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**From:** Vincent, Richard (ERG-ALE)

**Sent:** 01 December 2012 08:46

**To:**

**Cc:** Obe, Nicholas (AQIP); Vannan, Carolyn; Taylor, Andrew2 (SEERAD)

**Subject:** Transitional National Plan

You spoke to my colleague Nicholas Obe earlier this week about the participation of the combustion plants at Grangemouth in the UK Transitional National Plan (TNP) being set up under Article 32 of the industrial emissions Directive.

Having reviewed the letter (attached) Mr ..... sent me on 7 May, I have to say that that the claim for the plants for inclusion in the TNP is questionable

Article 32(1)(b) excludes from the TNP combustion plants ‘within refineries firing low calorific gases from the gasification of refinery residues or the distillation and conversion residues from the refining of crude oil for own consumption, alone or with other fuels’.

I understand from paragraph (a) at the foot of the first page of the letter that all the plants in question burn fuel of the sort described in Article 32(1)(b). Were it not for the words ‘within refineries’, it would be clear that the plant could not be placed in the TNP.

Although I note that the plants are not literally within the refinery, it appears that they are an integral part of the refinery’s operation even though they serve other installations.

As my colleague pointed out, the Directive, like the current large combustion plants Directive, contains other flexibilities which are designed to assist operators of combustion plants running on refinery residues.

As you know, the TNP as a whole has to be approved by the European Commission and it is possible that the inclusion of the Grangemouth plants could be challenged. However, if you wish to pursue inclusion in the TNP, please inform me as soon as possible and certainly by **7 December**, ensuring also that you provide all the information needed to support your calculation of the claimed emission allowance. For that, you will need to calculate the emissions allowances, using the most appropriate of the limits set out in Tables C.1 and D.1 of the TNP implementing rules Annex (also attached).

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Rules Annex  
INAL, February 20.