



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Directorate C - Quality of Life
ENV.C.4 - Industrial Emissions & Safety

Brussels, 30.09.2016
ENV.C.4/AM/adb Ares(2016) 6145522

TO THE EU PERMANENT REPRESENTATION OF THE UNITED KINGDOM

Subject: Application of Articles 32, 33 and 35 of Directive 2010/75/EU on industrial emissions (IED) – Revised TNP further to Court judgement in case C-304/15

Ref.: My letter of 15 February 2016 (Ares(2016)791696)

I would like to kindly remind you of the above mentioned letter in which the United Kingdom authorities have been requested to:

- explicitly confirm that the plant 'Barrow Gas Terminals – North, South & Rivers' referred to in the final list of plants opting for a limited life-time derogation under Article 33 of the IED, is the same plant as the one named 'North Morecambe Terminal Field Gas Compressor' in the 'long list' of eligible plants submitted by the United Kingdom by e-mail of 4 February 2014.
- submit a modified transitional national plan (TNP) excluding all combustion plants which are, referring to information submitted by your authorities by e-mail of 23 December 2015, included in the final list of plants opting for a limited life-time derogation under Article 33 of the IED (i.e. Corby GT1 and GT2, Eggborough Power Station and Ferrybridge C Power Station LCP2).
- confirm that no plant in the United Kingdom is applying the 'District Heating Plants' derogation under Article 35 of the IED.

In addition, we would be grateful for your authorities to submit a modified TNP taking into account the recent judgement of the Court of Justice of the EU of 21 September 2016 in Case C-304/15 (Commission v UK). This would imply an adaptation of the annual emission ceilings for NO_x so as to include the contribution of the 'Aberthaw Power Station' on the basis of the outcome of the Court judgement, i.e. on the basis of an emission limit value, for the year 2016, of 200 mg/Nm³. In line with Commission Decision C(2015) 9317¹, the revised NO_x ceiling would start to apply from the date of the judgement and, for the year of the judgement, on a "pro rata basis".

¹ <https://circabc.europa.eu/w/browse/36205e98-8e7a-47d7-808d-931bc5ba16ec>

In case you would have additional questions, please contact

[REDACTED]

[REDACTED]

Yours sincerely,

[REDACTED]

[REDACTED]

Head of Unit