



EUROPEAN COMMISSION

Directorate-General for Internal Market, Industry, Entrepreneurship and SMEs

Single Market Enforcement

Notification of Regulatory Barriers

Notification Number : 2019/0143/NL (Netherlands)

Draft Act on the prohibition on the use coal for electricity production [Wet verbod op kolen bij elektriciteitsproductie]

Date received : 27/03/2019

End of Standstill : 28/06/2019

Message

Message 002

Communication from the Commission - TRIS/(2019) 00888

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2019/0143/NL

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késéket - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201900888.EN)

1. MSG 002 IND 2019 0143 NL EN 27-03-2019 NL NOTIF

2. NL

3A. Ministerie van Financiën

Belastingdienst (via cdiu.notifications@belastingdienst.nl)

3B. Ministerie van Economische Zaken en Klimaat

Directie Wetgeving en Juridische Zaken

4. 2019/0143/NL - N20E

5. Draft Act on the prohibition on the use coal for electricity production [Wet verbod op kolen bij elektriciteitsproductie]

6. To facilities within the Netherlands consisting of one or several production units for the production of electricity using coal.

7. -

8. Article 2 of the draft Act prohibits the use of coal for electricity generation with immediate effect. Owners of coal-fired power plants are granted a transitional period (until the end of 2024 for the older generation of plants, and until the end of 2029 for the new generation of plants (Article)) giving them the opportunity to convert the power plants for continued operation using other fuels, since these are all solid-substance plants. The transitional period therefore also amounts to an in-kind compensation for losses incurred.

One of the older generation plants, which does not co-fire biomass and does not produce heat, is subject to an exception to ensure compliance with a legal Directive on CO₂. This plant will be granted (almost) no transitional period since the prohibition will already take effect for this plant on 1 January 2020 (Article 3a). This plant will therefore be offered



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financial compensation for losses.

9. The draft Act implements the Paris Agreement. In that context, the Dutch Government has committed itself to implementing measures that sum up to a reduction in CO₂ emissions of 49% by 2030 (compared to 1990 levels) within the Netherlands.

In order to achieve its 49% CO₂ reduction target, the Netherlands needs to lower its CO₂ emissions substantially. A major part of these emissions are caused by electricity generation: in 2016, approximately 56.4 megatons of CO₂ equivalents were emitted in the Netherlands as a result of electricity production, out of a total emissions volume of 197 megatons in the Netherlands. In the electricity sector, coal-fired power plants are responsible for the highest greenhouse gas emissions by far.

This measure is supported by a February 2017 report by Climate Analytics, 'A stress test for coal in Europe under the Paris Agreement, scientific goalposts for a coordinated phase-out and divestment (climateanalytics.org/publications/2017/stress-test-for-coal-in-the-EU.ht)', which outlines two scenarios for the phasing out of coal for electricity generation, with both scenarios showing that no coal should be used for electricity generation in the European Union by 2030 in order to meet the obligations of the Paris Agreement. Climate Analytics is a non-profit organisation that offers policy solutions based on climate science to prevent climate change and encourage sustainable development.

The phasing out of coal as a fuel for electricity production is needed to achieve the reduction in CO₂ emissions necessary to protect the climate. Any barriers to freedom of establishment or to freedom of movement that may be associated with this prohibition are justified by an overriding public interest, namely protecting the climate. Furthermore, this prohibition is the most suitable measure to achieve the intended reduction in CO₂ emissions from coal-fired power plants, and the measure does not go beyond what is necessary to protect this interest. The measure is also non-discriminatory since the prohibition applies equally to all facilities located in the Netherlands that produce electricity using coal.

10. No basic text(s) available

11. No

12. -

13. No

14. No

15. -

16. TBT aspect

No - the draft has no significant impact on international trade.

SPS aspect

No - the draft is neither a sanitary nor phytosanitary measure.

European Commission

Contact point Directive (EU) 2015/1535

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