



Brussels, 29.5.2015
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COMMISSION DECISION

of 29.5.2015

**on the notification by the Kingdom of Spain of a transitional national plan referred to in
Article 32 of Directive 2010/75/EU of the European Parliament and of the Council on
industrial emissions**

(Only the Spanish text is authentic)

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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)¹, and in particular the second and third subparagraph of Article 32(5),

Whereas:

- (1) By Commission Decision 2013/799/EU of 17 December 2013 on the notification by the Kingdom of Spain of a transitional national plan referred to in Article 32 of Directive 2010/75/EU², the transitional national plan which the Kingdom of Spain communicated to the Commission on 14 December 2012, has not been accepted as it was found not to be in accordance with the requirements laid down in paragraphs 1, 3 and 4 of Article 32 of Directive 2010/75/EU and in 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 emissions³.
- (2) In case the Kingdom of Spain would intend to implement a transitional national plan, the Commission asked the Kingdom of Spain to take all necessary measures to address the issues raised in Decision 2013/799/EU in a revised version of the plan.
- (3) In accordance with the third subparagraph of Article 32(5) of Directive 2010/75/EU, the Kingdom of Spain, by e-mail of 20 October 2014 and by letter dated 3 November 2014 received by the Commission on 10 November 2014, submitted a revised consolidated version of the transitional national plan.
- (4) The Commission has found that the combustion plants included in the revised plan are the same as those included in the original plan, while noting that one plant has changed its name.
- (5) In Article 1(2)(a) of Decision 2013/799/EU, the Commission requested the Kingdom of Spain to correct the emission limit value for calculating the contribution of one plant to the emission ceiling for SO₂ for the year 2016 and not to use the limit value of 800 mg/Nm³ mentioned in Article 5(2) of Directive 2001/80/EC.

¹ OJ L 334, 17.12.2010, p. 17

² OJ L 352, 24.12.2013, p.53

³ OJ L 52, 24.2.2012, p.12

- (6) In the revised transitional national plan submitted by the Kingdom of Spain, the emission limit value used for calculating the contribution of this plant to the emission ceiling for SO₂ for the year 2016 has been corrected to 400 mg/Nm³.
- (7) In Article 1(2)(b) of Decision 2013/799/EU, the Commission requested the Kingdom of Spain to correct the method applied for calculating the contribution of one plant to the emission ceiling for SO₂ for the year 2016 by using either the minimum desulphurisation rate or the emission limit value that would be applicable under Directive 2001/80/EC.
- (8) In the revised transitional national plan submitted by the Kingdom of Spain, the contribution of this plant to the emission ceiling for SO₂ for the year 2016 has been calculated on the basis of the emission limit value that would be applicable to this plant under Directive 2001/80/EC.
- (9) In Article 1(2)(c) of Decision 2013/799/EU, the Commission requested the Kingdom of Spain to correct the emission limit values applied for six plants for calculating their contribution to the NO_x emission ceiling for the year 2016.
- (10) In the revised transitional national plan submitted by the Kingdom of Spain, the emission limit values applied for calculating the contribution of those six plants to the NO_x emission ceiling for 2016 were corrected and, for the years where an emission limit value of 1 200 mg/Nm³ was applied, the Kingdom of Spain demonstrated that the volatile content of the solid fuels used had been below 10% throughout the relevant reference period.
- (11) In Article 1(2)(d) of Decision 2013/799/EU, the Commission requested to update the emission ceilings for all years, by correcting the calculations according to the objections formulated by the Commission in the points (a) to (c) of Article 1(2) of that Decision.
- (12) In the revised transitional national plan submitted by the Kingdom of Spain, the emission ceilings for all years have been updated accordingly.
- (13) In Article 1(2)(e) of Decision 2013/799/EU, the Commission asked the Kingdom of Spain for the additional clarifications and information set out in Annex II of Decision 2013/799/EU, concerning the use of a desulphurisation rate of 92% for one plant, on how the contributions to the TNP ceilings were calculated for 19 plants, and on data on the waste gas flow rate for each fuel used in one plant.
- (14) In the revised transitional national plan submitted by the Kingdom of Spain, data on waste gas flow rate were separately provided for each of the fuels used. The contributions to the emission ceilings for those 19 plants now include all fuels used, including for start-up and shut-down operations.
- (15) By letter of 15 December 2014, the Commission requested the Kingdom of Spain to send additional information on one plant demonstrating its eligibility to apply a desulphurisation rate of 92%, on the volatile content of solid fuels used in nine plants and on the annual average electrical efficiency of two gas turbines.
- (16) By letter of 18 December 2014, the Kingdom of Spain submitted the requested additional information to the Commission.
- (17) The revised transitional national plan has been assessed in accordance with paragraphs 1, 3 and 4 of Article 32 of Directive 2010/75/EU and with Implementing Decision 2012/115/EU.

- (18) In particular, the Commission has examined the consistency and correctness of the data, assumptions and calculations used for determining the contributions of each of the combustion plants covered by the transitional national plan to the emission ceilings set out in the transitional national plan, and has analysed whether it contains objectives and related targets, measures and timetables for reaching these objectives and a monitoring mechanism to assess future compliance.
- (19) Further to the additional information submitted, the Commission found that the emission ceilings for the years 2016 and 2019 were calculated using the appropriate data and formulae and that the calculations were correct. The Kingdom of Spain has provided sufficient information regarding the measures that will be implemented in order to achieve the emission ceilings, the monitoring and the reporting to the Commission on the implementation of the transitional national plan.
- (20) The Commission is satisfied that the Kingdom of Spain has taken into consideration the requirements set out in paragraphs 1, 3 and 4 of Article 32 of Directive 2010/75/EU as further specified in its Implementing Decision 2012/115/EU.
- (21) Against that background, no objections should be raised against the revised transitional national plan communicated by Kingdom of Spain in accordance with the third subparagraph of Article 32(5) of Directive 2010/75/EU.
- (22) The implementation of the 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, the Kingdom of Spain 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 Council⁴ and Directive 2001/81/EC⁵ of the European Parliament and of the Council is not jeopardised.
- (23) Article 32(6) of Directive 2010/75/EU requires Member States to inform the Commission of any subsequent changes to the transitional national plan. The Commission should assess whether those changes comply with the provisions laid down in Article 32 (1), (3) and (4) of Directive 2010/75/EU and in Implementing Decision 2012/115/EU.

HAS ADOPTED THIS DECISION:

Article 1

1. In accordance with paragraphs 1, 3 and 4 of Article 32 of Directive 2010/75/EU and with Implementing Decision 2012/115/EU, no objections are raised against the revised transitional national plan, communicated to the Commission by the Kingdom of Spain on 3 November 2014 pursuant to Article 32(5) of Directive 2010/75/EU and the additional information submitted by letter of 18 December 2014.

2. The list of plants covered by the transitional national plan, their total rated thermal input on 31 December 2010, the pollutants for which those plants are covered by the plan and the applicable emission ceilings are set out in the Annex to this Decision.

⁴ 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)

⁵ 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)

3. The implementation of the transitional national plan by the Spanish authorities shall not exempt the Kingdom of Spain from compliance with the provisions of Directive 2010/75/EU concerning the emissions from the individual combustion plants covered by the plan, and of other relevant bodies of the European Union environmental law.

Article 2

The Commission shall assess if any subsequent changes to the transitional national plan notified by the Kingdom of Spain in the future comply with the provisions listed in Article 32 (1), (3) and (4) of Directive 2010/75/EU and in Commission Implementing Decision 2012/115/EU.

Article 3

This Decision is addressed to the Kingdom of Spain.

Done at Brussels, 29.5.2015

For the Commission
Karmenu VELLA
Member of the Commission



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ANNEX

List of plants included in the TNP

Number	Plant name in the TNP	Total rated thermal input on 31.12.2010 (MWth)	Pollutants covered by the TNP		
			SO ₂	NO _x	dust
1	C.T. Litoral I	1 222	√	√	√
2	C.T. Litoral II	1 268	√	√	√
3	C.T. Compostilla I (G2 and 3)	1 332	√	√	√
4	C.T. Compostilla I (G4 and 5)	1 960	√	√	√
5	C.T. As Pontes	3 800	√	√	√
6	C.T. Teruel (Andorra)	3 000	√	√	√
7	C.T. Besós 3 (CTCC)	735	-	√	-
8	C.T. San Roque (G2) (CTCC)	711	-	√	-
9	C.T. Foix	1 315	√	√	√
10	C.T. Los Barrios	1420	-	√	√
11	C.T. Puentenuevo	976	-	√	√
12	C.T. Tarragona I (CTCC)	676	-	√	-
13	C.T. Anllares	953	√	√	√
14	C.T. La Robla I	691	√	√	√
15	C.T. La Robla II	951	√	√	√
16	C.T. Meirama	1 437	√	√	√
17	C.T. Narcea I	193	√	√	√
18	C.T. Narcea II	459	√	√	√
19	C.T. Narcea III	993	√	√	√

Number	Plant name in the TNP	Total rated thermal input on 31.12.2010 (MWth)	Pollutants covered by the TNP		
			SO ₂	NO _x	dust
20	C.T. Aboño I	919	√	√	√
21	C.T. Aboño II	1 364	√	√	√
22	C.T. Soto III	830	√	√	√
23	C.T. de Lada 4	986	√	√	√
24	C.T. de Velilla 1	430	√	√	√
25	C.T. de Velilla 2	1 010	√	√	√
26	Central GICC Puertollano	590	√	√	√
27	San Ciprián I	147	√	√	√
28	San Ciprián II	147	√	√	√
29	San Ciprián III	147	√	√	√
30	Cogecan	93	√	√	√
31	Sniace Co-generation I	126	-	√	-
32	Sniace Co-generation II	126	-	√	-
33	Solvay II	146	-	√	-
34	Solvay I	376	√	√	√

Emission ceilings

	2016	2017	2018	2019	01.01 - 30.06.2020
SO ₂	102 216	83 910	65 604	47 298	23 649
NO _x	88 460	74 093	59 726	45 359	22 679
dust	10 548	8 406	6 264	4 121	2 061