

TRANSPOSITION NOTE FOR THE IMPLEMENTATION OF DIRECTIVE 2015/2193 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL OF 25 NOVEMBER 2015 ON THE LIMITATION OF EMISSIONS OF CERTAIN POLLUTANTS INTO THE AIR FROM MEDIUM COMBUSTION PLANTS AND CHAPTER III OF DIRECTIVE 2010/75/EC OF THE EUROPEAN PARLIAMENT OF THE COUNCIL OF 24 NOVEMBER 2010 INDUSTRIAL EMISSIONS DIRECTIVE ON LIMITATION OF CERTAIN POLLUTANT EMISSIONS FROM LARGE COMBUSTION PLANT.

April 2018

The Department of Business, Energy and Industrial Strategy is implementing Directive 2015/2193 on the limitation of emissions of certain pollutants into the air from medium combustion plants and Chapter III of Directive 2010/75/EC on the limitation of emissions of certain pollutants into air from large combustion plant.

These Directives are being transposed by the Offshore Combustion Installations (Pollution Prevention and Control (Amendment) Regulations 2018 (PPC Regulations 2018) which amend the Offshore Combustion Installations (Pollution Prevention and Control) Regulations 2013 (S.I. 2013/971) (the 2013 Regulations) establishing a permitting regime. The PPC 2018 comes into force 21 days after they are made.

The table below sets out how the various articles of Directive 2015/2193 and Chapter III of Directive 2010/75/EC have been transposed for the UK offshore area.

Directive 2015/2193: Medium Combustion Plant Directive

Article	Objective	Implementation in the PPC Regulations 2018	Regulation in the 2013 Regulations	Responsibility
2.1	Combustion plant in scope of legislation.	Regulation 3	Regulation 2, see definition of "medium combustion plant".	
2.2	Combination of plant in scope of legislation.	As above	As above	
2.3	Combination of plant out of scope of legislation	As above	As above	
2.4	Activities where Directive does not apply.	As above	As above	
3	Definitions (various)	As above	As above	
4	Combination of plant considered as single MCP under Directive	Regulation 4	Regulation 2A	
5.1	Permit and registration requirement to operate new	Regulations 5 and 30	Regulations 3 and 21A	Operator, Competent Authority

Article	Objective	Implementation in the PPC Regulations 2018	Regulation in the 2013 Regulations	Responsibility
	MCP			
5.2	Existing MCP above 5MW permit from 01.01.2024, MCP at or above 1MW and 5MW or less permit from 01.01.2029	Regulations 5 and 30	Regulations 3 and 21A	Operator
5.3	Process for granting a permit for MCP and registration	Regulations 7 and 30	Regulations 4A (permit) and 21A (register)	Operator, Competent Authority
5.4	Commence processing of permit application within one month.	Regulation 11	Regulations 7A	Competent Authority
5.5	Establish and maintain register of information on MCP available to public.	Regulation 30	Regulation 21A	Competent Authority
5.6	General binding rules not adopted.		Not transposed, not applicable.	
5.7	No requirement to permit under MCPD if Chpt II of Directive 2010/75/EU applies.	Regulation 3 (definition of MCI)	Regulation 2 (definition of MCI) Regulation 12, permit variation to include obligations related to regulation 21A for medium combustion plant.	Operator
5.8	Permit can be combined with other permits subject to all information required by article provided.	Regulation 20	Regulation 12A	
6.1	Emission limit values for MCP set out in Annex II shall apply.	Regulation 18	Regulation 11B	
6.2	Timing when ELVs apply to	Regulation 18	Regulation 11B	

Article	Objective	Implementation in the PPC Regulations 2018	Regulation in the 2013 Regulations	Responsibility
	plant more than 5MW and between 1 and less than or equal to 5MW.			
6.3	Exemption from ELV's if operating hours not more than 500 per year as rolling average over 5 years or 1,000 hours in specified circumstances.	Regulation 18	Regulation 11C	
6.4	Existing MCP partly of SIS or MIS ELVs and timings.	Not transposed as not applicable.		
6.5	Exemption for plant serving public district heating network. Not applicable offshore.	Not transposed as not applicable.		
6.6	Exemption for plant more than 5MW used to drive gas compressors for national gas transmission system. Boilers not used to drive compressor stations offshore.	Not transposed as not applicable.		
6.7	ELVs in Part 2 of Annex II shall apply for new plant apply	Regulation 18	Regulation 11B	
6.8	Exemption for plant operating not more than 500 hours from ELVs.	Regulation 18	Regulation 11D	
6.9	Review of the need for stricter	Not transposed as not	Not transposed as not applicable	

Article	Objective	Implementation in the PPC Regulations 2018	Regulation in the 2013 Regulations	Responsibility
	ELVs in zones not complying with air quality limit values specified in Directive 2008/50/EC	applicable.		
6.11	Competent authority may grant a derogation from ELVs where plant unable to source low sulphur fuel due to shortage	Regulation 18	Regulation 11E(1) and (2)	Competent Authority
6.12	Competent authority may grant a derogation where plant using only gaseous fuel due to interruption in supply	Regulation 18	Regulation 11E(3) and (4)	Competent Authority
6.13	Determination of ELV where two or more fuels used by weighted contribution calculation.	Regulation 18	Regulation 11F	
7.1	Monitoring emissions requirements of Part 1 Annex III.	Regulation 15	Regulation 9A(2)	Competent Authority
7.2	Monitoring for multi fuel plant requirements.	Regulation 15	Regulation 9A(2)	Operator
7.3	Record keeping requirement of monitoring for compliance verification.	Regulation 15	Regulation 9A(2)	Operator
7.4	Record of operation of secondary abatement equipment	Regulation 15	Regulation 9A(2)	Operator

Article	Objective	Implementation in the PPC Regulations 2018	Regulation in the 2013 Regulations	Responsibility
	proving continuous use.			
7.5	Retention of specified information by operators.	Regulation 15	Regulation 9A(2)	Operator
7.6	Requirement to make available specified information to the competent authority and public on request.	Regulations 15 and 32	Regulations 9A and 23(4)	Operator
7.7	Non-compliance provision of specified information to competent authority and measures to restore compliance.	Regulation 15	Regulation 9A – permit conditions.	Operator
7.8	Requirement of operator for inspections and all necessary assistance.		Inspection powers already exist under Regulation 25, of the 2013 Regulations.	Operator
7.9	Minimising the period of shut-down and start-ups.	Regulation 15	Regulation 9A(2)	Operator
8.1	Member states (MS) compliance checking ELVs not exceeded.	Regulation 15	Regulation 9A(2)(d)	
8.2	Member states establish environmental inspections to check compliance.	Regulation 32 amends regulation 23 of the 2013 Regulations	Regulation 23 amended and existing provisions apply (Regulations 24, 25, 26 apply)	Competent Authority
8.3	MSs to ensure the competent authority takes any measures necessary to restore compliance	Regulation 15	Regulation 9A(2)(l) and (m). Existing provisions under Regulation 30, 31, and 32.	Competent Authority

Article	Objective	Implementation in the PPC Regulations 2018	Regulation in the 2013 Regulations	Responsibility
	without undue delay.			
9	MSs ensure operator informs competent authority of planned changes to MCP which affect ELVs.	Regulation 20	Regulation 12B	Operator
10	MS to designate competent authorities to implement Directive obligations.	Secretary of State is the Competent Authority for offshore oil and gas industry.		
11.1	Reporting of compliance by MSs	Not necessary to transpose.		
11.2	Annual CO emissions reporting to Commission.	Not necessary to transpose.		
11.3	Reporting procedure to Commission.	Not necessary to transpose.		
11.4	Review of reports from MS and Commission procedures.	Not necessary to transpose.		
11.5	European Environment Agency assistance to Commission.	Not applicable		
12	Commission review of energy efficiency, need to regulate CO, 10 yearly review of ELVs and proposals to European Parliament / Council.	Not applicable	Not applicable	
13	Commission power to change	Not applicable		

Article	Objective	Implementation in the PPC Regulations 2018	Regulation in the 2013 Regulations	Responsibility
	Annexes.			
14	Powers related to delegated acts.	Not applicable		
15	Commission assistance by committee procedures.	Not applicable		
16	MS rules on penalties and measures to ensure implementation of MCPD.		Existing provisions within the 2013 Regulations apply at Regulation 34, 35, 36, and 37	
17.1	Duty to transpose MCPD		Not necessary	
17.2	Duty on MSs to send transposing legislation to Commission		Not necessary	
Annex I	Provision of information by operator to competent authority.	Regulation 7	Regulation 4A	Operator
Annex II	Emission limit values for existing and new MCP.	Regulation 18	Regulation 11B	
Annex III	Monitoring of emissions by operator and assessment of compliance.	Regulations 15 and 18	Regulation 9A(2)(a) for monitoring under Part 1 Annex III, and Regulations 9A(2)(b) and (c) and 11G for assessment of compliance.	Operator

Chapter III of Directive 2010/75

Article	Objective	Implementation in the PPC Regulations 2018	Regulation in the 2013 Regulations	Responsibility
28	Combustion plant in scope of legislation.	Regulation 3 (definition of large combustion	Regulation 2	

Article	Objective	Implementation in the PPC Regulations 2018	Regulation in the 2013 Regulations	Responsibility
		plant)		
29	Aggregation rules	Regulation 18	Regulation 11A	
30.1	Control of emissions to air to minimise impact.	Regulations 14 and 18	Regulations 9 and 11A Permit conditions, SoS to ensure compliance.	Competent authority
30.2	Permits granted or application for permit before 07 01 2013 and operational on or before 07 01 2014 condition not to exceed ELVs Part 1 Annex V.		Not applicable.	
30.3	If not covered by a permit before 07 01 2013, permit conditions include ELVs from Part 2, Annex V.	Regulation 6	Regulation 4, requirement for a permit and Regulation 9, permit conditions for application of ELVs.	Competent authority
30.4	ELVs Part 1 and 2 of Annex V and minimum desulphurisation Part 5 from total thermal input of combustion installation.		Not applicable.	
30.5	Derogation from ELV for SO ₂ where low sulphur fuel interruption in supply and obligation to inform Commission.	Regulation 18	Regulation 11A.	Competent authority
30.6	Derogation from ELV for plant on gas requiring waste gas purification where fuel supply is interrupted.	Regulation 18	Regulation 11A.	Competent authority

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30.7	Applicable ELVs Part 2 Annex V when an existing installation is extended.	Regulation 18	Regulation 11A.	Competent authority
30.8	Diesel engines do not have an applicable an ELV.	Regulation 18	Regulation 11A.	Competent authority
30.9	Procedure for application of EU wide ELVS based on best available technique to specified plant by Commission.	Not applicable		
31	Rates of desulphurisation.	Not applicable		
32	Transitional Nation Plan	Not applicable		
33	Limited life time derogations	Not applicable		
34	Rules on small isolated systems.	Not applicable		
35	District heating plants.	Not applicable		
36	Geological storage of carbon dioxide.	Not applicable		
37.1 and 37.2	Provision in permits for malfunction/ breakdowns, restoration rules and derogation including replacement with functional plant.	Regulation 18	Regulation 11A	Competent authority
38.1	MSs monitoring in accordance with Part 3 Annex V.	Regulation 18	Regulation 11A	Competent authority
38.2	Requirement to check automated monitoring	Regulation 18	Regulation 11A	Competent authority
38.3	Location sample	Regulation 18	Regulation 11A	Competent

Article	Objective	Implementation in the PPC Regulations 2018	Regulation in the 2013 Regulations	Responsibility
	points determined for monitoring of emissions.			authority
38.4	Presentation of monitoring results for verification to CA.	Regulation 18	Regulation 11A	Operator
39	Conditions in Part 4 Annex V confirm compliance with ELVs.	Regulation 18	Regulation 11A	Competent authority
40.1	Rules for setting ELV's for multi firing plant simultaneously combusting two or more fuels.	Regulation 18	Regulation 11A	Competent authority
40.2 and 40.3	ELVs for fuels which are products of refining or distillation alone or with other fuels.	Not applicable		
41	Implementing rules for start-up and shut down. National plan rules for emission ceilings, monitoring and reporting	Not transposed as Art 41(a) is managed by administration means.		
Appendix 1, Annex V Part 3 Emissions Monitoring; 1, 2, 3, 5	Continuous monitoring for plant 100MW or frequency determined by CA by specified factors, at least 6 monthly or for SO ₂ and NO _x by alternative means	Regulations 15 and 18	Regulation 9A and 11A	Operator, Competent authority

Article	Objective	Implementation in the PPC Regulations 2018	Regulation in the 2013 Regulations	Responsibility
Part 3(6)	Rules to inform CA if significant changes in fuel, mode of plant operation and review monitoring frequency.	Regulations 15 and 18	Regulation 9A and 11A	Competent authority
Part 3(7)	Continual measurement of standard parameters where CEN applies.	Monitoring standards applied.		Operator
Part 3(8)	Monitoring method applied in accordance with CEN standards.	Monitoring standards applied.		Operator
Part 3(9)	Specified limitation in degree of variability in results.	Monitoring standards applied.		Operator
Part 3(10)	Method to validate results. Improvements required when invalid monitoring.	Regulation 15	Regulation 9A	Operator/ Competent Authority
Part 3(11)	Monitoring of sulphur in fuel where desulphurisation rates required Article 31. Requirement to inform CA of substantial changes.	Not applicable.		
Part 4(1-2)	Continuous measurement - specified rules for measurement and compliance with ELVs, determination of validated average values,	Regulation 15	Regulation 9A	Competent Authority

Article	Objective	Implementation in the PPC Regulations 2018	Regulation in the 2013 Regulations	Responsibility
	<p>when values should be disregarded. Non-continuous measurement complies where ELVs are not exceeded.</p>			