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**Subject:** A Clean Air Programme for Europe  
- Comments from delegations

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With a view to the WPE meetings on 24 and 25 March, delegations will find in Annex comments from FR/RO/FI on the above-mentioned Communication and proposals.

FRANCE

Dans le cadre de la préparation des prochains WPE (24 et 25 mars), la présente note répond à la demande de la Présidence d'explicitier les raisons de la demande de la France de l'organisation d'un groupe de travail supplémentaire sur l'étude d'impact. Les autorités françaises précisent que la présente note ne porte pas sur la position française concernant le contenu de la directive NEC sur la réduction des émissions nationales. Cette note présente en outre la position des autorités françaises sur la directive sur les installations de combustion de taille moyenne qui fera l'objet du groupe de travail du 25 mars. Les autorités françaises émettent une réserve d'examen sur les points qui ne sont pas évoqués ci-dessous et complèteront leur position ultérieurement.

**A. Besoin d'un groupe de travail supplémentaire sur l'étude d'impact**

- Comme d'autres Etats membres, la France a des interrogations sur la modélisation effectuée avec GAINS et la dernière rencontre bilatérale (6 septembre 2012) a permis de montrer que le modèle sous-estimait les émissions françaises dans de nombreux secteurs. **La France soutient donc la poursuite d'échanges en présence de tous les Etats membres, plutôt que des réunions bilatérales, afin de mieux appréhender les préoccupations des autres Etats membres;**

**Concernant l'étude d'impact sur la directive sur la réduction des émissions nationales:**

- Les autorités françaises réaffirment leur souhait de connaître les mesures spécifiques appliquées à la France dans la modélisation de la Commission, notamment l'année de référence des coefficients d'émissions utilisés, ainsi que les hypothèses faites quant à leur mise en œuvre sur le territoire français, en particulier pour le dioxyde de soufre (SO<sub>2</sub>), l'ammoniac (NH<sub>3</sub>) et le méthane (CH<sub>4</sub>).
- La France souhaiterait, comme le Royaume-Uni, qu'une étude de sensibilité soit réalisée pour connaître les objectifs qui seraient réellement atteignables dans le cas où les émissions en conditions réelles de conduites ne pourraient pas être alignées sur les valeurs limites EURO (page 31 de l'analyse).

**Concernant l'étude d'impact sur la directive sur les installations de combustion de taille moyenne:**

- La France regrette que la partie traitant de ce sujet dans l'étude d'impact ne soit pas plus développée et notamment ne détaille pas les meilleures techniques disponibles à mettre en place pour atteindre les valeurs limites d'émissions proposées. Une démarche plus approfondie aurait permis d'améliorer l'estimation des coûts de mise en conformité;
- Sur les propositions faites pour les installations de puissance comprise entre 1 et 5 MW, il aurait notamment été souhaitable que l'étude d'impact contienne une analyse approfondie des bénéfices apportés sur la qualité de l'air globale toutes sources d'émissions confondues;

- L'étude d'impact fait l'hypothèse que 27% des installations seront renouvelées entre 2018 et 2025. Cela équivaut à une durée de vie de l'ordre de 26 ans, et peut paraître court pour du matériel industriel;
- Sur le chapitre « mitigation measures », il est indispensable de prendre en compte les installations situées dans des zones non interconnectées (la Corse et les Départements d'Outre-Mer sont concernés en France). Ces installations ne peuvent pas bénéficier du même type d'approvisionnement en combustible et la mise en place de certaines technologies de réductions des rejets dans l'atmosphère est difficilement envisageable sur les plans techniques et économiques. Ainsi il conviendrait que ces installations bénéficient de valeurs limites d'émissions particulières techniquement réalisables, ou de délais de mise en conformité supplémentaires.

## **B. Position sur la directive sur les installations de combustion de taille moyenne**

- Sur les installations de combustion de taille moyenne, la réglementation française vient d'être révisée en tenant compte de considérations techniques, pratiques, et efficaces en matière de coût, afin de mettre en place les prescriptions les plus pertinentes possibles. Il est indispensable que le texte qui sera adopté au niveau européen prenne en compte également ces aspects;
- La France est notamment convaincue de l'intérêt de distinguer les valeurs limites d'émissions en fonction de la taille des installations, et avec une prise en compte plus fine des types de combustibles que ce qui est actuellement proposé dans le projet;
- Les installations de puissance comprise entre 1 et 5 MW sont estimées à plus de 100 000 dans les Etats membres, or la France compte plus de 13 000 appareils de cette catégorie de puissance. Recueillir les informations requises dans le projet de directive sur la totalité de ces appareils engendrerait de fortes contraintes administratives, avec un coût associé notable. Il apparaît donc préférable de réglementer dans un premier temps les installations de puissance supérieure à 5 MW et de laisser aux Etats membres le choix de définir des exigences sur les appareils de moins de 5 MW. Ces installations pourront être intégrées ultérieurement après évaluation des mesures prises sur les installations de puissance supérieure à 5MW.

## **ROMANIA**

### **Impact assessment of Air Quality Policy Package (NEC Proposal)**

Greater transparency of the modelling results would make it easier for Member States to better understand the reduction commitments included in the package.

Therefore, we will appreciate receiving in-depth clarification on the basis on which the reduction commitments were established for the new air quality objectives especially for the period 2020 to 2030.

The fact that after 2020 the additional emission control and reduction measures considered in the IIASA report based TSAP Dec 2013 scenario are not clearly highlighted and the complexity of the GAINS model makes it difficult for the national experts team to understand how these measures were quantified, which are the activity rates of these in the establishment of the corresponding reduction commitments for the year 2030 and how the measures included in the scenario are correlated with the policies under debate at the EU level, which are not yet part of the current EU legislation (e.g. 2014 Energy and Climate Package, MCP Directive proposal, etc).

Nevertheless, we appreciated the opportunity of having bilateral technical discussions with IIASA experts, but in our view additional discussions are needed along with sufficient time for analysis of this very complex package.

We reiterate the last WPE MS majority opinion that the results of bilateral consultations with IIASA should be shared to all MS in order to provide better transparency of the process.

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## FINLAND

### General comment

Finland asks for greater transparency to track the results in the impact assessment. Newly published report TSAP#11 gives already a quite good picture of the emissions and costs in the sectors at the EU level. It also allocates total costs for each Member State. However, it is still unclear for which sectors costs are allocated at Member State level and which measures are included. It is also quite confusing to see, that e.g. for Finland and also for some other Member States early implementation costs from 2030 onwards are less than implementation costs of MCP Directive.

We think that it would be important to see what measures are included in the cost calculations for Member State level, not only at EU level. This would give us a good starting point to compare our own calculation and the EU modelling data.

### Medium Combustion Plants (Chapter 7 and Annex 12)

1. Finland asks for further clarification on why the content of the MCP-directive proposal differs from the impact assessment? Will the inconsistencies be addressed?

Main problem is that the impacts of the measure proposed in the Article 5(4) (lower limit values in the areas not complying with air quality limit values) is not addressed at all in the impact assessment. There are also several other significant differences between the impact assessment and the directive proposal. To mention few:

- Impacts of slightly higher dust ELVs for biomass combustion in 1-5 MW categories have not been analysed.
- Analysis of impacts is not taking into account the directive proposal deadlines for existing plants meeting the requirements by 2025 and 2030, but rather assumes that almost all measures have been adopted by 2025.
- Analysis of the ELV exclusion is done for 300 hours, while for directive proposal the number of hours is 500.

2. We find it problematic that the impact assessment does not differentiate the environmental impacts for the MCP-directive proposal alone, keeping in mind that the proposal addresses air pollution control for more than 140 000 combustion plants across Europe.

This is particularly problematic in the case of PM<sub>2,5</sub>, where the share of the MCP-directive proposal of the total NEC-directive reduction target is considerably low (6 %), but the costs for installing the fabric filters or electrostatic precipitators is high. With such a low contribution to the overall target it is not possible to differentiate the share of the MCP-directive on overall benefits.

3. The role of the plants covered by the MCP directive proposal in the NEC directive proposal impact assessment remains unclear. There should be a clear indication how much are the MCP directive related cost of the total costs in the different scenarios (CLE, 70 %-GC-2030 and MTFR-2030) and what measures are included and excluded in different scenarios? How much is the MCP directives share of the emission reductions in the different scenarios (CLE, 70 %-GC-2030 and MTFR-2030) is also unclear.
4. It is unclear how Finnish data has been processed in the impact assessment. Our original data submission for the consultant (AMEC) consisted on data at boiler level (total 582 boilers). Consultant has estimated that these boilers would be in 409 combustion plants. The MCP-directive proposal does not contain any aggregation rule for two or more boilers in same site, so it is unclear why consultant's plant estimates have been used as a basis of the impact assessment, instead of the original boiler based submission?
5. The total number of Finnish plants in the impact assessment has been underestimated. In the original data submission it was stated the plant data is accurate in the 20-50 MW category, but not necessary below that threshold. Our current estimate is that there would be approximately 1 500 boilers in Finland with rated thermal input between 1-50 MW. Particularly the number of plants in 1-5 MW category is highly underestimated. Unfortunately we do not have the accurate number of plants available at the moment, but will there be a possibility to update the plant data?
6. It remains unclear why in different scenarios there is variation only in the proposed emission limit values for nitrogen oxides. There is practically no variation in the sulphur dioxide and particulate ELVs, even if the proposed emission reductions for these substances are higher than what would be required by the central case policy option 6C\* of the NEC-directive proposal (Chapter 7.6 last paragraph). It is not sufficient to state only that "The increased emission reductions from the sector over option 6C\* are commensurate with the increased cost" without any further analysis or variation on sulphur dioxide and particulate emission limit values.

For particulates, as least a scenario containing emission limit values based on exact emission limit values of the Gothenburg Protocol recommendation for 1-50 MW combustion plants should have been analysed. Furthermore, a scenario where emission limit values are differentiated by boiler size categories within the central case policy option 6C\* would have been valuable.

7. Furthermore it remains unclear why the impact assessment does not suggest variation of the emission limit values based on plant size, while it recognises considerable differences in size categories (Annex 12 Chapter 2.2). This issue should be further elaborated.
8. For the economics part the impact assessment is not providing sufficient background information for the cost calculations. At the moment it is not possible to recalculate the pollutant abatement costs of the impact assessment, as the investment amortization period and other assumptions for the cost of the pollutant abatement control equipment is not reported.

9. In Annex 12 Chapter 4.3.6.3 (Page 354) it is stated that “Micro-enterprises are extremely unlikely to be affected given that MCPs would normally not be operated by enterprises of very small size.” This statement should be further analysed for the 1-5 MW category. In Finland there is significant number of micro-enterprises (heat entrepreneurs) utilising local fuels in this category.

Furthermore the conclusions in Annex 12 Chapter 5.6, which suggest that the economic impact of the policy options per enterprise are in all cases lowest in the 1-5 MW category should be further analysed and explained. In Finland it looks like the additional cost of the MCP-directive proposal would be highest for small or micro-enterprises operating 1-5 MW boilers.

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