

**Welzel, Manja**

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**Von:** Karschunke Dr., Karsten [karsten.karschunke@uba.de]  
**Gesendet:** Freitag, 20. Juli 2007 17:09  
**An:** Welzel, Manja  
**Cc:** Seidel, Wolfgang; Harders, Enno  
**Betreff:** Comment to JI-Project 0064: Nitrous Oxide Emission Reduction...

Dear Manja Wenzel,

Reviewing preliminarily the PDD presented for public consultation at the JISC Web Site, the following questions with respect to the baseline determination arise:

On page 6 (A.4.3) in the second paragraph, it is stated that "...N<sub>2</sub>O is not considered as a pollutant in Lithuania nor it is regulated by any Lithuanian environmental legislation." Based on this statement, on page 14 under Sub-step 1b), it is concluded that the scenario "C) Continuation of the current situation (no project activity or other alternatives undertaken - i.e. no secondary catalysts are installed in the oxidation reactors" is the only option expected to take place in the absence of the JI project and considered in determining the baseline.

Since Lithuania is a member state of the European Union the "Acquis Communautaire" should be reflected in the reference scenario of any proposed project activities according to Article 11b of the Emission Trading Directive (2003/87/EC and 2004/101/EC), we are missing a reference to the IPPC-Directive (96/61/EC).

Nitric acid plants are listed in Annex I Nr. 4.2 b) of the IPPC-directive and nitrous oxide (N<sub>2</sub>O) is listed as an air pollutant in Annex III Nr. 2. Therefore according to article 9 of the IPPC-Directive, BAT based emission limit values should be set in the permit by the competent authority. The production of nitric acid is dealt with in detail in Chapter 3 of the BAT Reference Document "Large Volume Inorganic Chemicals - Ammonia, Acids, Fertilizers" (BREF LVIC-AAF), prepared by the European Integrated Pollution Prevention and Control Bureau (EIPPCB) of the European Commission.

We kindly ask you to include in your determination report a thorough analysis of the legal requirements for nitric acid plants in Lithuania with taking the European requirements in consideration.

Yours sincerely,  
on behalf of the Federal Environment Agency,

Dr. Karsten Karschunke

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