



EUROPEAN  
COMMISSION

Brussels, 2.6.2017  
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**COMMISSION DECISION**

**of 2.6.2017**

**on the notification by Romania of a modified transitional national plan referred to in  
Article 32(6) of Directive 2010/75/EU of the European Parliament and of the Council on  
industrial emissions**

**(Only the Romanian text is authentic)**

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**on the notification by Romania of a modified transitional national plan referred to in Article 32(6) of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions**

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THE EUROPEAN COMMISSION,

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

Having regard to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)<sup>1</sup>, and in particular paragraphs 5 and 6 of Article 32 thereof,

Whereas:

- (1) The Commission decided, by its Decision C(2015)1758<sup>2</sup>, not to raise objections against the transitional national plan which Romania had communicated on 21 December 2012 pursuant to Article 32(5) of Directive 2010/75/EU, as amended in accordance with the additional information sent on 24 September 2013, on 24 October 2013, on 9 December 2013, on 7 March 2014, on 20 May 2014, on 14 August 2014 and on 23 October 2014.
- (2) By letter of 16 October 2015 and in accordance with Article 32(6) of Directive 2010/75/EU, Romania notified the Commission of subsequent changes to its transitional national plan. Two plants initially included in the transitional national plan had been excluded from the plan as they would apply the provisions of Articles 33 or 35 of Directive 2010/75/EU.
- (3) The Commission decided, by its Decision C(2016) 1249<sup>3</sup>, not to raise objections against the modified transitional national plan.
- (4) By letter of 21 November 2016 and in accordance with Article 32(6) of Directive 2010/75/EU, Romania notified to the Commission further changes to the revised transitional national plan.
- (5) The Commission has been informed that one plant initially included in the transitional national plan for all three pollutants (S.C. Global Energy Production SA nr.2), has now been excluded from the plan because the operator has decided to stop operating the plant. In addition, two other plants, i.e. OMV PETROM S.A., Combinatul Petrochimic ARPECHIM Pitești, nr 2 and 3, which had initially been included for the pollutant NOx, operate within a refinery and have been authorised to use an integrated

<sup>1</sup> OJ L 334, 17.12.2010, p. 17

<sup>2</sup> Commission Decision of 20 March 2015 on the transitional national plan communicated by Romania in accordance with Article 32(5) of Directive 2010/75/EU, OJ C 98, 25.3.2015, p. 4

<sup>3</sup> Commission Decision of 3 March 2016 on the notification by Romania of a modified transitional national plan referred to in Article 32(6) of Directive 2010/75/EU on industrial emissions, OJ C 89, 5.3.2016, p. 6

emission management technique in the light of which the NOx emissions of several or all combustion plants and fluid catalytic cracking (FCC) units on the site are averaged, to the benefit of the more polluting plants. In the light hereof, the two plants have been excluded from the transitional national plan as they would comply with the emission limit values laid down in Annex V of Directive 2010/75/EU. Furthermore one plant (Centrala Termică a S.C. MICHELIN ROMANIA S.A.) has reduced its capacity below 50 MWth and therefore no longer falls within the scope of Directive 2010/75/EU, pursuant to its Articles 10, 28 and Annex I, point 1.1.

- (6) By letter of 9 February 2017, the Commission asked Romania to confirm that the two plants which operate within a refinery, i.e. OMV PETROM S.A. Combinatul Petrochimic ARPECHIM Pitești, nr 2 and 3, comply individually with the emission limit values specified in Annex V of Directive 2010/75/EU, as the integrated emission management technique only applies in view of assessing compliance with emission limit values based on the emission levels associated with Best Available Techniques laid down in the Commission Implementing Decision 2014/738/EU establishing best available techniques (BAT) conclusions for the refining of mineral oil and gas. The technique can however not be applied towards ensuring compliance with the emission limit values laid down in Annex V of Directive 2010/75/EU, which continue to apply, as a minimum, to each individual plant within the refinery, pursuant to Article 30(2) of Directive 2010/75/EU.
- (7) By letter of 10 March 2017, Romania informed the Commission that the plants OMV PETROM S.A. Combinatul Petrochimic ARPECHIM Pitești, nr 2 and 3, have stopped operating and confirmed that these plants should therefore remain excluded from the transitional national plan.
- (8) The modified transitional national plan has been assessed by the Commission in accordance with paragraphs 1, 3 and 4 of Article 32 of Directive 2010/75/EU and with Commission Implementing Decision 2012/115/EU<sup>4</sup>. The Commission has found that the modifications to the overall emission ceilings for the years 2016, 2017, 2018, 2019 and for the first six months of 2020 are correct.
- (9) The implementation of the modified transitional national plan should be without prejudice to other applicable national and Union law. In particular, when setting individual permit conditions for the combustion plants covered by the transitional national plan, Romania should ensure that compliance with the requirements set out in, inter alia, Directive 2010/75/EU, Directive 2008/50/EC of the European Parliament and of the Council<sup>5</sup> and Directive 2001/81/EC of the European Parliament and of the Council<sup>6</sup> is not jeopardised. This implies in particular that the emission limit values legally set out in the permits for individual combustion plants applicable on 31 December 2015 shall at least be maintained.
- (10) Article 32(6) of Directive 2010/75/EU requires Romania to inform the Commission of any subsequent changes to the transitional national plan. The Commission shall assess whether those changes comply with the provisions laid down in paragraphs 1, 3 and 4

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<sup>4</sup> Commission Implementing Decision 2012/115/EU of 10 February 2012 laying down rules concerning the transitional national plans referred to in Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions, OJ L 52, 24.2.2012, p. 12

<sup>5</sup> Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe (OJ L 152, 11.6.2008, p. 1)

<sup>6</sup> Directive 2001/81/EC of the European Parliament and of the Council of 23 October 2001 on national emission ceilings for certain atmospheric pollutants (OJ L 309, 27.11.2001, p. 22)

of Article 32 of Directive 2010/75/EU and in Commission Implementing Decision 2012/115/EU.

HAS ADOPTED THIS DECISION:

*Article 1*

1. On the basis of paragraphs 1, 3 and 4 of Article 32 of Directive 2010/75/EU and of Commission Implementing Decision 2012/115/EU, no objections are raised against the modified transitional national plan notified by Romania to the Commission on 21 November 2016, pursuant to Article 32(6) of the Directive 2010/75/EU.
2. The names of the plants covered by the modified transitional national plan, their total rated thermal input on 31 December 2010, the pollutants for which those plants are covered, and the applicable emission ceilings are set out in the Annex to this Decision.
3. The implementation of the modified transitional national plan shall not exempt Romania from compliance with the provisions of Directive 2010/75/EU concerning the emissions from the individual combustion plants covered by the plan, and with other relevant bodies of the European Union environmental law.

*Article 2*

This Decision is addressed to Romania.

Done at Brussels, 2.6.2017

*For the Commission*  
*Karmenu VELLA*  
*Member of the Commission*

**EN**  
**ANNEX**

**List of plants included in the transitional national plan (TNP)**

Number	Plant name in the TNP	Total rated thermal input on 31.12.2010 (MW)	Pollutants covered by the TNP		
			SO <sub>2</sub>	NO <sub>x</sub>	dust
1	S.C. Veolia Energie Iași S.A. CET Iași 1 - IMA nr. 1	282	-	√	-
2	CET Iași 1 - IMA nr. 2	566	-	√	-
3	S.C. Veolia Energie Iași S.A. CET Iași 1 - IMA nr. 3	464	-	√	-
4	S.C. Veolia Energie Iași S.A. CET Iași 2 - IMA nr. 4	610	√	√	-
5	S.C. Electrocentrale Galați nr.2	586	-	√	-
6	S.C. Electrocentrale Galați nr.3	879	-	√	-
7	Societatea Electrocentrale Constanța S.A. CT Palas nr. 1+4	403	-	√	-
8	Societatea Electrocentrale Constanța S.A. CT Palas nr. 5	433	-	√	-
9	S.C. Complexul Energetic Oltenia S.A. SE Craiova - Isalnita	1892	-	√	-
10	S.C. Complexul Energetic Oltenia S.A. SE Craiova - Craiova nr. 1	946	-	√	-
11	S.C. Complexul Energetic Oltenia S.A. SE Rovinari nr. 1	1756	-	√	-
12	S.C. Complexul Energetic Oltenia S.A. SE Turceni nr. 2	1578	-	√	-
13	S.C. C.E.T. GOVORA S.A. nr.1	586	-	√	-
14	S.C. C.E.T. GOVORA S.A. nr.2	586	√	√	√
15	S.C. C.E.T. GOVORA S.A. nr.3	293	√	√	√

16	S.C. Complexul Energetic Hunedoara S.A. - Sucursala Electrocentrale Deva nr. 2	1056	√	√	√
17	S.C. Complexul Energetic Hunedoara S.A. - Sucursala Electrocentrale Deva nr. 3	1056	√	√	√
18	S.C. ELECTROCENTRALE ORADEA S.A nr. 1	523	-	√	-
19	SNGN ROMGAZ S.A.-SPEE Iernut nr. 1	277	-	√	-
20	SNGN ROMGAZ S.A.-SPEE Iernut nr. 4	277	-	√	-
21	SNGN ROMGAZ S.A.-SPEE Iernut nr. 5	1108	-	√	-
22	SC ELCEN Bucuresti CET Progresu nr.1	1148	-	√	-
23	SC ELCEN Bucuresti CET Sud nr. 1	1148	-	√	-
24	S.C.COLTERM S.A. nr.1	58,1	-	√	-
25	S.C.COLTERM S.A. nr.2	58,1	-	√	-
26	S.C.COLTERM S.A. nr.3	116,3	-	√	-
27	S.C.COLTERM S.A. nr.4	116,3	-	√	-
28	S.C. AMURCO S.R.L.	278,4	-	√	-
29	S.C. AGRANA ROMANIA S.A. Buzău Sucursala Roman	135	-	√	-
30	S.C. ALUM S.A. TULCEA nr.1	327	-	√	-
31	SC Lemarco Cristal SRL	132	-	√	-
32	S.C. ROMPETROL RAFINARE S.A. RAFINARIA VEGA PLOIEȘTI	74,25	-	√	-

**Emission ceilings (tonnes)**

	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>01.01 – 30.06.2020</b>
SO <sub>2</sub>	9 365	7 556	5 748	3 940	1 970
NO <sub>x</sub>	25 409	22 960	20 511	18 063	9 031
dust	912	721	530	339	169