Industrial emissions - Integrated pollution prevention and control. Recast

2007/0286(COD) - 04/12/2017 - Follow-up document

The Commission presented a report on the implementation of Directive 2010/75/EU on industrial emissions and the final reports on its predecessor legislation.

The Industrial Emissions Directive (IED) is the **primary EU legal instrument to regulate industrial emissions** and aims to achieve significant benefits to the environment and human health, in particular through the mandatory application of Best Available Techniques (BAT).

This report summarises Member State reports covering the initial phase of implementation (2013) and outlines other associated work that has been carried out, reviews the Commission's current related activities and looks ahead to the future. Like the first Commission report under the IED, it also covers the final reports from Member States under the predecessor legislation.

Predecessor legislation: **no major compliance issues** with the predecessor legislation have come to light. Nevertheless, a few issues mentioned in relation to the Integrated Pollution Prevention and Control Directive (IPPCD) may warrant further investigation. Despite improvements, information reported remained incomplete, in particular numerical data related to the number of inspections. Several Member States reported insufficient staff to deal with tasks related to the IPPCD implementation.

Some difficulties were reported in relation to the interpretation of definitions, raising questions as to whether installations would fall outside the scope of the IPPCD after either having shut down a part of the process (partial closure of the installation) or having permanently reduced their production capacity.

IED Implementation: the Commission has received all Member States' national transposing legislation, and has assessed the completeness of transposition. The Commission has also assessed the conformity with the IED of the transposition measures adopted by all Member States. To date 21 bilateral dialogues were launched.

The Commission draws a number of conclusions from the information provided:

Firstly, the Commission considers that **the IED is a good example of better regulation**. It merged and simplified 7 pieces of EU legislation and created a rather unique, highly transparent and collaborative process for preparing BAT reference documents (BREFs). BREFs **contain BAT conclusions** that are given legal force by the adoption of Commission Implementing Decisions containing them. BAT conclusions provide the BAT framework for each sector, which must be taken into account by competent authorities when issuing permits. There are currently 31 BREFs and two reference documents covering the activities in Annex I of the IED. So far 13 of these BREFs have been updated under the IED.

While it is too early to see the practical results of the change to the IED, the report concludes that **progress is encouraging and trends in industrial emissions appear promising**.

The Commission aims to **support Member States** in ensuring effective application of the IED, in particular through:

- organising **workshops** with Member States and other relevant stakeholders;

- supporting **networks of national competent authorities** (whose tasks include issuing permits, and ensuring that installations are correctly operated) so as to ensure comparable, harmonised approaches at national level in line with the legislation;
- the approach taken to **enforcement under the IED**, creates strong rights for citizens to have access to relevant information and to participate in the permit process. The Commission would mainly intervene in the event of systemic failings, or where breaches have a very significant environmental impact.

Next steps: the Commission's focus in the next 4 years is on finalising BAT conclusions for all industrial sectors, monitoring the use of flexibilities relating to the Large Combustion Plants (LCP) Directive and pro-actively supporting Member States with implementation.

In addition, the Commission considers it appropriate to **reflect** how the work on IED implementation should evolve in the longer term and at what point it would be appropriate to take stock of achievements and to consider the scope for improvement.

By 2020, the Commission will have received further reports from Member States and most BAT conclusions will have been adopted. Furthermore, most of the LCP transitional arrangements will be close to their final deadlines. This would appear to be an appropriate time to consider the launch of a full evaluation of the IED.