

Mr. Karmenu Vella
Commissioner for the Environment, Maritime Affairs and Fisheries
European Commission
CHARL 9/234 Rue de la loi, 200
B-1049 Brussels

Brussels, 2 November 2015

CC: Mr. Daniel Calleja Crespo, Director General, DG Environment, European Commission

RE: Fast track revision of new standards for Large Combustion Plants

Dear Commissioner Vella,

On behalf of Green10, the alliance of leading environmental NGOs at EU level, supported by over 20 million EU citizens, we express our concerns over the delay in publication of new environmental standards for Large Combustion Plants (LCPs) – the so called LCP BAT conclusions. Delays until the first quarter of 2017 will put European citizens and the environment at risk. The new standards are crucial to reducing the current annual premature deaths by coal and lignite power plants of at least 22,000 citizens per year¹ and should be adopted as a matter of priority.

In particular we call on you to take the following actions:

- **Advance the date of the IED Art 75 Comitology vote to Q1 2016 with a view of publication of the BAT conclusions in the Official Journal of the EU by June 2016 at the latest**

The European Commission is three years behind schedule, contrary to the requirements set in the Industrial Emissions Directive (IED) and BREF review rules. A publication by June 2016 would provide for legal certainty for when the optional transition period² for coal and lignite power plants ends. To speed up the process, BAT conclusions could be grouped per fuel type i.e. solid fuels (coal/lignite and biomass/peat) and voted on one by one as stand-alone fuel specific BAT conclusions.

- **Strengthen the ambition level of the BAT conclusions**

The EU is at risk of falling behind standards applied in China, the United States and Japan. You should ensure that emission ranges reflect what true Best Available Techniques could achieve³. Moreover, these emission ranges should be applied equally to all operators, instead of allowing arbitrary and technically unfounded derogations⁴ that would constitute a market distortion measure favouring most polluting power generation assets. If, as a study by Greenpeace and the EEB⁵ shows, the EU adopts stricter emission limits without derogations, the EU could achieve substantial societal benefits worth at least 6.36 billion Euros⁶ a year.

1 See Greenpeace Study June 2013 "Silent Killers" and HEAL Study March 2013 "The unpaid health bill. How coal power plants make us sick"

2 The IED allows Member States to delay by 4.5 years the application of the updated emission limit values for three pollutants through a trading mechanism for existing LCPs. The emissions ceilings are calculated on the basis of historic emissions under the Large Combustion Plants Directive, with a linear decrease obligation. The IED foresees a 4 years deadline following of publication in the Official Journal of the EU to implement the revised BAT conclusions (Article 21(3))

3 See Greenpeace study "Smokes and Mirrors" and EEB letter to Commissioners Vella, Cañete and Navracsics of 23 March 2015

4 A relaxation of standards for all air pollutants (except mercury) is proposed on the basis of limited annual operating time up to 1500 hours, known as the peak load derogation under the IED.

5 EEB and Greenpeace May 2015 "Health and Economic implications of alternative emission limits for coal-fired power plants in the EU". Figures are based on the assessment of 290 large combustion plants in Europe.

6 Based on most conservative assumptions, factor 3 increase if upper bound for economic impacts is used.

- **Initiate a review of the 'EU Safety net' to reflect technical progress**

The minimum binding emission limit requirements on NO_x, SO_x and dust which were set in 2010 in the IED should be adapted to the stricter emission ranges achieved with Best Available Techniques and be complemented by the additional pollutants (i.e. mercury, fluorides, hydrochloric acid) and its continuous monitoring. This would not only promote a level playing field for industry in permitting but deliver significant benefits to public health and environmental protection.

We hope that you will take our comments and findings on board and speed up the process and seize the opportunity to demonstrate that your better regulation will indeed deliver big improvement potentials on air quality and environmental protection whilst showing EU leadership on taking action on the worst climate offenders ahead of CoP-21.

Yours sincerely,

Jeremy Wates, Secretary General, European Environmental Bureau (EEB)

On behalf of Green10 Directors

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