

Industrial emissions - Integrated pollution prevention and control. Recast

2007/0286(COD) - 10/03/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 402 votes to 189, with 54 abstentions, a legislative resolution amending, under the first reading of the codecision procedures, the proposal for a directive of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control).

The main amendments 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 Parliament makes 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, 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 (best available techniques) 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 establish an Information Exchange Forum, **guidance** for the exchange of information and publish an evaluation report in this regard. It 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. The reasons for allowing emission levels to deviate from BAT associated emission levels, as described in the BAT reference documents, shall be documented and justified in an annex to the permit conditions.

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. Such minimum requirements shall be directed to significant environmental impacts of the activities or installations concerned, and shall be based on best available techniques associated emission levels (BAT-AEL).

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. Member States may set stricter emission limit values for dioxin and furan emissions. These measures shall be adopted in accordance with the regulatory procedure with scrutiny (comitology).

Medium-sized combustion plants: 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**.

MEPs also changed the annexes, which set specific permit conditions for types of industrial activity. For example, when calculating the total rated thermal input of installations for **combustion plants used in healthcare facilities**, only the normal running capacity shall be included for the purposes of this calculation.

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