

Industrial emissions - Integrated pollution prevention and control. Recast

2007/0286(COD) - 22/01/2009

The Committee on the Environment, Public Health and Food Safety adopted the report by Holger **KRAHMER** (ALDE, DE), amending the proposal for a directive of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control). MEPs backed a Commission proposal to update and strengthen existing rules, but inserted new provisions for introducing EU-wide emission limits, greater flexibility in granting permits, excluding small plants, and better informing the public.

The main amendments adopted by the committee – under first reading of the co-decision procedure – are as follows:

Obligation to hold a permit: the Commission's proposal provides that a permit may cover two or more installations or parts of installations operated by the same operator on the same site or on different sites. The amendment proposed by MEPs is to make it clear that this is a possibility left to Member States and that they are not forced to use this flexibility. Moreover, MEPs propose that a single natural or legal person shall be identified to take the responsibility for meeting the obligations of the Directive.

Compliance with the permit conditions: MEPs propose that the operator provides the competent authority with the relevant data on compliance with the permit conditions at least every 24 months (instead of every 12 months), which shall be made available on the internet without delay.

Permit applications: if the activity involves dangerous substances in significant amounts, permit applications shall include a baseline report providing information on those substances.

BAT reference documents and exchange of information: the Commission shall organise exchanges of information between the Member States, representatives of their relevant competent authorities, operators and providers of techniques representing the industry concerned, non-governmental organisations promoting environmental protection, and the Commission in relation to the following: (a) the performance of installations as regards emissions, pollution, consumption and the nature of raw materials, use of energy and generation of waste; (b) the best available techniques used, associated monitoring and their developments. The Commission shall publish the result of the information exchange as a new or updated BAT reference document. The revision of the BAT reference documents shall be finalised within eight years of the publication of the previous version.

Emission limit values, equivalent parameters or technical measures: the amended text stipulates that the competent authority shall set emission limit values and monitoring and compliance requirements to ensure that the BAT associated emission levels are not exceeded. Emission limit values may be supplemented by equivalent parameters or technical measures provided that an equivalent level of environmental protection can be achieved. By derogation, and in exceptional cases, BAT associated emission levels may be exceeded. Member States shall ensure that the public concerned is given early and effective opportunities to participate in the decision-making process relating to the grant of the derogation.

Monitoring requirements: MEPs consider that periodic monitoring should be carried out at least once every five years for groundwater and ten years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination.

Inspections: Member States shall ensure that a sufficient number of skilled persons are available to carry out the inspections. Those programmes shall include at least one random site visit every eighteen months, for each installation. This frequency shall be increased to at least every six months if an inspection has identified a case of non-compliance with the permit conditions. When carrying out such a non-routine inspection, the competent authorities may require operators to provide information in order to investigate the content of an accident, incident or occurrence of non-compliance, including health statistics.

Minimum requirements: in order to reduce widespread recourse to exemptions, which lead to market distortions, MEPs propose that the Commission shall, within 12 months of the publication of a BAT reference document, set emission limit values as well as monitoring and compliance requirements as minimum requirements. The Commission shall, in particular, set, by 31 December 2011 emission limit values as well as monitoring and compliance requirements for dioxins and furans emitted by installations producing pig iron and steel and, in particular, sintering iron ore. These measures shall be adopted in accordance with the regulatory procedure with scrutiny (comitology).

Medium-sized combustion plants: the recast legislation will cover combustion plants, waste incineration plants, waste co-incineration plants and installations producing titanium dioxide. MEPs broadly agree with a Commission proposal to bring medium-sized combustion plants (between 20 and 50 MW), within the rules, but want to exclude installations (below 50 MW) which operate for no more than 500 hours/year (instead of 350 hours/year as proposed by the Commission). MEPs also changed the annexes, which set specific permit conditions for types of industrial activity.

Reducing the administrative burden and better informing the public: several other amendments inserted by the committee aim to reduce administrative burdens, relax rules on reporting and inspections, and improve the information to the public.

It is worth noting that, in the vote, over 100 amendments were deemed non-admissible under the European Parliament rules of procedure. This decision concerned inter alia amendments, put forward by several MEPs, to introduce a carbon dioxide emission limit value for large combustion installations.