

## DECISION OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

of 24 October 2013

**D/2013/06/MC-EnC: On the implementation of Chapter III, Annex V, and Article 72(3)-(4) of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) and amending Article 16 and Annex II of the Energy Community Treaty**

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

Having regard to the Treaty establishing the Energy Community ("the Treaty"), and in particular Articles 25, 79 and 100 (i) and (ii) thereof,

Having regard to the proposal from the European Commission<sup>1</sup>,

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 2003<sup>2</sup>, (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/EEC<sup>3</sup>, (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 plants<sup>4</sup>, and (iv) Article 4(2) of Directive 79/409/EEC of the Council of 2 April 1979 on the conservation of wild birds<sup>5</sup>.
- 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) Directive 2001/80/EC is replaced by Chapter III, Annex V, and by Article 72(3)-(4) of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions<sup>6</sup> with effect from 7 January 2013 for new plants and from 1 January 2016 for existing plants.
- 4) The 'acquis communautaire on environment' set out in Article 16 and the timetable for implementation set out in Annex II of the Treaty should be aligned with the recent evolution of European Union law concerning industrial emissions.

<sup>1</sup> C(2013) 2364 final, 29.4.2013

<sup>2</sup> OJ L 175, 5.7.1985, p. 40

<sup>3</sup> OJ L 121, 11.5.1999, p. 13

<sup>4</sup> OJ L 309, 27.11.2001, p. 1

<sup>5</sup> OJ L 103, 25.4.1979, p. 1

<sup>6</sup> OJ L 334, 17.12.2010, p.17

- 5) The Environmental Task Force, at its meetings on 16 May 2013 and 17 September 2013, analysed the proposal in detail and recommended a number of adaptations to it which are reflected in the present Decision.
- 6) The Permanent High Level Group, at its meetings of 19 June 2013 and 23 October 2013 elaborated and proposed to adopt the present Decision,

HAS ADOPTED THIS DECISION:

*Article 1*

1. The following text shall be added to Article 16 of the Treaty:

"(v) Chapter III, Annex V, and Article 72(3)-(4) of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)".

2. The following text shall be added to Annex II of the Treaty:

"5. Each Contracting Party shall implement Chapter III, Annex V, and Article 72(3)-(4) of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) from 1 January 2018 for new plants. For existing plants, the Contracting Parties shall endeavour to implement the provisions of Chapter III and Annex V within the shortest possible timeframe, in particular in the case of retrofitting existing plants."

3. By 31 December 2015, upon a proposal from the European Commission, the Ministerial Council shall, by way of a decision amending Annex II of the Treaty, set a deadline for the implementation of the provisions of Chapter III and Annex V of Directive 2010/75/EU for existing plants.

*Article 2*

1. Each Contracting Party shall bring into force the laws, regulations and administrative provisions necessary to comply with Chapter III, Annex V and Article 72(3)-(4) of Directive 2010/75/EU by 1 January 2018. They shall forthwith inform the Energy Community Secretariat thereof.

2. Contracting Parties shall communicate to the Energy Community Secretariat the text of the main provisions of national law which they adopt in the field covered by the present Decision.

*Article 3*

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

*Article 4*

This Decision is addressed to the Contracting Parties.

Done at Belgrade, 24 October 2013

For the Ministerial Council



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Presidency