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**EU4Environment**  
Green Economy in Eastern Partner Countries

# Regulations related to the EU Industrial Emission Directive and the BAT application in the **Eastern Partnership countries**

## Recent developments

*7th meeting of the OECD Expert Group on Best Available Techniques (BAT),  
19-20 October 2022*

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## EU4Environment activities under Result 3.1

- ✓ **Result 3.1: “Smart” regulation of environmental impacts (OECD)**
  - Activity 3.1.1: Reforming regulatory regimes for large emission sources, including State Owned Enterprises
- ✓ **Main work directions:**
  - Carrying **analysis** on the existing approaches,
  - Developing/updating **road maps** for the reform,
  - **Trainings** (10-20 government officials each)
  - 2 **regional seminars** on environmental regulation of large emission sources
- ✓ **Countries coverage (as per work plans):**
  - **Armenia, Azerbaijan, Moldova** (analysis and roadmap)
  - **All EaP countries** (training, optional)



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## Relevant developments in Armenia

- The regulations related to the EU Industrial Emission Directive and the application of BAT are among main priorities of the Armenia-EU Comprehensive Extended Partnership Agreement (CEPA) and the government's action plan.
- Armenia is planning to elaborate an action plan for the development and/or improving national legal framework based on the main provisions of Directives 2008/50/EU and 2010/75/EU, and the activities included in the points "Air quality" and "Industrial Pollution and Industrial Hazards" of the "Environment" section of the road map of CEPA.
- The most significant CO<sub>2</sub> emissions' source was emissions generated in the production of cement, which accounted for 23.6% of the emissions from the industrial processes and 2.1% of Armenia's total emissions.
- Manufacturing industries and construction sector generated 6.6% of the energy sector emissions (GHG emissions from fuel combustion).
- The leaders in terms of total energy consumption are non-metallic minerals and food processing, beverages and tobacco sub-categories.



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## Relevant developments in Georgia

- ✓ A new **Law on Industrial Emissions** is expected to be adopted by the Parliament in 2023, after the obligatory process of 3 hearings. Its draft was uploaded into the Government Electronic System for official consideration by various Ministries a couple of weeks ago. The public consultations were organised in 2020-22. It is expected that the Ministries will approve the draft law or submit their final comments in the coming days. After incorporating comments, the draft law will be submitted to the Georgian Parliament already this year.
- ✓ The draft law is based on Directive 2010/75/EU of the European "On Industrial Emissions" and establishes a new legal regime related to emissions into the air, water and soil as a result of industrial activities, including the procedure and conditions for issuing integrated permits for industrial activities that cause pollution.
- ✓ It also regulates the monitoring and state control of compliance to the environmental conditions provided in the permits, rights and duties of state bodies and the regulated entities for implementing the law, the principles of public participation in the decision making process.
- ✓ The draft law establishes the types of industrial activities subject to integrated permits; introduces the concept of BAT and criteria for determining the BAT, and establishes the list of polluting substances for which emissions limit values should be determined based on BAT.



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## Relevant developments in the Republic of Moldova

On 28 September 2022, the Parliament adopted in its final reading the **Law no. 227/2022 on industrial emissions**, transposing two EU Directives:

- Directive 2010/75/EU on industrial emissions and
- Directive 2015/2193 on the limitation of atmospheric emissions of certain pollutants from medium combustion plants.

The law on industrial emissions will enter into force in two years. During this period the Ministry of the Environment will develop six normative acts implementing the law, namely:

- Draft law on the modification of some normative acts (bringing the normative acts in line with Law no. 271/2022);
- Methodology for calculating the cost of the integrated environmental permit and the environmental permit;
- Regulation regarding the organization and provision of public services for issuing the integrated environmental authorization;
- BAT reference documents;
- Guide regarding the preparation of the Reference Situation Report;
- Guide regarding the issuance of the integrated environmental authorization and the registration of activities;

In Moldova, BAT reference documents are regulated by art. 29 of Law no. 227/2022. Thus, the BAT reference documents, published in the EU Official Journal, are adopted as national BAT reference documents by order of the Minister of the Environment and are published in the Official Gazette of Moldova.

The implementation of BAT reference documents for Moldova is a new approach, and any support from development partners for the adoption of BAT reference documents is an urgent necessity.



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## Relevant developments in Ukraine

Prior the Russia's armed aggression against Ukraine, Ukraine actively worked out ways to implement Directive 2010/75/EU on industrial emissions. This is one of the most difficult reforms that Ukraine has to carry out as part of its integration into the European Union. Currently, this topic is included in the list of 9 environmental priorities in the **National Plan for the Reconstruction** of Ukraine after the war.

The introduction of the provisions of the Directive on Industrial Emissions into Ukrainian legislation involves **two main innovations**.

1. The permit system is reformed and an integrated permit is introduced - a single permit document that should eliminate the need to obtain separate permits for emissions of pollutants into the atmosphere, special water use (as well as discharge into centralized drainage systems) and waste management.
2. The conclusions of the best available technologies and management methods (BAT) are implemented. The company's implementation of the measures specified in the BAT should lead to a reduction of the impact on nature from its activities, and if possible, prevent such an impact.

The reform should involve enterprises of cement, oil and gas, pulp and paper, chemical and other industries, but the biggest changes should be made in energy and metallurgy.

Moreover, a separate **National Plan for the Reduction of Emissions from Large Combustion Plants** (NAPP) was developed for the **energy sector**, which is an integral part of the reform in the field of industrial pollution.

Currently, the Verkhovna Rada of Ukraine has registered **three draft laws** in the field of industrial pollution prevention (No. 6004, No. 6004-1 and No. 6004-2).

- (main) 6004 "On integrated prevention and control of industrial pollution"
- (alternative) 6004-1 "On prevention, reduction and control of pollution arising as a result of industrial activity"
- (alternative) 6004-2 "On ensuring the constitutional rights of citizens to an environment safe for life and health"

All three draft laws were sent for revision due to ambiguous interpretations, selective implementation of the European Directive on industrial pollution, and unrealistic deadlines for the transition to new environmental standards.



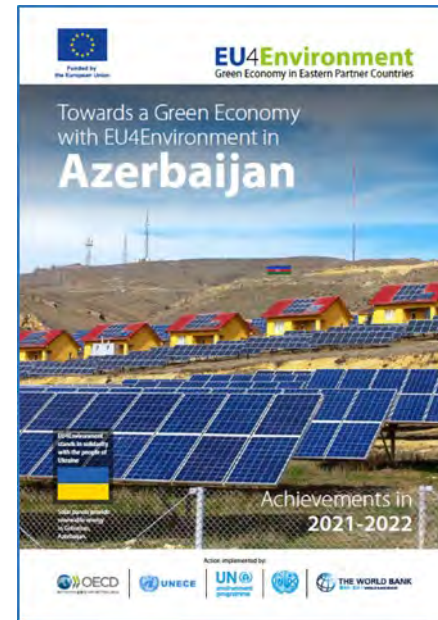
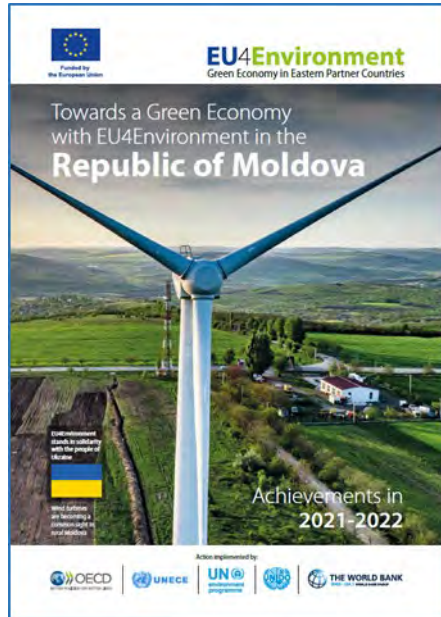


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