

Industrial emissions - Integrated pollution prevention and control. Recast

2007/0286(COD) - 24/11/2010 - Final act

PURPOSE: to improve the effectiveness of legislative provisions in force in regard to the prevention and reduction of industrial emissions by guaranteeing a high level of environmental protection, by reducing unnecessary administrative charges and limiting as much as possible distortions to competition in the EU.

LEGISLATIVE ACT: Directive 2010/75/EU of the European Parliament and the Council on industrial emissions (integrated pollution prevention and control).

CONTENT: the Council adopted a revised directive concerning industrial emissions in order to reduce emissions of pollutants that are harmful to the environment and which are linked to cancer, asthma and acid rain. Having accepted all the European Parliament's amendments adopted in second reading on 7 July 2010, the Council approved the adoption of this legal act.

The Industrial Emissions Directive seeks to prevent and reduce air, water and soil pollution caused by industrial installations. It regulates the emissions of a series of pollutants, including sulphur dioxide, nitrogen oxides, dust particles, asbestos and heavy metals. The Directive is aimed at improving local air, water and soil quality, not at mitigating the global warming effects of some of these substances.

There are currently 52 000 installations covered by this text in sectors such as metal production, chemicals production, pork and poultry production, waste incineration and large combustion plants. The recast revises and merges seven separate existing Directives related to industrial emissions into a single Directive with a single legal framework with a view to reducing administrative burdens.

Best Available Techniques (BATs): the revision will permit the better harmonised and stricter implementation of emission limits based on the cleanest available technology, or 'best available technique' throughout the EU. It would not be possible to diverge from this standard unless the technical characteristics and local conditions would give rise to **disproportionately higher costs compared with the environmental benefits**. The key content of the necessary technical documents (BAT conclusions) shall be made available in all the EU official languages.

The BAT reference documents will be drafted, reviewed, and where appropriate, updated through an exchange of information with stakeholders. In order to ensure an effective and active exchange of information resulting in high-quality BAT reference documents, the Commission should establish a forum that functions in a transparent manner.

Authorisation of installations: in order to ensure the prevention and control of pollution, **each installation should operate only if it holds a permit** or, in the case of certain installations and activities using organic solvents, only if it holds a permit or is registered. In order to facilitate the granting of permits, Member States should be able to set requirements for certain categories of installations in general binding rules. Operators should submit permit applications containing the information necessary for the competent authority to set permit conditions. The permit should include all the measures necessary to achieve a high level of protection of the environment as a whole and to ensure that the installation is operated in accordance with the general principles governing the basic obligations of the operator. The permit should also include emission limit values for polluting substances, or equivalent parameters or technical measures, appropriate requirements to protect the soil and groundwater and monitoring requirements. Permit conditions should be set on the basis of best available techniques.

The Directive contains provisions concerning general binding rules, the review of authorisation conditions, environmental inspections and access to information.

Large combustion plants:the recast also tightens the emission limits for nitrogen oxides, sulphur dioxide and dust from power stations and large combustion plants in petrol refineries and in the metal industry.

On the Council's demand, there is a provision whereby new installations are required to use the best available technique from 2012, i.e. four years earlier than had been initially proposed. Existing plants will have to comply with this requirement from 2016. However, a transitional period has been provided for: until 30 June 2020, Member States may draw up and implement a transitional national plan, allowing for a gradual decrease in emission limits for nitrogen oxides, sulphur dioxide and dust. Installations the closure of which is planned before the end of 2023 or that operate for fewer than 17 500 hours after 2016 are exempt from these rules.

The Commission will examine whether it is necessary to draw up Union-wide limit values and to amend emission limit values laid down in Annex V for certain large combustion plants, in view of the revision and updating of relevant BAT reference documents. In this regard, the Commission shall take into account the specificity of the energy systems of refineries.

Review: by 7 January 2016, and every 3 years thereafter, the Commission shall submit a report reviewing the implementation of the Directive. The Commission's report shall include an assessment of the need for Union action through the establishment or updating of Union-wide minimum requirements for emission limit values and for rules on monitoring and compliance for activities within the scope of the BAT conclusions adopted during the previous three-year period, 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. The assessment shall consider the opinion of the forum established under this Directive.

The report shall be accompanied, if appropriate, by a legislative proposal. Where the assessment identifies such a need, the legislative proposal shall include provisions establishing or updating Union-wide minimum requirements for emission limit values and for rules on monitoring and compliance assessment for the activities concerned.