



EUROPEAN  
COMMISSION

Brussels, 29.4.2013  
C(2013) 2364 final

## COMMISSION DECISION

of 29.4.2013

**establishing the Commission Proposals to the Ministerial Council of the Energy Community on the implementation of 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 plants, and on the implementation of Chapter III, Annex V and Article 72(3)-(4) of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) and amending Article 16 and Annex II of the Energy Community Treaty**

(Text with EEA relevance)

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Treaty establishing the Energy Community ("the Treaty"), and in particular Article 79 thereof,

Having regard to Council Decision 2006/500/EC of 29 May 2006 on the conclusion by the European Community of the Energy Community Treaty<sup>1</sup>, and in particular Article 4(1) thereof,

Whereas:

- (1) Article 4(3)(b) and Article 4(6) of 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 plants<sup>2</sup> provide a way for existing plants to comply with that Directive as an alternative to the emission limit values laid down in Part A of Annexes III to VII thereto in respect to sulphur dioxide, nitrogen oxides and dust.
- (2) As the Treaty does not provide dates for the procedure to implement Article 4(3)(b) and Article 4(6) of Directive 2001/80/EC, such dates should be laid down by the Ministerial Council of the Energy Community to make the use of those provisions possible for the Energy Community Contracting Parties.
- (3) Directive 2001/80/EC is replaced by Chapter III and Annex V and by Article 72(3)-(4) of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions<sup>3</sup> with effect from 7 January 2013 for new plants and 1 January 2016 for existing plants.
- (4) Chapter III, Annex V and Article 72(3)-(4) of Directive 2010/75/EU need to be included in Article 16 of the Treaty as part of the 'acquis communautaire on environment' and a timetable for their implementation should be set out in Annex II of that Treaty.

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<sup>1</sup> OJ L 198, 20.7.2006, p. 15

<sup>2</sup> OJ L 309, 27.11.2001, p. 1

<sup>3</sup> OJ L 334, 17.12.2010, p.17

- (5) The position to be taken by the European Union, as a Contracting Party to the Energy Community, concerning the implementation of Directive 2001/80/EC and of Chapter III, Annex V and Article 72(3)-(4) of Directive 2010/75/EU by the Energy Community will be adopted by the Council. This Decision is thus without prejudice to the position of the European Union taken at the meeting of the Ministerial Council of the Energy Community where the relevant decisions will be submitted for adoption.

HAS DECIDED AS FOLLOWS:

*Article 1*

The Commission Proposal for a Decision of the Ministerial Council of the Energy Community on the implementation of Directive 2001/80/EC is set out in Annex I to this Decision.

*Article 2*

The Commission Proposal for a Decision of the Ministerial Council of the Energy Community on the implementation of Chapter III, Annex V and Article 72(3)-(4) of Directive 2010/75/EU and amending Article 16 and Annex II of the Energy Community Treaty is set out in Annex II to this Decision.

Done at Brussels, 29.4.2013

*For the Commission*  
*Janez POTOČNIK*  
*Member of the Commission*