

NEW PERMIT FOR AIR EMISSIONS

NEWSLETTER
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Decree-Law no. 39/2018, of 11 June, which transposed Directive (EU) 2015/2193, of the European Parliament and of the Council, of 25.11.2015, relating to the limitation of emissions from medium combustion plants, entered into force on 1 July.

Decree-Law no. 39/2018 revised and simplified the legal framework of prevention and control of air pollutant emissions and revoked Decree-Law no. 78/2004, of 3 April, as well as Ordinances no. 80/2006, of 23 January and no. 677/2009, of 23 June.

This new statute conditions the development of activities producing significant emissions of pollutants to the air to the emission of a Permit for Air Emissions (PAE), to be incorporated in the Single Environmental Permit (SEP).

On the other hand, combustion plants with a rated thermal input inferior to 1 MWth, which were previously covered by Decree-Law no. 78/2004, of 3 April, are now excluded from the scope of Decree-Law no. 39/2018.

Existing plants covered by Decree-Law no. 39/2018 must obtain the PAE by the end of 2023 in the case of Medium Combustion Plants with thermal power exceeding 5 MWth or by the end of 2028 for other installations.

Plants holding a SEP valid at the time of entry into force of Decree-Law no. 39/2018 are exempt from obtaining the new PAE, without prejudice of any alterations to the plants which may entail obtaining such permit.

NEW ORDINANCES

On 2 July 2018, Ordinance no. 190-A / 2018, on the characteristics of the chimneys, and Ordinance no. 190-B / 2018, which sets forth the new emission limit values (ELV) applicable to industrial sectors (such as the manufacture of glass, cement, batteries and accumulators) and to other emission sources, were published. These ordinances are aimed at detailing the legal framework approved by Decree-Law no. 39/2018.

Activities producing significant pollutant emissions require a Permit for Air Emissions (PAE).

Existing plants must obtain the PAE until the end of 2024 or 2028, depending on its type.

Ordinances detailing Decree-Law no. 39/2018 were published.



Existing facilities have two years to adapt themselves to the ELV's set out in Ordinance no. 190-B / 2018. In the meantime, ELV's set out in Ordinance no. 286/96 (annexes IV, V and VI) shall apply.

CONTACTS



Dora Ribeiro
Senior Associate
dmr@fcblegal.com