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**Minister for Agriculture Decree No 51/2019 of 28 October 2019**

**amending Minister for Agriculture Decree No 53/2017 of 18 October 2017 on the operating conditions of combustion plants with a total rated thermal input greater than or equal to 140 kWth but less than 50 MWth and on the limit values for air pollutants emitted therefrom**

Pursuant to the authorisation granted under § 110(8)*(g)* of Act LIII of 1995 on the general rules of environmental protection, acting within the scope of my duties as defined in § 79(9) of Government Decree No 94/2018 of 22 May 2018 on the duties and powers of Government members, I hereby decree the following:

**§ 1** (1) The following point 1a is added to § 2(1) of Minister for Agriculture Decree No 53/2017 of 18 October 2017 on the operating conditions of combustion plants with a total rated thermal input greater than or equal to 140 kWth but less than 50 MWth and on the limit values for air pollutants emitted therefrom (hereinafter: the ‘Decree’):

*(For the purposes of this Decree)*

‘1.a ‘*gas transmission system*’ means a cooperating natural gas system pursuant to Act XL of 2008 on natural gas supply;’

(2) § 2(1)(9) of the Decree shall be replaced by the following:

‘9. ‘*total rated thermal input*’ means the sum of rated thermal inputs of combustion plants, calculated according to the aggregation rule, that in the case of a combustion plant is equal to its rated thermal input;’

**§ 2** (1) § 4(6) and (7) of the Decree shall enter into force with the following wording:

‘(6) Emission limit values specified in Annex 1 shall be applied to category I combustion plants with a total rated thermal input greater than or equal to 1 MWth and that operate for no more than 500 operating hours per year as a rolling average over a period of five years, with the exception that the emission limit value for solid materials for combustion plants firing solid biomass fuels is 200 mg/Nm3, and the emission limit value for carbon monoxide is 375 mg/Nm3.

(7) Until 1 January 2030, limit values specified in Annex 1 shall be applied to category I combustion plants with a total rated thermal input of more than 5 MWth, where 50 % of the useful heat production of such plants, as a rolling average over a period of five years, is delivered in the form of steam or warm or hot water to a public network for district heating, with the exception that the emission limit value for sulfur dioxide for combustion plants firing solid and liquid fuels is 1 100 mg/Nm3, and the emission limit value for solid materials for combustion plants firing solid fuels is 150 mg/Nm3, while the emission limit value for carbon monoxide for combustion plants firing solid biomass fuel is 375 mg/Nm3.’

(2) § 4(9) of the Decree shall enter into force with the following wording:

‘(9) Until 1 January 2030, the emission limit values specified in Annex 1 shall be applied to nitrogen oxides from category 1 engines and gas turbines with a total rated thermal input of more than 5 MWth and used to drive gas compressor stations required to ensure the safety and security of gas transmission systems, with the exception that in the case of gas engines put into operation before 1 January 1994, the emission limit value for nitrogen oxides is 565 mg/Nm3.’

(3) § 4(10) of the Decree shall be replaced by the following:

‘(10) Emission limit values specified in Annex 1 shall be applied to category II combustion plants that operate for no more than 500 operating hours per year as a rolling average over a period of three years, with the exception that the emission limit value for solid materials for combustion plants firing solid fuels is 100 mg/Nm3, and the emission limit value for carbon monoxide for combustion plants with a total rated thermal input greater than or equal to 1 MWth, which are firing solid biomass fuel, is 375 mg/Nm3.’

(4) § 4(13) of the Decree shall be replaced by the following:

‘(13) In the case of stationary engines, emission limit values shall not apply to

*a)* engines with a rated thermal input of less than 1 MWth, the fuel use of which is less than 50 kg/h, and

*b)* stationary engines with an emergency power supply, which operate less than 50 hours per year.’

**§ 3** § 12(2) and (3) of the Decree shall be replaced by the following:

‘(2) Until 31 December 2029, the emission limit values specified in Annex 1 shall be applied to category I combustion plants with a total rated thermal input greater than or equal to 1 MWth but less than 5 MWth, with the following exceptions:

*a)* in the case of solid biomass combustion, the emission limit value for carbon monoxide is 375 mg/Nm3;

*b)* in the case of gas engines put into operation before 1 January 1994, that have a total rated thermal input of more than 3 MWth, the emission limit value for nitrogen oxides is 565 mg/Nm3, the CO emission limit value for four-stroke engines is 375 mg/Nm3, for two-stroke engines it is 320 mg/Nm3, and for total organic compounds, expressed as C (carbon), except methane, the emission limit value is 115 mg/Nm3.

(3) Until 31 December 2024, the emission limit values specified in Annex 1 shall be applied to category I combustion plants with a total rated thermal input of more than 5 MWth, with the following exceptions:

*a)* in the case of solid biomass combustion, the emission limit value for carbon monoxide is 375 mg/Nm3;

*b)* in the case of gas engines put into operation before 1 January 1994, the emission limit value for nitrogen oxides is 565 mg/Nm3, the emission limit value for carbon monoxide for four-stroke engines is 375 mg/Nm3, for two-stroke engines it is 320 mg/Nm3, and for total organic compounds, expressed as C (carbon), except methane, the emission limit value is 115 mg/Nm3.’

**§ 4** (1) Annex 1 to the Decree is amended in accordance with Annex 1.

(2) Annex 2 to the Decree enters into force in accordance with Annex 2.

(3) Annex 3 to the Decree enters into force in accordance with Annex 3.

(4) Annex 4 to the Decree is amended in accordance with Annex 4.

(5) Annex 5 to the Decree is amended in accordance with Annex 5.

**§ 5** Subpoint 3.4 of point 3 of Annex 4 to the Decree is hereby repealed.

**§ 6** (1) This Decree shall, with the exceptions defined in paragraphs 2 and 3, enter into force on the 15th day following its publication.

(2) § 2(1) and (2), § 4(3) and Annex 3 shall enter into force on 1 January 2025.

(3) § 4(2) and Annex 2 shall enter into force on 1 January 2030.

**§ 7** (1) This Decree serves the purpose of compliance with Directive (EU) 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.

(2) The requirement for the prior notification of this Decree, as stipulated in Articles 5 to 7 of Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society services, has been complied with.

*Annex 1 to Minister for Agriculture Decree No 51/2019 of 28 October 2019*

1. Subpoint 2.3 of point 2 of Annex 1 to the Decree shall be replaced by the following:

‘2.3. The emission limit value for NOx is 320 mg/m3 for lignite combustion, 300 mg/m3 for fluid combustions boilers firing solid biomass fuels, and 210 mg/m3 for fluid combustion boilers firing other solid fuels.’

2. Subpoint 3.1 of point 3 of Annex 1 to the Decree shall be replaced by the following:

‘3.1. The emission limit value for NOx is 300 mg/m3 for two-stroke engines, 225 mg/m3 for four-stroke gas engines firing biogas and landfill gas, 1 650 mg/m3 for diesel engines used exclusively in exploration drilling and 1 500 mg/m3 for other diesel engines.’

3. The following subpoint 3.4 is added to point 3 of Annex 1 to the Decree:

‘3.4. The TOC emission limit value for gas engines using natural gas with an ethane content greater than 5 % shall be 95 mg/m3.’

*Annex 2 to Minister for Agriculture Decree No 51/2019 of 28 October 2019*

1. In cell B:5 of the table in point 2 of Annex 2 to the Decree, ‘1 500’ shall be replaced by ‘375’.

2. Subpoint 2.5 of point 2 of Annex 2 to the Decree shall enter into force as follows:

‘2.5. The emission limit value for NOx is 320 mg/Nm3 for lignite combustion, 300 mg/Nm3 for fluid combustions boilers firing solid biomass fuels, and 210 mg/Nm3 for fluid combustion boilers firing other solid fuels.’

3. Subpoint 3.3 of point 3 of Annex 2 to the Decree shall enter into force as follows:

‘3.3. The emission limit value for NOx is 1 500 mg/Nm3 in the following cases:

*a)* for diesel engines whose construction began before 18 May 2006;

*b)* for dual fuel engines in liquid mode.’

4. The following subpoint 3.8 is added to point 3 of the Annex 2 to the Decree:

‘3.8. The TOC emission limit value for gas engines using natural gas with an ethane content greater than 5 % shall be 95 mg/m3.’

*Annex 3 to Minister for Agriculture Decree No 51/2019 of 28 October 2019*

1. In cell B:5 of the table in point 2 of Annex 3 to the Decree, ‘1 500’ shall be replaced ‘375’.

2. Subpoint 2.6 of point 2 of Annex 3 to the Decree shall enter into force as follows:

‘2.6. The emission limit value for NOx is 320 mg/m3 for lignite combustion, 300 mg/m3 for fluid combustions boilers firing solid biomass fuels, and 210 mg/m3 for fluid combustion boilers firing other solid fuels.’

3. Subpoint 3.2 of point 3 of Annex 3 to the Decree shall enter into force as follows:

‘3.2. The emission limit value for NOx is 1 500 mg/Nm3 in the following cases:

*a)* for diesel engines whose construction began before 18 May 2006;

*b)* for dual fuel engines in liquid mode.’

4. Point 3 of Annex 3 to the Decree shall enter into force with the following subpoints 3.9 and 3.10:

‘3.9. The TOC emission limit value for gas engines using natural gas with an ethane content greater than 5 % is 95 mg/m3.

3.10. In the case of gas engines put into operation before 1 January 1994 which are used to drive gas compressor stations required to ensure the safety and security of the gas transmission system, the CO emission limit value for four-stroke engines is 375 mg/m3, for two-stroke engines it is 320 mg/m3, and the TOC emission limit value is 115 mg/m3 until 1 January 2030.’

*Annex 4 to Minister for Agriculture Decree No 51/2019 of 28 October 2019*

1. Subpoint 2.5 of point 2 of Annex 4 to the Decree shall be replaced by the following:

‘2.5. The emission limit value for NOx is 320 mg/m3 for lignite combustion, 300 mg/m3 for fluid combustions boilers firing solid biomass fuels, and 210 mg/m3 for fluid combustion boilers firing other solid fuels.’

2. Subpoint 3.3 of point 3 of Annex 4 to the Decree shall be replaced by the following:

‘3.3. The emission limit value for NOx for diesel engines, if their emission of NOx is limited due to primary measures, is 1 650 mg/m3 for diesel engines used exclusively in exploration drilling and 1 500 mg/m3 for other diesel engines.’

3. The following subpoint 3.8 is added to point 3 of Annex 4 to the Decree:

‘3.8. The TOC emission limit value for gas engines using natural gas with an ethane content greater than 5 % shall be 95 mg/m3.’

*Annex 5 to Minister for Agriculture Decree No 51/2019 of 28 October 2019*

1. In cell B:5 of the table in point 2 of Annex 5 to the Decree, ‘1 500’ shall be replaced by ‘375’.

2. Subpoints 2.3 and 2.4 of point 2 of Annex 5 to the Decree shall be replaced by the following:

‘2.3. The emission limit value for NOx for combustion plants firing solid fuels with a total rated thermal input greater than or equal to 1 MWth but less than 5 MWth is 500 mg/Nm3, with the exception that for lignite combustion it is 320 mg/Nm3 and for fluid combustions boilers firing solid biomass fuels it is 300 mg/Nm3.

2.4. The emission limit value for NOx for fluid combustion boilers firing other solid fuels is 210 mg/Nm3.’

3. Subpoint 3.2 of point 3 of Annex 5 to the Decree shall be replaced by the following:

‘3.2. In the case of engines operating for 500–1 500 hours per year, if their emission of NOx is limited due to primary measures, the following emission limit values for NOx shall be applied:

*a)* 1 300 mg/Nm3 for diesel engines with a total rated thermal input of no more than 20 MWth with ≤ 1 200 r/min;

*b)* 1 500 mg/Nm3 for diesel engines with a total rated thermal input of more than 20 MWth and for dual fuel engines in liquid mode;

*c)* 750 mg/Nm3 for diesel engines with > 1 200 r/min;

*d)* 380 mg/Nm3 for dual fuel engines in gas mode.’

4. The following subpoint 3.9 is added to point 3 of Annex 5 to the Decree:

‘3.9. The TOC emission limit value for gas engines using natural gas with an ethane content greater than 5 % shall be 95 mg/m3.’