

Notes on the main discussion points and positions taken by Member States at the 20 October 2016 IED Article 13 Forum meeting on the revised LCP BREF

General:

- The EEB's call for a fairer definition of what constitutes a "new" plant, which would have significantly improved the ambition level of the whole BAT conclusions, was not discussed.
(see Chapter 4 of the [Lifting Europe's Dark Cloud](#) report for more information)
- EEB's call, supported by the Czech Republic, to make clear that both averaging periods, i.e. yearly and daily averaged BAT-AEL, need to be complied with was not taken up. This demand, which would have significantly improved the robustness in implementation of the BAT conclusions, was ignored despite the European Commission's "better regulation" agenda. Its removal only supports those parties that exploit flexibility in order to circumvent environmental standards. Finland and Spain opposed this clarity
(see Chapter 4 of the [Lifting Europe's Dark Cloud](#) report for more information).
- **Poland, France, Bulgaria, Czech Republic, Spain, Greece, UK and Italy** supported by the power plant operators, lobbied to get an upfront exclusion from the revised LCP BREF for plants that already had derogations from the minimum binding 2016 Emission Limits set in the IED. These are the derogations mentioned in Chapter 3 of the "[Lifting Europe's Dark Cloud](#)" report, which made up 60% of the 22,900 annual premature deaths (13,560). These proposals were rejected. The EEB proposed to only allow a 2 years exemption in exchange for a strict condition that these plants would effectively close by the end of 2023 at the latest (not as a delay strategy pushed by **Poland** and the power operators) and subject to validation through public participation. In fact the IED allows LLD plants to continue operation under the "new plant" emission limits which are too weak.

Coal and Lignite:

- A time unlimited clause allowing the oldest EU coal plants (pre-1987) to double their NO_x emissions in exchange to operating less than 1,500 hours per year, which has been lobbied for by the **UK** and supported by **Poland** and the **Czech Republic** was improved. This relaxation rewards the oldest pulverised coal plants that ignored the previous 2006 BREF to continue operation beyond 2021 to double the NO_x emissions. The EEB, supported by France and Austria proposed to scrap this derogation but did not find enough support (**Bulgaria, Czech Republic, Greece, Poland, Romania, Slovakia** and the **UK** all opposed) . The EEB proposed a compromise to allow a time limited exemption only if the plant closes by 2024 in return and subject to the regular public participation procedure which has been circumvented by the UK and Polish amendment. The EEB proposal was not supported due to the UK not being able to commit to a 2025 coal phase out date.
(See Chapter 4 of the [Lifting Europe's Dark Cloud](#) report for more information)

Biomass:

- **Finland** attempted to downgrade SO₂ levels further in order to protect its operators by allowing them to burn peat at low costs: up to 300mg/Nm³ (instead of 70 for <100MWth) and up to 160mg/Nm³ for the >100MWth (instead of 50mg/Nm³) for the yearly averaged BAT-AELs. This was also initially supported by **Ireland**, despite having a reference plant consistently meeting SO₂ levels <100mg/Nm³ firing 100% peat and using the deSox system "very rarely". Similar to lignite, the EEB is opposed to consider peat combustion as "BAT".

Liquid Fuels:

- **Greece** and **France** have been pushing to get relaxations for burning heavy fuel oils in LCPs, in particular NO_x, to basically "align" to the maximum limits set in the Gothenburg Protocol (225mg/Nm³) for new diesel engines instead of 220mg/Nm³. Coincidentally that level fits to the observed emissions of an EDF plant located in La Réunion which has SCR tested. **Greece** wanted to weaken up to 240mg/Nm³. These delegations, together with the **UK**, already managed to weaken the BAT-AELs for existing plants through a footnote to 1,150-1,900mg/Nm³ "if these plants cannot be fitted with secondary abatement", instead of the 125-625mg/Nm³ level. The **UK** wanted to extend this even to "new" plants. This needs to be put in relation to the four Maltese Delimara plants constructed in 2012, which managed to constantly reach NO_x levels of 118-131mg/Nm³ (due to SCR). The European Commission tried to "align" the NO_x level for new plants to the maximum limit set in the amended Gothenburg Protocol of 2012 of 190mg/Nm³. This was opposed by Greece, Spain, supported by Czech Republic and Poland to let the national authorities decide.
- The European Commission (EIPPCB) has introduced an arbitrary extension after the final meeting of a footnote relaxation enabling industrial boilers and district heating plants to be able to emit NO_x up to 365mg/Nm³, more than triple the upper range (110mg/Nm³). Initially this was limited to plants not exceeding 500MWth. The European Commission has decided to make a generous gift to polluters by extending this to the bigger plants as well, arguing this shows "consistency" with what is required by the IED.