, nitrogen oxides and particulate matter from an existing medium combustion plant with a rated thermal input above 5 MW shall not exceed the emission limit values set out in Part 1 of Annex II.

From 1 January 2030 emissions into air of sulphur dioxide, nitrogen oxides and particulate matter from an existing medium combustion plant with a rated thermal input of 5 MW or less shall not exceed the emission limit values set out in Part 1 of Annex II.

Member States may exempt existing medium combustion plants which do not operate more than 1000 operating hours per year as a rolling average over a period of five years from compliance with the emission limit values set out in Part 1 of Annex II. In that case, for plants firing solid fuels, an emission limit value for particulate matter of 200 mg/Nm³ shall apply.

By 1 January 2030, existing medium combustion plants with a rated thermal input above 5 MW may be exempted from compliance with the emission limit values referred to in this Article provided that at least 50 % of the useful heat production
of the plant, as a rolling average over a period of 5 years, is delivered in the form of steam or hot water to a public network for district heating, or provided that a solid biomass is the main fuel.

Amendment 19

Proposal for a directive
Article 5 – paragraph 3 – subparagraph 2

**Text proposed by the Commission**

Member States may exempt new medium combustion plants which do not operate more than 500 operating hours per year from compliance with the emission limit values set out in Part 2 of Annex II. In that case, for plants firing solid fuels, an emission limit value for particulate matter of 100 mg/Nm³ shall apply.

**Amendment**

Member States may exempt new medium combustion plants which do not operate more than 1000 operating hours per year as a rolling average over a period of five years from compliance with the emission limit values set out in Part 2 of Annex II. In that case, for plants firing solid fuels, an emission limit value for particulate matter of 100 mg/Nm³ shall apply.

Amendment 20

Proposal for a directive
Article 5 – paragraph 4

**Text proposed by the Commission**

4. In zones not complying with **EU** air quality limit values laid down in Directive 2008/50/EC, Member States **shall** apply, for individual medium combustion plants in those zones, emission limit values based on the benchmark values laid down in Annex III or on stricter values established by the Member States, unless it is **demonstrated to the Commission that** applying such emission limit values would entail disproportionate costs and that other measures ensuring compliance with the air quality limit values have been included in the air quality plans required under Article 23 of Directive 2008/50/EC.

**Amendment**

4. In zones not complying with **Union** air quality limit values laid down in Directive 2008/50/EC, Member States **may** apply, for individual medium combustion plants in those zones, emission limit values based on the benchmark values laid down in Annex III or on stricter values established by the Member States, unless applying such emission limit values would entail disproportionate costs and that other measures ensuring compliance with the air quality limit values have been included in the air quality plans required under Article 23 of Directive 2008/50/EC.
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5 a

End of life derogation

1. Member States may exempt existing medium combustion plants from compliance with the emission limit values set out in Part 1a, 1b and 1c of Annex II and the monitoring requirements set out in Article 6 and Annex IV for five years from the applicable dates set out in Article 5(2) provided that the operator of the medium combustion plant undertakes, in a written declaration submitted to the competent authority, not to operate such combustion plant for more than 11,000 operating hours during that five year period and that operation of such combustion plant will end after that five year period.

- For medium combustion plants with a rated thermal input of 5 MW or less the written declaration shall be submitted to the competent authority by 1 January 2029, and operation of those combustion plants shall end no later than 31 December 2034.

- For medium combustion plants with a rated thermal input above 5 MW the written declaration shall be submitted to the competent authority by 1 January 2024, and operation of those combustion plants shall end no later than 31 December 2029.

2. During the five year period referred to in paragraph 1, the operator is required to submit each year to the competent authority a record of the number of operating hours since the applicable dates set out in Article 5(2).
3. If the medium combustion plant is still in operation at the end of the five year period referred to in paragraph 1, it shall be considered as a new medium combustion plant.

Amendment 22
Proposal for a directive
Article 5 b (new)

Text proposed by the Commission

Amendment

Article 5 b
Energy Efficiency

1. Member States shall take measures to promote increased energy efficiency of medium combustion plants.

2. By 31 December 2016 the Commission shall assess the minimum energy efficiency standards for medium combustion plants in line with best available techniques.

3. The Commission shall report the results of that assessment to the European Parliament and to the Council accompanied by a legislative proposal, where appropriate, setting efficiency performance levels for new medium combustion plants that will apply from 1 January 2020.

Amendment 23
Proposal for a directive
Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. For medium combustion plants applying secondary abatement equipment in order to meet the emission limit values, the effective operation of that equipment shall be monitored continuously and the results
Amendment 24

Proposal for a directive
Article 8 – paragraph 4 a (new)

Text proposed by the Commission

4a. Data listed in paragraph 2 shall be made available to the local and regional authorities where the medium combustion plant is located.

Amendment 25

Proposal for a directive
Article 12 a (new)

Text proposed by the Commission

Article 12a

Review

The limit emission values for new medium combustion plants shall be reviewed by the Commission in 2025, and for both new and existing medium combustion plants in 2035. Thereafter, a review shall take place every ten years. The review shall take into account the best available technologies and preferably take place in relation to the [Directive (EU) .../*].

*OJ: Please insert the number, title and reference contained in COD 2013/0443

Justification

With such long time spans, it is important to regularly review the Directive in light of new technology developments.

Amendment 26
Proposal for a directive
Article 16 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [date: 1,5 years] after the entry into force] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

Amendment

Proposal for a directive
Annex II – Part 1 – point 1

Text proposed by the Commission

1. Emission limit values (mg/Nm³) for medium combustion plants other than engines and gas turbines

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Solid biomass</th>
<th>Other solid fuels</th>
<th>Liquid fuels other than heavy fuel oil</th>
<th>Heavy fuel oil</th>
<th>Natural gas</th>
<th>Gaseous fuels other than natural gas</th>
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<tbody>
<tr>
<td>SO₂</td>
<td>200</td>
<td>400</td>
<td>170</td>
<td>350</td>
<td>-</td>
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<td>NOₓ</td>
<td>650</td>
<td>650</td>
<td>200</td>
<td>650</td>
<td>200</td>
<td>250</td>
</tr>
<tr>
<td>Particulate matter</td>
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<td>30</td>
<td>30</td>
<td>30</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

(1) 45 mg/Nm³ for plants with a thermal input below or equal to 5 MW.

Amendment

1. Emission limit values (mg/Nm3) for existing medium combustion plants with a total rated thermal input between 1 and 5 MW. Plants other than engines and gas turbines

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Solid biomass</th>
<th>Other solid fuels</th>
<th>Gas Oil</th>
<th>Liquid fuels other than Gas Oil</th>
<th>Natural Gas</th>
<th>Gaseous fuels other than natural gas</th>
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</thead>
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<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Solid biomass</th>
<th>Other solid fuels</th>
<th>Gas Oil</th>
<th>Liquid fuels other than Gas Oil</th>
<th>Natural Gas</th>
<th>Gaseous fuels other than natural gas</th>
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</thead>
<tbody>
<tr>
<td>SO₂</td>
<td>200&lt;sup&gt;(1)(2)&lt;/sup&gt;</td>
<td>400</td>
<td>-</td>
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<td>-</td>
<td>200&lt;sup&gt;(3)&lt;/sup&gt;</td>
</tr>
<tr>
<td>NOₓ</td>
<td>650</td>
<td>650</td>
<td>200</td>
<td>650</td>
<td>250</td>
<td>250</td>
</tr>
<tr>
<td>Dust</td>
<td>50&lt;sup&gt;(4)&lt;/sup&gt;</td>
<td>50&lt;sup&gt;(4)&lt;/sup&gt;</td>
<td>-</td>
<td>50</td>
<td>-</td>
<td>-</td>
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</table>

<sup>(1)</sup> The value does not apply in case of plants firing exclusively woody solid biomass.

<sup>(2)</sup> 300 mg/Nm³ in case of plants firing straw.

<sup>(3)</sup> 400 mg/Nm³ in case of low calorific gases from coke oven (iron and steel industry).

<sup>(4)</sup> Until 01/01/2035, 150 mg/Nm³.

1a. Emission limit values (mg/Nm³) for existing medium combustion plants with a total rated thermal input above 5 MW. Plants other than engines and gas turbines

<table>
<thead>
<tr>
<th>Pollutant</th>
<th>Solid biomass</th>
<th>Other solid fuels</th>
<th>Gas Oil</th>
<th>Liquid fuels other than Gas Oil</th>
<th>Natural Gas</th>
<th>Gaseous fuels other than natural gas</th>
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<tbody>
<tr>
<td>SO₂</td>
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<td>350</td>
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<tr>
<td>NOₓ</td>
<td>650</td>
<td>650</td>
<td>200</td>
<td>650</td>
<td>250</td>
<td>250</td>
</tr>
<tr>
<td>Dust</td>
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<td></td>
<td>30</td>
<td>-</td>
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</table>

<sup>(1)</sup> 400 mg/Nm³ in case of low calorific gases from coke oven and 200 mg/Nm³ in case of low calorific gases from blast furnace (iron and steel industry).

<sup>(2)</sup> The value does not apply in case of plants firing exclusively woody solid biomass.

<sup>(3)</sup> 300 mg/Nm³ in case of plants firing straw.

<sup>(4)</sup> 170 mg/Nm³ in case of biogas.

<sup>(5)</sup> 50 mg/Nm³ in case of plants with a total rated thermal input between 5 and 20 MW.

Amendment 28
Proposal for a directive
Annex II – Part 2 – point 1 – introductory part

Text proposed by the Commission

1. Emission limit values (mg/Nm³) for medium combustion plants other than engines and gas turbines

Amendment

1. Emission limit values (mg/Nm³) for **new** medium combustion plants **with a total rated thermal input between 1 and 50 MW. Plants** other than engines and gas turbines.
Amendment 29
Proposal for a directive
Annex IV – point 3

Text proposed by the Commission
3. The first measurements shall be carried out within three months following the registration of the plant.

Amendment
3. The first measurements shall be carried out within six months following the permit or registration of the plant or the date of start of the operation, whichever is the latest.

Justification
The Commission proposal provides a very tight deadline for testing emissions of the plant after registration. This will result in very high demand for testing at key dates (e.g., in 2025 and in 2030, when existing plant must be registered and start complying with Emission Limit Values), and in addition a plant may not be operational within three months of registration if there are delays in commissioning. We therefore consider that additional flexibility is required regarding the date for the first test.

Amendment 30
Proposal for a directive
Annex IV – point 5 a (new)

Text proposed by the Commission
5a. As an alternative to the periodic measurements referred to in point 1, Member States may require continuous measurements.

Amendment
In the case of continuous measurements, the automated measuring systems shall be subject to control by means of parallel measurements with the reference methods at least once per year and the operator shall inform the competent authority about the results of those controls.

Amendment 31
Proposal for a directive
Annex IV – Part 1 a (new)
Text proposed by the Commission

Amendment

Assessment of compliance

1. In the case of periodic measurements, the emission limit values referred to in Article 5 shall be regarded as having been complied with if the results of each of the series of measurements or of the other procedures defined and determined according to the rules laid down by the competent authorities, do not exceed the relevant emission limit value.

2. In the case of continuous measurements, compliance with the emission limit values referred to in Article 5 shall be assessed as set out in point 1 of Part 4 of Annex V of Directive 2010/75/EU.

The validated average values are determined as set out in points 9 and 10 of Part 3 of Annex V of Directive 2010/75/EU.

For the purpose of the calculation of the average emission values, the values measured during the periods referred to in Article 5(6) and 5(7) as well as during the start-up and shut-down periods shall be disregarded.
RESULT OF FINAL VOTE IN COMMITTEE

<table>
<thead>
<tr>
<th>Date adopted</th>
<th>14.4.2015</th>
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<table>
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<th>Result of final vote</th>
<th>+:</th>
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| Substitutes present for the final vote | José Blanco López, Simona Bonafè, Lefteris Christoforou, Cornelia Ernst, Eugen Freund, Michèle Rivasi, Maria Spyraki, Marco Zullo |

<p>| Substitutes under Rule 200(2) present for the final vote | Daniela Aiuto, Enrique Calvet Chambon, Stanislaw Ożóg |</p>
<table>
<thead>
<tr>
<th>Procedure</th>
<th>Limitation of emissions of certain pollutants into the air from medium combustion plants</th>
</tr>
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<tbody>
<tr>
<td><strong>Title</strong></td>
<td>Limitation of emissions of certain pollutants into the air from medium combustion plants</td>
</tr>
<tr>
<td><strong>References</strong></td>
<td>COM(2013)0919 – C7-0003/2014 – 2013/0442(COD)</td>
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<td><strong>Date submitted to Parliament</strong></td>
<td>18.12.2013</td>
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<td><strong>Committee responsible</strong></td>
<td>ENVI 13.1.2014</td>
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<td><strong>Committees asked for opinions</strong></td>
<td>ITRE 13.1.2014</td>
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<tr>
<td><strong>Rapporteurs</strong></td>
<td>Andrzej Grzyb 10.7.2014</td>
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<tr>
<td><strong>Discussed in committee</strong></td>
<td>3.12.2014 24.2.2015 14.4.2015</td>
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<tr>
<td><strong>Date adopted</strong></td>
<td>6.5.2015</td>
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| **Result of final vote** | +: 58  
-: 9  
0: 1 |
| **Substitutes present for the final vote** | Renata Briano, Nicola Caputo, Mark Demesmaeker, Jan Huitema, Merja Kyllönen, James Nicholson, Aldo Patriciello, Marijana Petir, Gabriele Preuß, Bart Staes |
| **Substitutes under Rule 200(2) present for the final vote** | Marek Jurek, Catherine Stühler |
| **Date tabled** | 13.5.2015 |