

KARMENU VELLA

Member of the European Commission

Brussels, **17 NOV 2015**
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Mr Jeremy Wates
Secretary General
European Environmental Bureau
Boulevard de Waterloo 34
1000 Brussels

Dear Mr Wates,

Thank you for your letter of 2 November 2015 sent on behalf of the Green10 Directors and concerning the review of the BAT reference document for Large Combustion Plants (LCP BREF) under the Industrial Emissions Directive 2010/75/EU (IED).

Coal- and lignite-fired power plants are a significant source of air pollution, which has already reduced over the past decades thanks to the EU's environmental legislation. The current review of the LCP BREF aims at identifying and tapping the further emission reduction potential within this sector, thus contributing to our policy objectives, in particular regarding air pollution and mercury emissions.

In the past four years, the Commission, Member States and stakeholders involved have put major efforts in the review of the LCP BREF, a process which is now coming to an end. No other BREF review has benefited from such wealth of data, in particular detailed information on over 500 reference plants operated all across the EU. The contributions made by NGO experts in this context have been very helpful in identifying appropriate BAT-associated emission levels (AEL) ranges. I am therefore confident that the review will result in well documented and thoroughly underpinned BAT conclusions.

The BAT-AEL set out in the draft BAT conclusions have been derived by the Technical Working Group (TWG) on the basis of the dataset gathered during the information exchange. In accordance with the definition of BAT, the environmental benefits as well as the costs of applying the techniques have been considered in the assessment and decision making.

Considering the vast amount of information exchanged, the organisation of an additional intermediate TWG meeting and the high number of BAT conclusions derived, the time schedule for this review has been largely followed. I would like to acknowledge the exceptional efforts made by the JRC's European IPPC Bureau (EIPPCB) in this respect.

The EIPPCB is currently assessing the dissenting views raised by TWG members during the meeting in June and has started preparing the final draft, which should be completed around the end of this year. After that, for the BAT conclusions to be adopted in accordance with the IED and the guidance on the information exchange, further steps are required, which will inevitably take some time. In particular, **the Commission needs to seek the opinion of the IED Article 13 Forum (which involves a consultation period of at least eight weeks)**, before the draft implementing act containing the BAT conclusions can be drawn up. Following our internal decision making procedures, this draft Decision will be submitted to a vote by the IED Article 75 Committee, **which is expected to take place in the second half of 2016**. The BAT conclusions will subsequently be translated, adopted by the Commission and published.

Splitting up the BAT conclusions into several separate documents would only create additional work and delay the outcomes, while undermining the coherence of the BAT conclusions for this sector. As regards your suggestion for adapting the emission limit values set in Annex V to the IED, the Commission will review the implementation of the revised LCP BAT conclusions in accordance with Article 73 of the IED once information on the effectiveness of the BAT conclusions has become available. At that stage, the Commission will conclude on whether to propose a revision of those emission limit values.

I appreciate the commitment of the EEB and other environmental NGOs to this file and look forward to your further constructive collaboration in the finalisation of the LCP BREF review process.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Karmenu Vella', written in a cursive style.

Karmenu Vella