

Integrated pollution prevention and control. Codification

2006/0170(COD) - 25/10/2010 - Follow-up document

The Commission presented a report on the implementation of Directive 2008/1/EC concerning integrated pollution prevention and control and Directive 1999/13/EC on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain activities and installations.

The report deals with the third reporting period of the IPPCD (2006-2008), building on the analysis carried out in previous reports on the implementation of this Directive. For the SED, it relates to the implementation period 2003-2007, during which two reports were submitted by Member States. The reports for the years 2003-2004 covered the EU-15 Member States, and those for 2005-2007 covered the EU-27 Member States. This report provides findings for 27 Member States under the SED ((Solvents Directive) and 25 Member States under the IPPCD.

Meanwhile, both Directives, together with five other pieces of legislation, have been merged and recast in the [Industrial Emissions Directive \(IED\)](#). The new IED has been agreed in principle between the Council and the European Parliament and it is expected to be formally adopted by the co-legislators by the end of 2010. Shortcomings identified in previous reports or during the current reporting period have largely been tackled by the IED.

IPPCD: the report of the Member States on the implementation of the IPPCD has revealed a need for some countries to finalise the issuing of permits in order to ensure compliance with the Directive. The Commission supervised and supported Member States in the task of issuing permits in order to meet the Directive's deadline of 30 October 2007. However, many Member States did not comply with this obligation. As a result of the lack of progress in the granting and reconsidering of permits, the Commission opened infringement cases against Belgium, Denmark, Greece, Spain, Italy, Malta, Portugal, Slovenia, Austria, France, Ireland and Sweden. So far, all but four of these cases have been referred to the European Court of Justice, which ruled on the first case in 2010 against Belgium for failing to meet the Directive's deadline.

In addition, case studies undertaken by the Commission have shown that permits are not based sufficiently on **Best Available Techniques (BAT)**. Furthermore, a number of other issues are also identified, such as the need for a more **coherent inspection mechanism**, the need to **reduce administrative burden** and the inability of the IPPCD to meet certain key policy objectives. These issues should for the most part be tackled through the IED.

SED: the reporting by Member States on the implementation of the SED prior to the final implementation deadline for existing installations revealed **no major horizontal issues**. Implementation of SED in the dry cleaning sector has presented some problems due to the specific features of the sector, but useful simplified approaches are being developed.

By the end of 2007, about **53 000 existing installations** covered by the SED were operated in the EU-27 Member States.

The SED offers Member States two main possibilities for individual installations to achieve the required VOC emission reduction - they must comply either with emission limit values or with equivalent targets defined under a reduction scheme. The information reported shows that in many Member States very few installations, if any, apply the reduction scheme option. Derogations were reported by about half of the

Member States, but they accounted for less than 0.01% of the total number of installations. On the basis of the information received, it was not possible to assess the criteria used or the alternative conditions required.

Future Directive on Industrial Emissions: the IED which is awaiting final adoption will merge seven Directives, including the IPPCD and the SED, into a single legal instrument. This will clarify the interaction between all these legal instruments and streamline many important provisions, including those related to monitoring and reporting.

The IED greatly strengthens the importance of BAT in the permitting procedure and addresses certain shortcomings of the IPPCD, in particular with regard to permit reviews and inspections. It is expected that implementation by Member States will become more effective once the IED enters into force.

Future action: there are still plans for another reporting cycle for the SED (2008-2010) and for the IPPCD (2009-2011) before the IED enters into force, and the Commission will continue to follow up the implementation of these two pieces of legislation. At the same time, the Commission will also prepare the ground for supporting and promoting the transposition and implementation of the IED by the Member States.