



Industrial Emissions Directive - European Parliament Second Reading

AEP Comments on Holger Krahmer Amendments

(YY= strongly support, Y= support, NN = strongly oppose, N = oppose;
no comment = no strong view)

EP Amd	Art. No.	AEP View	Comments
3	R37	YY	Deletes Recital on SO ₂ and NO _x trading; AEP does not believe that a trading scheme would provide a cost-effective means of reducing emissions.
5	R39	NN	Allows Commission to amend ELVs by delegated acts within 12 months of BAT conclusions. AEP opposes: this is a significant extension of Commission powers and erosion of transparency, which would increase regulatory risk and uncertainty; Annex V ELVs were not open to amendment in recast process and should not be amended in this way.
6	R39a	NN	New recital on European safety net – AEP opposes (see 16 below)
7	R39b	NN	New recital on European safety net; restricts derogations to “exceptional cases” (“specific” in Council text; AEP opposes: makes derogations excessively difficult to obtain (see 16 below)
8	R39c	NN	New recital on safety net – AEP opposes (see 16 below)
12	8.2.2	N	Emergency suspension of operations in event of “significant” danger (“immediate” danger in Council text; AEP opposes: “significant” is more open to interpretation)
14	13.4	Y	Forum opinion on BAT reference documents to be published; AEP supports – improved transparency
15	13.5	N	AEP prefers regulatory procedure to delegated acts – governments should be consulted on BAT conclusions
16	13.5a	NN	New clauses on European safety net (ESN) – provides for Commission report on minimum requirements; AEP opposes – ESN is a one-size-fits-all approach which does not take local conditions into account and could result in costs out of all proportion to the environmental benefit
17	13.5b	NN	New clauses on European safety net – provides for minimum requirements via delegated acts; AEP opposes, see 16 above
18	13.6	Y	Adds obligation to translate BREFs into all requested languages – AEP supports
19	14.1.2f	Y	Adds “shut-down operations” to the list of activities that are not normal operation – AEP supports
20	14.4	Y	Adds “Member States may set rules under which the competent authority may set such stricter conditions.” – AEP supports

21	14.6	Y	adds "in consultation with the operator" to the clause about setting conditions where BREF guidance is not available – AEP supports
22	15.4	NN	Restricts derogations to "exceptional cases" ("specific cases" in Council text); removes reference to economic assessment; introduces European safety net; AEP opposes: makes derogations excessively difficult to obtain (see 16 above)
30	23.4	N	Prescribes frequency of inspections, including maximum intervals – AEP opposes: infringes subsidiarity criterion; inspection intervals should reflect risks posed by site
33	24.2e	N	Requires ELVs to be justified with specific reference to BREFs; AEP opposes – unnecessarily restrictive.
36	28.2i	Y	Adds offshore gas engines to gas turbines on list of excluded plant – AEP supports.
37	32	NN	Deletes TNP – AEP very strongly opposes; TNP is essential for maintaining UK security of supply post-2015 – up to 25% of capacity could close without flexibility mechanisms, as it is not economic to fit abatement equipment to plant with short remaining life; fossil plant is the only option to replace this generation on these timescales, which would lead to carbon lock-in beyond 2020; flexible coal/gas capacity will be crucial for providing back-up for renewable generation in future; the TNP does not distort competition, as unabated plant is limited in output and does not compete with abated plant; the TNP delivers equivalence with Annex V by the end of 2018 and does not affect the requirement on Member States to meet NECD emission limits.
38	33	NN	Deletes limited life derogation – AEP very strongly opposes; derogation is essential for maintaining UK security of supply post-2015 – up to 25% of capacity could close at this point without flexibility mechanisms as it is not economic to fit abatement equipment to plant with short remaining life; fossil plant is the only option to replace this generation on these timescales, which would lead to carbon lock-in beyond 2020; flexible coal/gas capacity will be crucial for providing back-up for renewable generation; the derogation does not distort competition, as unabated plant is limited in output and does not compete with abated plant; the derogation is environmentally equivalent and does not affect the requirement on Member States to meet NECD emission limits. The AEP also opposes any reduction in the 20,000 hour duration of the derogation or the "backstop" end date of 31/12/2023. The transition to a low carbon generation system will take time. The capacity of existing plant will progressively reduce through the transition – but some will still be needed in the early 2020's. The flexible options need to enable this. The duration of the TNP derogation is already limited to 2020, so the limited life derogation must remain as it stands.
39	35.1.1	NN	Reduces duration of desulphurisation/district heating derogation from end 2023 to end 2019 – AEP opposes; Member States with significant use of coal for district heating need time to upgrade and abate these systems
46	74	N	Allows Commission to amend ELVs by delegated acts within 12 months of BAT conclusions. AEP opposes: this is a significant extension of Commission powers and erosion of transparency, which would increase regulatory risk and uncertainty; Annex V ELVs were not open to amendment in recast process and should not be amended in this way