

DECISION NO. 2016/19/MC-ENC OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

D/2016/19/MC-EnC: on authorising exemption of plants from compliance with the emission limit values set by Directive 2001/80/EC of the European Parliament and of the Council

THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

Having regard to the Treaty establishing the Energy Community, and in particular Articles 24 and 79 thereof,

Having regard to 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 plants¹, and in particular Article 4(4) thereof

Having regard to the proposal from the European Commission,²

Whereas:

- (1) Article 16 of the Treaty on the 'acquis communautaire on environment' includes Directive 2001/80/EC, which sets emission limit values for dust, sulphur dioxide and nitrogen oxides for the plants covered by it.
- (2) Article 4(4) of Directive 2001/80/EC provides for a possibility for existing plants to be exempted from compliance with the emission limit values subject to a commitment by the operator not to operate the plant for more than 20 000 operational hours during a period starting from 1 January 2008 and ending no later than 31 December 2015 ('limited life time derogation').
- (3) Decision D/2013/05/MC-EnC of the Ministerial Council of the Energy Community of 24 October 2013 adapted the time period within which Contracting Parties can make use of the limited life time derogation under Directive 2001/80/EC. It also made the exemption of plants under Article 4(4) of Directive 2001/80/EC subject to authorisation by the Ministerial Council of the Energy Community. Decision D/2013/05/MC-EnC was amended by Decision D/2015/07/MC-EnC of the Ministerial Council of the Energy Community of 16 October 2015 adding specific provisions regarding certain existing plants in Ukraine.
- (4) In accordance with Article 4(4) of Directive 2001/80/EC, existing plants may be exempted from the obligation to comply with the emission limit values referred to in Article 4(3) of Directive 2001/80/EC if the operator undertakes, in a written declaration submitted by 31 December 2015 at the latest, not to operate the plant for more than 20 000 operational hours starting from 1 January 2018 and ending no later than 31 December 2023.
- (5) In accordance with Article 4(4) of Directive 2001/80/EC some existing plants in Ukraine may be allowed, where proven necessary, to operate the plant for not more than 40 000 operational hours starting from 1 January 2018 and ending no later than 31 December 2033, subject to submitting a written declaration by 31 December 2015 at the latest.

¹ OJ L 309, 27.11.2001, p.1

² C(2016) 5147 final, 8.8.2016

- (6) The operators of plants listed in Annexes I and II to this Decision, have submitted a written declaration referred to in Article 4(4) of Directive 2001/80/EC. Exemption of those plants from compliance with the emission limit values referred to in Article 4(3) of Directive 2001/80/EC should therefore be authorised.
- (7) Operators of plants located in direct vicinity of the areas of Ukraine that are not controlled by Ukraine have not submitted a written declaration by 31 December 2015. Given the circumstances, exemption of those plants from compliance with the emission limit values referred to in Article 4(3) of Directive 2001/80/EC should be authorised subject to submitting a written declaration by 31 December 2017 at the latest.
- (8) Operators of plants located in the areas of Ukraine that are not controlled by Ukraine have not submitted a written declaration by 31 December 2015. Given the circumstances, exemption of those plants from compliance with the emission limit values referred to in Article 4(3) of Directive 2001/80/EC should be authorised subject to submitting a written declaration.
- (9) The Permanent High Level Group, at its meeting of 13 October 2016, endorsed the proposal for this Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. The plants listed in Annex I to this Decision may be exempted from compliance with the emission limit values referred to in Article 4(3) of Directive 2001/80/EC subject to the following conditions:
 - (a) they submit each year to the competent authority a record of the used and unused time allowed for the plants' remaining operational life;
 - (b) they are operated not more than 20 000 operating hours in the period starting on 1 January 2018 and ending no later than 31 December 2023.
2. The plants listed in Annex II of this Decision may be exempted from compliance with the emission limit values referred to in Article 4(3) of Directive 2001/80/EC subject to the following conditions:
 - (a) they submit each year to the competent authority a record of the used and unused time allowed for the plants' remaining operational life;
 - (b) they are operated not more than 40 000 operating hours in the period starting on 1 January 2018 and ending no later than 31 December 2033.

Article 2

1. By derogation from Article 4(4) of Directive 2001/80/EC, the plants listed in Annex III to this Decision may be exempted from compliance with the emission limit values referred to in Article 4(3) of Directive 2001/80/EC subject to the following conditions:
 - (a) they submit each year to the competent authority a record of the used and unused time allowed for the plants' remaining operational life;
 - (b) they are operated not more than 40 000 operating hours in the period starting on 1 January 2018 and ending no later than 31 December 2033;
 - (c) they undertake in a written declaration submitted by 31 December 2017 to the competent authority to comply with point (b).

2. By derogation from Article 4(4) of Directive 2001/80/EC, the plants listed in Annex IV to this Decision may be exempted from compliance with the emission limit values referred to in Article 4(3) of Directive 2001/80/EC subject to the following conditions:
- (a) they submit each year to the competent authority a record of the used and unused time allowed for the plants' remaining operational life;
 - (b) they are operated not more than 40 000 operating hours in the period starting on 1 January 2018 and ending no later than 31 December 2033;
 - (c) they undertake in a written declaration submitted to the competent authority to comply with point (b).

Article 3

References to Directive 2001/80/EC in this Decision shall be understood as references to Directive 2001/80/EC as adapted by Decision D/2013/05/MC-EnC, amended by Decision D/2015/07/MC-EnC.

Article 4


This Decision is addressed to Bosnia and Herzegovina, Montenegro, the Republic of Serbia and Ukraine.

Article 5

This Decision shall enter into force on the date of its adoption.

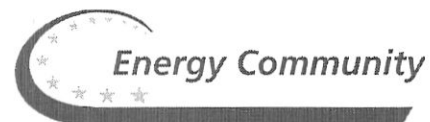
Done in Sarajevo, on 14 October 2016

For the Ministerial Council:

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(Presidency)

Annex I



CP	Plant name	Location	Fuel(s)	Operator	RTI (MWth)	First year of operation	Written declaration
BiH	TPP Tuzla-3	Tuzla, Federation of BiH	lignite / brown coal	Elektroprivreda BiH	330	1966	OK
BiH	TPP Tuzla-4	Tuzla, Federation of BiH	lignite / brown coal	Elektroprivreda BiH	600	1971	OK
BiH	TPP Kakanj-5	Kakanj, Federation of BiH	lignite / brown coal	Elektroprivreda BiH	330	1970	OK
BiH	Natron-Hayat UKO-3	Maglaj, Federation of BiH	brown coal	Natron-Hayat d.o.o. Maglaj	80	1965	OK
MN	TPP Pljevlja-I	Plevlja	lignite	Elektroprivreda Crne Gore	516	1982	OK
SR	Termoelektrana Morava	Svilajnac	lignite	Elektroprivreda Srbije	420	1969	OK
SR	Termoelektrana Kostolac A1	Kostolac	lignite	Elektroprivreda Srbije	358	1967	OK
SR	Termoelektrana Kostolac A2	Kostolac	lignite	Elektroprivreda Srbije	689	1980	OK
SR	Termoelektrana Kolubara A A3 (boiler 1)	Veliki Crljeni	lignite	Elektroprivreda Srbije	147	1956	OK
SR	Termoelektrana Kolubara A A3 (boilers 3,4,5)	Veliki Crljeni	lignite	Elektroprivreda Srbije	441	1961	OK
SR	TE Kolubara A5	Veliki Crljeni	lignite	Elektroprivreda Srbije	382	1979	OK
SR	Energana Novi Sad	Novi Sad	natural gas	NIS	99	1975	OK
SR	Energana Pančevo	Pančevo	natural gas	NIS	67	1966	OK
UA	Burshtynska TPP (power	Burshtyn, Ivano-Frankivsk	coal	DTEK	569	1968	OK

	unit 1)	Oblast		Zakhidenergo			
UA	Burshtynska TPP (power unit 4)	Burshtyn, Ivano-Frankivsk Oblast	coal	DTEK Zakhidenergo	569	1968	OK
UA	Burshtynska TPP (power unit 2)	Burshtyn, Ivano-Frankivsk Oblast	coal	DTEK Zakhidenergo	569	1964	OK
UA	Burshtynska TPP (power unit 3)	Burshtyn, Ivano-Frankivsk Oblast	coal	DTEK Zakhidenergo	569	1964	OK
UA	Burshtynska TPP (power unit 6)	Burshtyn, Ivano-Frankivsk Oblast	coal	DTEK Zakhidenergo	569	1967	OK
UA	Dobrotvirska (boilers number 5,6,7,8,9,10)	Dobrotvir, Lviv Oblast	coal	DTEK Zakhidenergo	1,018	1956	OK
UA	Dniprodzerzhinska CHP, boiler 3	Dniprodzerzhynsk, Dnipropetrovsk Oblast	natural gas	CJSC Dniprodzerzhinsk CHP	70	1936	OK
UA	Dniprodzerzhinska CHP, boiler 4	Dniprodzerzhynsk, Dnipropetrovsk Oblast	natural gas	CJSC Dniprodzerzhinsk CHP	70	1936	OK
UA	Dniprodzerzhinska CHP, boiler 5	Dniprodzerzhynsk, Dnipropetrovsk Oblast	natural gas	CJSC Dniprodzerzhinsk CHP	95	1937	OK
UA	Dniprodzerzhinska CHP, boiler 6	Dniprodzerzhynsk, Dnipropetrovsk Oblast	natural gas	CJSC Dniprodzerzhinsk CHP	95	1939	OK
UA	Dniprodzerzhinska CHP, boiler 7	Dniprodzerzhynsk, Dnipropetrovsk Oblast	natural gas	CJSC Dniprodzerzhinsk CHP	95	1939	OK
UA	Dniprodzerzhinska CHP, boiler 8	Dniprodzerzhynsk, Dnipropetrovsk Oblast	natural gas	CJSC Dniprodzerzhinsk CHP	95	1939	OK
UA	Dniprodzerzhinska CHP,	Dniprodzerzhynsk,	natural gas	CJSC Dniprodzerzhinsk	95	1939	OK

	boiler 9	Dnipropetrovsk Oblast		CHP			
UA	Dniprodzerzhinska CHP, boiler 10	Dniprodzerzhynsk, Dnipropetrovsk Oblast	natural gas	CJSC Dniprodzerzhinsk CHP	142	1940	OK
UA	Kryvorizka HP DBH-1 (boilers 1,3,5)	Kryvyi Rih, Dnipropetrovsk Oblast	natural gas	SE "Kryvorizka Teplocentral"	191	1946-1948	OK
UA	Kryvorizka HP DBH-1 (boilers 2,4,6)	Kryvyi Rih, Dnipropetrovsk Oblast	natural gas	SE "Kryvorizka Teplocentral"	191	1947-1948	OK
UA	Kryvorizka HP DBH-1 (boiler 7)	Kryvyi Rih, Dnipropetrovsk Oblast	natural gas	SE "Kryvorizka Teplocentral"	161	1966	OK
UA	Kryvorizka HP DBH-1 (boiler 8)	Kryvyi Rih, Dnipropetrovsk Oblast	natural gas	SE "Kryvorizka Teplocentral"	161	1964	OK
UA	Mykolaivska CHP	Mykolaiv, Mykolaiv Oblast	natural gas	CJSC Mykolaivska CHP	898	1964	OK
UA	Odesska CHP	Odessa, Odessa Oblast	natural gas	CJSC Odesska CHP	768	1954	OK
UA	Odesska CHP	Odessa, Odessa Oblast	natural gas	CJSC Odesska CHP	349	1974	OK
UA	Severodonetska CHP	Severodonetsk, Luhansk Oblast	natural gas	SC Severodonetska CHP	600	1967	OK
UA	Severodonetska CHP	Severodonetsk, Luhansk Oblast	natural gas	SC Severodonetska CHP	300	1977	OK
UA	Khersonska CHP	Kherson, Kherson Oblast	natural gas	CJSC Khersonska CHP	738	1956	OK
UA	YuzhMash CHP	Dnipropetrovsk, Dnipropetrovsk Oblast	natural gas	SE YuzhMash	409	1950-1960	OK

CP	Plant name	Location	Fuel	Operator	RTI (MWth)	First year of operation	Written declaration
UA	Chernihivska TPP (units 1-5)	Chernihiv, Chernihiv Oblast	coal	Technova CE Ltd.	579	1964-1973	OK
UA	Starobeshivska TPP (units 6-7)	Novyi Svit, Donetsk Oblast	coal	Donbassenergo	972	1963	OK
UA	Slovianska TPP (boilers 6-7)	Sloviansk, Donetsk Oblast	coal	Donbassenergo	114	1971	OK
UA	Kurakhivska TPP (power unit 5)	Kurakove, Donetsk Oblast	coal	DTEK Skhidenergo	557	1971	OK
UA	Kurakhivska TPP (power unit 6)	Kurakove, Donetsk Oblast	coal	DTEK Skhidenergo	557	1974	OK
UA	Kurakhivska TPP (power unit 7)	Kurakove, Donetsk Oblast	coal	DTEK Skhidenergo	557	1974	OK
UA	Prydniprovska TPP (power unit 7)	Dnipropetrovsk, Dnipropetrovsk Oblast	coal	DTEK Dniproenergo	449	1961	OK
UA	Prydniprovska TPP (power unit 8)	Dnipropetrovsk, Dnipropetrovsk Oblast	coal	DTEK Dniproenergo	449	1961	OK
UA	Prydniprovska TPP (power unit 9)	Dnipropetrovsk, Dnipropetrovsk Oblast	coal	DTEK Dniproenergo	449	1961	OK
UA	Prydniprovska TPP (power unit 10)	Dnipropetrovsk, Dnipropetrovsk Oblast	coal	DTEK Dniproenergo	449	1961	OK
UA	Kryvorizka TPP (power unit 2)	Zelenodolsk, Dnipropetrovsk Oblast	coal	DTEK Dniproenergo	768	1964	OK
UA	Kryvorizka TPP (power unit 5)	Zelenodolsk, Dnipropetrovsk Oblast	coal	DTEK Dniproenergo	801	1968	OK
UA	Kryvorizka TPP (power unit 8)	Zelenodolsk, Dnipropetrovsk Oblast	coal	DTEK Dniproenergo	801	1971	OK

UA	Kryvorizka TPP (power unit 10)	Zelenodolsk, Dnipropetrovsk Oblast	coal	DTEK Dniproenergo	790	1971	OK
UA	Burshtynska TPP (power unit 5)	Burshtyn, Ivano-Frankivsk Oblast	coal	DTEK Zakhdenergo	569	1967	OK
UA	Burshtynska TPP (power unit 7)	Burshtyn, Ivano-Frankivsk Oblast	coal	DTEK Zakhdenergo	569	1967	OK
UA	Zmiivska TPP (power units 3,4)	Komsomolske, Kharkiv Oblast	coal	Centrenergo	1,026	1962-1963	OK
UA	Zmiivska TPP (power units 5,6)	Komsomolske, Kharkiv Oblast	coal	Centrenergo	1,054	1964-1965	OK
UA	Kaluska CHP	Kalush, Ivano-Frankivsk Oblast	coal	DPZD Ukrinterenergo	664	1968	OK
UA	Kaluska CHP	Kalush, Ivano-Frankivsk Oblast	coal	DPZD Ukrinterenergo	664	1968	OK
UA	Sumska CHP	Sumy, Sumy Oblast	coal	Sumy Science and Production Association	131	1974	OK
UA	Sumska CHP	Sumy, Sumy Oblast	coal	Sumy Science and Production Association	414	1974	OK
UA	Zaporizka TPP (power units 5,6,7)	Energodar, Zaporizhia Oblast	natural gas	DTEK Dniproenergo	5,875	1982	OK
UA	Vuglegirska TPP (units 5,6,7)	Svitlodarsk, Donetsk Oblast	natural gas	Centrenergo	6,225	1975-1977	OK
UA	Trypilska TPP (power units 5,6)	Obukhiv, Kyiv Oblast	natural gas	Centrenergo	1,498	1971-1972	OK
UA	Darnytska CHP (units 1,2,4)	Kyiv, Kyiv Oblast	natural gas	EURO-RECONSTRUCTIA Ltd.	405	1954	OK
UA	Darnytska CHP (PTVM-100 No 1-4)	Kyiv, Kyiv Oblast	natural gas	EURO-RECONSTRUCTIA Ltd.	516	1954	OK
UA	A.M. Makarov CHP (unit 1)	Dnipropetrovsk,	natural	A.M. Makarov Southern	88	1950	OK

		Dnipropetrovsk Oblast	gas	Machine-Building Plant			
UA	A.M. Makarov CHP (unit 7)	Dnipropetrovsk, Dnipropetrovsk Oblast	natural gas	A.M. Makarov Southern Machine-Building Plant	119	1960	OK
UA	Kryvorizka HP DBH-2 (boilers 1,2,3,4,5,10)	Kryvyi Rih, Dnipropetrovsk Oblast	natural gas	SE "Kryvorizka Teplocentral"	79	1970- 1981-1991	OK
UA	Kryvorizka HP DBH-2 (boilers 6,7,8,9)	Kryvyi Rih, Dnipropetrovsk Oblast	natural gas	SE "Kryvorizka Teplocentral"	464	1976- 1984- 1986-1991	OK
UA	Kryvorizka HP DBH-3 (boilers 1,2,3,4)	Kryvyi Rih, Dnipropetrovsk Oblast	natural gas	SE "Kryvorizka Teplocentral"	233	1978-1982	OK
UA	Kryvorizka HP DBH-4 (boilers 1,2,3)	Kryvyi Rih, Dnipropetrovsk Oblast	natural gas	SE "Kryvorizka Teplocentral"	116	1979-1984	OK
UA	Kryvorizka HP DBH-5 (boilers 1,2,3,4)	Kryvyi Rih, Dnipropetrovsk Oblast	natural gas	SE "Kryvorizka Teplocentral"	246	1991	OK
UA	Kryvorizka HP DBH-6 (boiler 1)	Kryvyi Rih, Dnipropetrovsk Oblast	natural gas	SE "Kryvorizka Teplocentral"	58	1963	OK
UA	Kryvorizka HP DBH-6 (boiler 2)	Kryvyi Rih, Dnipropetrovsk Oblast	natural gas	SE "Kryvorizka Teplocentral"	58	1964	OK
UA	Lvivska CHP	Lviv, Lviv Oblast	natural gas	Lvivkomunenergo	983	1952	OK
UA	Okhtyrka CHP	Okhtyrka, Sumy Oblast	natural gas	TOV Brok Energia Ltd.	265	1972	OK
UA	CHP-3 KP «XTM» boiler 1	Kharkiv, Kharkiv Oblast	natural gas	Communal Enterprise "Kharkiv thermal grids"	95	1938	OK
UA	CHP-3 KP «XTM» boiler 2	Kharkiv, Kharkiv Oblast	natural gas	Communal Enterprise "Kharkiv thermal grids"	95	1938	OK

UA	CHP-3 KP «XTM» boiler 3	Kharkiv, Kharkiv Oblast	natural gas	Communal Enterprise "Kharkiv thermal grids"	130	1938	OK
UA	CHP-3 KP «XTM» boiler 4	Kharkiv, Kharkiv Oblast	natural gas	Communal Enterprise "Kharkiv thermal grids"	113	1939	OK
UA	CHP-3 KP «XTM» boiler 5	Kharkiv, Kharkiv Oblast	natural gas	Communal Enterprise "Kharkiv thermal grids"	113	1939	OK
UA	CHP-3 KP «XTM» boiler 6	Kharkiv, Kharkiv Oblast	natural gas	Communal Enterprise "Kharkiv thermal grids"	99	1939	OK
UA	CHP-3 KP «XTM» boiler 7	Kharkiv, Kharkiv Oblast	natural gas	Communal Enterprise "Kharkiv thermal grids"	99	1939	OK
UA	CHP-3 KP «XTM» boiler 9	Kharkiv, Kharkiv Oblast	natural gas	Communal Enterprise "Kharkiv thermal grids"	155	1968	OK
UA	Cherkasska CHP (units 1-4)	Cherkassy, Cherkassy Oblast	natural gas	CJSC "Cherkassy Khimvolokno PE"	293	1964	OK
UA	Cherkasska CHP (units 5-9)	Cherkassy, Cherkassy Oblast	natural gas	CJSC "Cherkassy Khimvolokno PE"	846	1965	OK
UA	Cherkasska CHP (units 10-12)	Cherkassy, Cherkassy Oblast	natural gas	CJSC "Cherkassy Khimvolokno PE"	349	1968	OK
UA	Cherkasska CHP (units 13-15)	Cherkassy, Cherkassy Oblast	natural gas	CJSC "Cherkassy Khimvolokno PE"	174	1968	OK
UA	Schostka CHP	Schostka, Sumy Oblast	natural gas	"Kharkivenergoemont" Ltd.	370	1972-1984	OK
UA	Frunze machinery plant CHP	Sumy, Sumy Oblast	natural gas	Sumy NVO	528	1978-1989	OK
UA	Romny-2 (1)	Nad'yarne, Sumy Oblast	natural gas	PJSC "Ukrtransgas"	70	2005	OK

UA	Sofiivka-2 (1)	Skorivka, Cherkassy Oblast	natural gas	PJSC "Ukrtransgas"	70	2005	OK
UA	Sofiivka -2 (3)	Skorivka, Cherkassy Oblast	natural gas	PJSC "Ukrtransgas"	70	2004	OK

Annex III

CP	Plant name	Location	Fuel(s)	Operator	RTI (MWth)	First year of operation	Written declaration
UA	Lisitchansk refinery CHP	Lisitchansk, Luhansk Oblast	natural gas	LINOS	135		
UA	Avdiivka coke plant CHP	Avdiivka, Donetsk Oblast	natural gas	Avdiivka coke plant	112		
UA	Mariupol CHP-1	Mariupol, Donetsk Oblast	natural gas	Illicha metallurgical plant	50		
UA	Mariupol CHP-2	Mariupol, Donetsk Oblast	natural gas	Mariupol CHP-2	60		
UA	Mariupol CHP	Mariupol, Donetsk Oblast	natural gas	Mariupol CHP	77		

Annex IV

CP	Plant name	Location	Fuel(s)	Operator	RTI (MWth)	First year of operation	Written declaration
UA	Simferopol CHP	Simferopol, Crimea Oblast	natural gas	Crimea Generating Systems	530	1958	
UA	Sevastopol CHP	Sevastopol, Crimea Oblast	natural gas	Crimea Generating Systems	223	1951	
UA	Sakska CHP	Saky, Crimea Oblast	natural gas	Crimea Generating Systems	225	1955	
UA	Kamysh-Burun CHP	Kerch, Crimea Oblast	natural gas	Crimea Generating Systems	150	1938	
UA	Alchevsk Metallurgical plant CHP	Alchevsk, Luhansk Oblast	natural gas	Alchevsk Metallurgical plant	107		
UA	Makiivka Metallurgical plant CHP	Makiivka, Donetsk Oblast	natural gas	Makiivka Metallurgical plant	62		