

ANNEX I

Proposal for a

DECISION No. XXXX/XX/MC-EnC OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY of XX XX XXXX

on the implementation of Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

Having regard to the Treaty establishing the Energy Community (“the Treaty”), and in particular Articles 24, 79 and 81 thereof;

Having regard to the proposal from the European Commission¹,

Whereas:

- 1) Article 16 of the Treaty refers to the following 'acquis communautaire on environment': (i) Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment, as amended by Council Directive 97/11/EC of 3 March 1997 and Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003², (ii) Council Directive 1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels and amending Directive 93/12/EEC³, (iii) Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants⁴, and (iv) Article 4(2) of Directive 79/409/EEC of the Council of 2 April 1979 on the conservation of wild birds⁵.
- 2) Article 12 of the Treaty requires each Contracting Party to implement the 'acquis communautaire on environment' in compliance with the timetable for the implementation of those measures set out in Annex II.
- 3) Annex II to the Treaty establishes a timetable for the implementation of the 'acquis communautaire on environment' by the Contracting Parties, setting a deadline of 31 December 2017 for the implementation of Directive 2001/80/EC, but without providing dates for the procedure to implement the individual provisions laid down in that Directive.

¹ C(2013)2364, 29.04.2013

² OJ L 175, 5.7.1985, p. 40

³ OJ L 121, 11.5.1999, p. 13

⁴ OJ L 309, 27.11.2001, p. 1

⁵ OJ L 103, 25.4.1979, p. 1

- 4) As the use of Article 4(3)(b) and Article 4(6) of Directive 2001/80/EC is still possible, dates for the procedure to implement those provisions for the Energy Community Contracting Parties should be laid down in this Decision.
- 5) The Task Force on environment at its third meeting recommended to the Secretariat to provide a draft regarding the adaptation of the adjusted reference dates and deadlines of Directive 2001/80/EC for the specific needs of the Energy Community and its Contracting Parties.
- 6) The Permanent High Level Group, at its meeting of XX XX XXXX elaborated and proposed to adopt the present Decision,

HAS ADOPTED THIS DECISION:

Article 1

Each Contracting Party shall implement Articles 4(3) and 4(6) of Directive 2001/80/EC according to this Decision.

Article 2

As regards the implementation of Article 4(3) of Directive 2001/80/EC, a deadline of 1 January 2018 shall be applicable for the Energy Community Contracting Parties.

Article 3

Article 4(6) of Directive 2001/80/EC shall be adapted for the specific purposes of the Energy Community as follows:

1. The reference year mentioned in the second subparagraph of Article 4(6) shall be 2010.
2. The deadline set in point (b) of the fifth subparagraph of Article 4(6) shall be 31 December 2015.
3. The timeframes referred to in point (c) of the fifth subparagraph of Article 4(6) shall be nine months and three months, respectively.

Article 4

For the specific purposes of the Energy Community, references to “Member States” and to “Commission” throughout the Directive should be understood as “Contracting Parties” and “Secretariat”, respectively.

Article 5

This Decision shall enter into force upon its adoption by the Ministerial Council.

Article 6

This Decision is addressed to the Contracting Parties.

Done at , XX XX XXXX

*For the Ministerial Council
(President)*