

Industrial emissions - Integrated pollution prevention and control. Recast

2007/0286(COD) - 04/05/2010

The Committee on the Environment, Public Health and Food Safety adopted the recommendation for second reading contained in the report by Holger KRAHMER (ALDE, DE) on the Council's position at first reading for adopting a directive of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (recast).

The committee reinstated many of the amendments adopted in first reading. It recommends that the European Parliament's position adopted at second reading in accordance with the ordinary legislative procedure (the ex-codecision procedure) modifies the Council's position at first reading as follows:

Breach of permit conditions: Members insist that the operation of the installation must be suspended where the breach of the permit conditions poses a significant danger to human health or the environment and until compliance is restored.

Best Available Techniques (BAT) reference documents and exchange of information: following the adoption of a decision on the BAT conclusions pursuant to the Directive, the Commission shall assess the need for Union action through the establishment of Union-wide minimum requirements for emission limit values and rules on monitoring and compliance for activities within the scope of the BAT conclusions concerned, on the basis of the following criteria:

- (a) the impact of the activities concerned on the environment as a whole; and
- (b) the state of implementation of best available techniques for the activities concerned.

Having obtained the opinion of the forum referred to in the directive, and not later than 18 months after the adoption of a decision on the BAT conclusions, the Commission shall submit a report on the findings of the assessment to the European Parliament and to the Council.

Where the above-mentioned report identifies the need for Union-wide minimum requirements for emission limit values or rules on monitoring and compliance assessment, the Commission shall assess the options for setting such requirements. Where appropriate, the Commission shall present a legislative proposal for minimum requirements within 18 months of the submission of the report. The Commission shall without delay make the BAT reference document publicly available in the official languages of the Member States.

Permit conditions: the Council's position provides that the permit must cover all the necessary measures. Members consider that it should be added for the purpose of clarification that other well-established methods which meet the required high environmental standards can also continue to be applied.

An amendment also states that permit conditions may only require the communication of the information essential to permit the competent authority to verify compliance. In addition, it is the operator who knows his process the best, and he should be involved in determining the permit conditions which can be achieved using the best available techniques.

Emission limit values: by way of derogation, the competent authority may, **in a limited number of specific cases** set less strict emission limit values. Such a derogation may apply only where an assessment demonstrates that:

- a) the geographical location or the local environmental conditions of the installation concerned prevent the implementation in all, or part, of that installation of best available techniques described in the BAT reference document or;
- b) for installations existing at the time of the adoption of the BAT conclusions the technical characteristics of the installation concerned prevent the implementation in all, or part, of that installation of best available techniques described in the BAT reference document and;
- c) the implementation of best available techniques as described in the BAT reference document would lead to disproportionately high costs for that installation compared to the environmental benefits. Those disproportionately high costs must be costs that were not taken into consideration in the exchange of information on the best available techniques.

Member States shall ensure that the members of the public concerned are given early and effective opportunities to participate in the decision-making process relating to the granting of the derogation.

General binding rules: the general binding rules shall be based on the best available techniques, without prescribing the use of any technique or specific technology in order to ensure compliance with the directive. Member States shall ensure that general binding rules are kept up to date with developments in the best available techniques in order to ensure compliance.

Closure of installation: in cases where provisions regarding water and soil protection are already being implemented at national level, Member States shall not oblige the operator to assess the state of soil and groundwater contaminated by the relevant hazardous substances used, produced or released by the installation.

Environmental inspections: Member States shall ensure that a sufficient number of appropriately qualified persons are available to carry out the inspections.

Inspection programmes shall include **at least one random site visit every 18 months**, for each installation. This frequency shall be increased to at least every 6 months if an inspection has identified a case of non-compliance with the permit conditions.

Where those programmes are based on a systematic appraisal of the environmental risks of the installations concerned, the frequency of site visits may be lowered to **a minimum of one every two years**.

The systematic appraisal of the environmental risks shall be based on objective criteria such as: (a) the record of the operator's compliance with the permit conditions; (b) the impacts of the installation on the environment and human health.

Refineries and chemical industry: Members rejected an amendment introduced by the Council judging it to be inopportune to exclude refineries or the chemical industry from the scope of the limit values provided for in Chapter III.

Transitional national plan: according to the amended text, the Member States may draw up and implement this plan during the **period running from 1 January 2016 to 30 June 2019** (instead of 31 December 2020). The transitional national plan shall include measures for each installation in order to ensure timely

compliance with the emission limit values that will apply from **1 July 2019** (rather than 1 January 2020). The Commission shall evaluate the plans as regards EU air quality objectives and potential discrimination in the internal market in electricity and, where it has raised no objections within 12 months of receipt of a plan, the Member State concerned shall consider its plan to be accepted.

Waste co-incineration combustion plants: Members consider that on the grounds of saving resources and equal treatment, it should also be possible to use high-sulphur indigenous coal in co-incineration plants, in compliance with the conditions on desulphurisation set out in Annex V.

Review: the European Safety net provides for an important minimal safeguard against continuing poor implementation of BAT. It is essential that the Commission assesses the total emissions caused by Annex I activities and proposes legislative proposals in order to control emissions from those sectors that contribute most to total emissions, in accordance with the pollution prevention principle.

Annexes: members reinstated two first reading amendments. The first recognises the need for significant standby capacity in **hospitals** which is vital to ensure the continuity of patient care in the event of a technical failure. It also avoids penalising hospitals for their potential for emissions rather than actual emissions. The second states that, when calculating the total rated input of installations, **medium-sized combustion plants** with a thermal rated input below 50 MW and operating no more than 500 hours per year shall not be included for the purposes of that calculation.