



*EU Environmental Policy Briefing**

Commission Proposes Revision to IPPC and Other Industrial Emissions Directives

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The Commission has published its long awaited proposal for the revision of the Integrated Pollution Prevention and Control (IPPC) Directive (96/61/EC). Over the last couple of years the Commission has undertaken a series of studies examining current implementation of IPPC, its coherence with other legislation, its possible extension to cover other activities and its interaction with other instruments. This has been combined with a series of discussions with stakeholders. Thus there is considerable interest in what has been concluded.

The proposal¹ is accompanied by a discussion document² exploring the Commission's thinking. While the proposed revision runs to 247 pages, it is, in effect, less radical than might have been the case. The Commission had, in initiating its review of IPPC, stated that the fundamental principles of the Directive were not open to debate and these are, indeed, untouched. However, there are some important changes affecting IPPC implementation:

- The activities covered by the Directive have been slightly amended to include some additional activities such as combustion installations between 20 and 50 MW, the preservation of wood and wood products and the production of wood panels.
- There has been concern over the determination of Best Available Techniques (BAT) in some Member States, so the proposal lays down provisions to strengthen and clarify the use of BAT. It is proposed that BAT reference documents (BREFs) be the reference for setting permit conditions and that emission limit values do not exceed the emission levels associated with the best available techniques (BAT) as described in those BREFs.
- The provisions in the current *acquis* on compliance reporting, inspections and permit reviews are vague. A new provision is proposed to require operators regularly to report on compliance with permit conditions to the competent authority. Member States should also ensure that the operator and the competent authority take necessary measures in a case of non-compliance.

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- The proposal would introduce more explicit requirements for inspections of installations to ensure compliance with permit conditions. It would require Member States to set up a system of inspections of installations, including on-site inspections. Member States would either have to comply with proposed minimum inspection frequencies or use a risk-based approach.
- To assist in requirements on site remediation, operators would be required to produce a baseline report on soil and groundwater conditions.

The proposal also incorporates the following ‘sectoral’ industrial emissions Directives as annexes:

- large combustion plants (2001/80);
- waste incineration (2000/76);
- solvent emissions (1999/1); and
- titanium dioxide (78/176, 82/883 and 92/112).

The main aim of incorporating these Directives is to assist in their integration within the IPPC ‘process’ and to overcome inconsistencies between the existing Directives. The basic provisions of the Directives are largely unchanged, with the following exceptions:

- The proposal would introduce some further derogation to the current minimum requirements for monitoring of certain emissions generated by waste incineration plants and waste co-incineration plants if granted by the competent authority only under specific conditions laid down in the proposal.
- It would introduce more stringent emission limits for titanium dioxide plants in line with current consideration of BAT.
- It would introduce more stringent emission limits for large combustion plants in line with current consideration of BAT.

The proposal is structured in seven chapters. Chapter I is the general umbrella part setting common provisions applying to all activities covered by the Directive. Chapter II covers activities set out in Annex I and lays down special provisions for those activities by amending the current requirements of the IPPC Directive. Chapters III to VI contain minimum technical requirements for large combustion plants, waste incineration plants, solvents installations and titanium dioxide installations, respectively. Chapter VII contains provisions on competent authorities, reporting by Member States, committee, penalties and the standard closing provisions.

It is uncertain how controversial the proposed changes will prove to be. The more stringent conditions proposed for large combustion plants have already raised some comment, although they ought to be considered as minimum BAT under the current interpretation of IPPC. Debate on the proposal in the Parliament and Council is expected to begin later this year.

References

1. COM(2007)844. Proposal for a Directive of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Recast), http://eur-lex.europa.eu/LexUriServ/site/en/com/2007/com2007_0844en01.pdf
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