

**Lehmann, Michael**

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**From:** Karschunke Dr., Karsten [karsten.karschunke@uba.de]  
**Sent:** 26 October 2007 17:04  
**To:** OSL, Climate Change  
**Cc:** Seidel, Wolfgang  
**Subject:** JI-Project 0089, N2O-Emissions, Lithuania

Dear Michael Lehmann,

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

In section A.4.3 is stated that "Lithuanian law does not require any abatement of nitrous oxide". This statement is repeated on page 8 under Step 2 and therefore it is concluded that the only realistic baseline scenario is the continuation of the current situation.

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), this includes 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 (N2O) 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 taking EU Law into account.

Yours sincerely,  
on behalf of the Federal Environment Agency,

Dr. Karsten Karschunke

**Federal Environment Agency**  
**German Emissions Trading Authority**  
Administrative Procedures, Quality Control, JI/CDM  
Bismarckplatz 1, D-14193 Berlin  
Telefon +49-(0)30-8903-5050  
Fax +49-(0)30 8903 5010  
[german.dna.dfp@uba.de](mailto:german.dna.dfp@uba.de)  
<http://www.umweltbundesamt.de/emissionshandel>