

# HEAL Submission on consultation: Future of the Energy Community



Friday 6 March 2015 saw the end of the public consultation on proposals for the future of the Energy Community. HEAL, as well as other leading NGOs active in the Balkans region insist that the treaty's review is an opportunity to bring to southeastern Europe the energy and climate policies these countries deserve to make substantial and sustainable development.

The Energy Community is an international organisation dealing with energy policy. It brings together the European Union (EU), on one hand, and countries from the South East Europe (SEE) and Black Sea region. The key aim of the organisation is to extend the EU internal energy market to South East Europe and beyond on the basis of a legally binding framework.

For the consultation, an Analytical Paper on the "Options for the Implementation of Proposals on the Future of the Energy Community" was published by the Energy Community Secretariat, in which proposals made by the HLRG were listed, divided into thematic sections in order to better assess them in their respective contexts. The paper also covers proposals submitted by other stakeholders and proposals included in the conclusions of the Ministerial Council in Kiev of 23 September 2014:

- (a) Introducing more Flexibility in the Acquis,
- (b) The pan-European Single Energy Market,
- (c) Expanding the Scope of the Acquis in the Environmental Area,
- (d) Opening and Protecting Energy Markets,
- (e) Better Enforcement and Dispute Settlement,
- (f) Improving the Investment Climate,
- (g) Enlarging the Energy Community,
- (h) Regulatory Cooperation, and
- (i) Reforming Current Energy Community Institutions.

HEAL contributed to the consultation by submitting answers on most of the proposed points.

Below are the most important ones in respect to health and clean air:

## **C. Expanding the Scope of the acquis in the Environmental Area**

As the HLRG has already recognised, sustainability and the rules on environmental protection and climate change should be properly reflected in Energy Community policy. We highly support the HLRG's recommendation to broaden the scope of rules related to environmental protection.

We especially advise the Energy Community to adopt and implement:

- Chapter II of Directive 2010/75/EU on industrial emissions (also for existing plants) according to which, industrial installations must use the “best available techniques” to achieve a high level of environmental protection. The Directive ensures a level playing field in energy generation in the EU and Energy Community and prevents the danger of emissions leakage.
- Directive 2008/50/EC on ambient air quality and cleaner air for Europe which, defines objectives for ambient air quality designed to avoid, prevent or reduce harmful effects on human health and the environment as a whole.

- The ultimate electricity consumers, citizens, and protection of their health should be a central part of broadening of the scope of rules. We encourage ensuring the integration of health protection into Energy Community policy. Achieving the air quality standards by local concentration limit values require also reduction of background emissions through implementing Directive 2001/81/EC.
- Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment according to which a Strategic Impact Assessment is obligatory for plans/programmes, inter alia those prepared for the energy sector, and which sets the framework for future development consent of projects listed in the Environmental Impact Assessment Directive

We proposed these additional pieces to environmental legislation in relation to air quality:

- Directive 2001/81/EC on national emission ceilings for certain atmospheric pollutants, known as NEC Directive, and its amending Directive 2003/35/EC (COM 2013 920 final) which limits the emissions of certain atmospheric pollutants in order to improve the protection of the environment and human health against risks of adverse effects from acidification, soil eutrophication and ground-level ozone and to move towards the long-term objectives of not exceeding critical levels and loads and of effective protection of all people against recognised health risks from air pollution. It is important to note that by this directive is an instrument to cut down transboundary pollution, particularly of pollutants like PM2.5 which travel longest distances and are one of the most harmful to human health.

## BACKGROUND

### WHAT IS THE ENERGY COMMUNITY?

The Energy Community is an international organisation dealing with energy policy. It brings together the European Union (EU), on one hand, and countries from the South East Europe (SEE) and Black Sea region. The key aim of the organisation is to extend the EU internal energy market to South East Europe and beyond on the basis of a legally binding framework.

To put it in few easy words, it means an opportunity to have EU laws put in place in those countries of the European region that otherwise would not have any legal obligation to transpose into national legislation or implement “ambitious and progressive” EU laws.

### WHY IS THAT IMPORTANT AND WHERE IS THE LINK TO HEALTH?

With this Treaty, EU energy market has been extended to countries that are not part of the EU. Contracting parties (Albania, Bosnia and Herzegovina, Kosovo\*, Former Yugoslav Republic of Macedonia, Moldova, Montenegro, Serbia and Ukraine) obliged themselves to transpose EU legislation on environment to their national laws in order to be able to participate in energy market and not to be able to produce electricity cheaper because of country’s lower environmental standards. From a health angle the most important points are to bring to the new, reformed Treaty:

- Directive 2008/50/EC on ambient air quality and cleaner air for Europe which, defines objectives for ambient air quality designed to avoid, prevent or reduce harmful effects on human health and the environment as a whole.
- Chapter II of Directive 2010/75/EU on industrial emissions (also for existing plants) according to which, industrial installations must use the “best available techniques” to achieve a high level of environmental protection.

- Directive 2001/81/EC on national emission ceilings for certain atmospheric pollutants, known as NEC Directive, which limits the emissions of certain atmospheric pollutants in order to improve the protection of the environment and human health against risks of adverse effects.

If abovementioned directives would be a part of the Treaty, it means much higher standards and limits for emissions, therefore, better air quality and health of people of each country and EU as a whole.

It's crucial that health voices are heard in this debate about energy policies