

The IPPC Directive

Presentation for EUFJE meeting

Péter VAJDA – DG ENV

Industrial Emissions and Protection of the Ozone Layer Unit (C.4)

16 October 2009



Contents of the presentation

1. Overview on the IPPC Directive
2. Key provisions
3. The BAT concept
4. The “Sevilla Process” and BREFs
5. The revision of the Directive

The current situation

European Industry is subject to a range of industrial emissions legislation....

IPPC Directive

Waste Incineration Directive

Directives related to the titanium dioxide industry

Large Combustion Plants (LCP) Directive



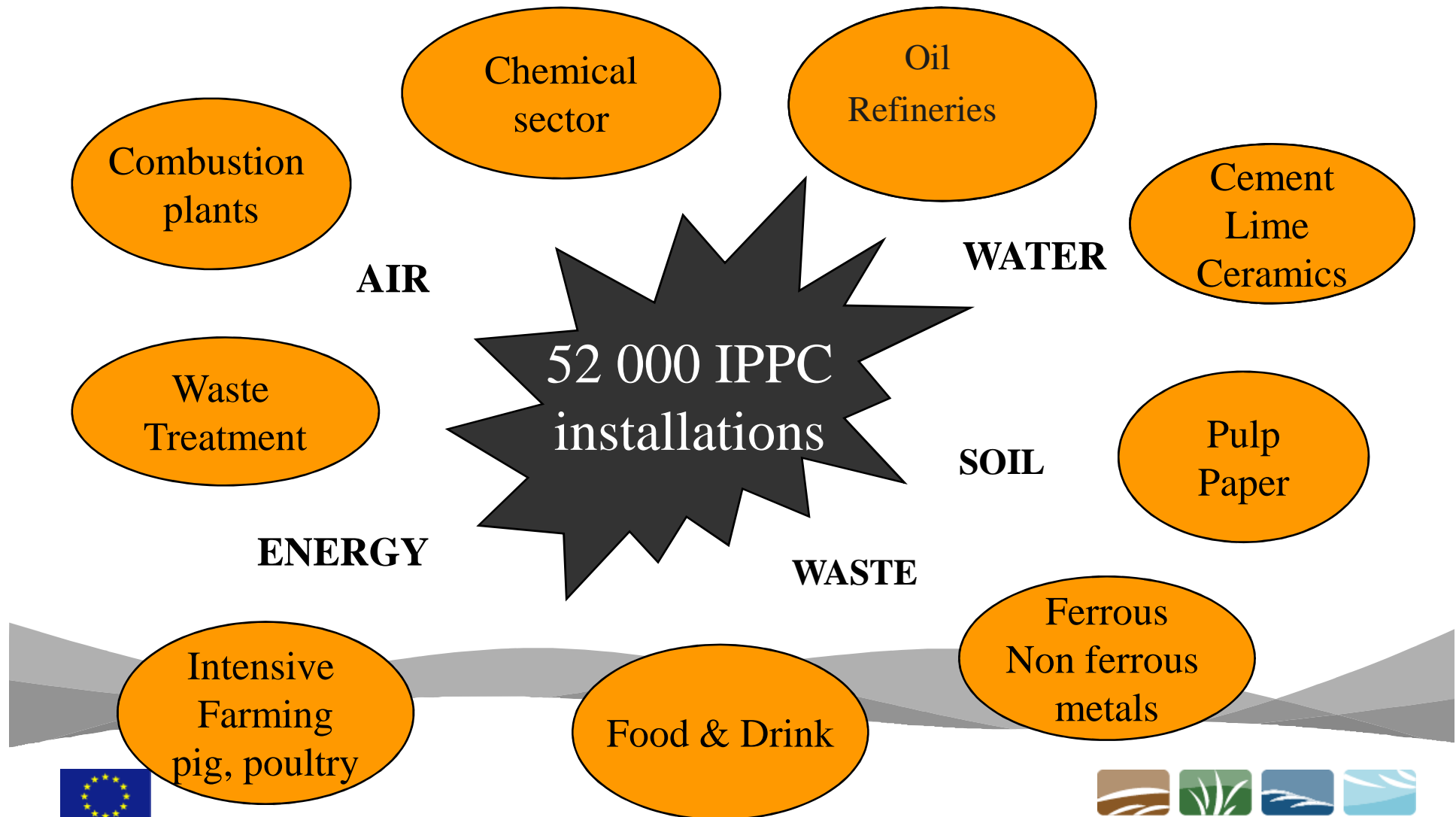
Directive on the limitation of emissions of VOC from solvents

European Pollutant Emission Register (EPER)

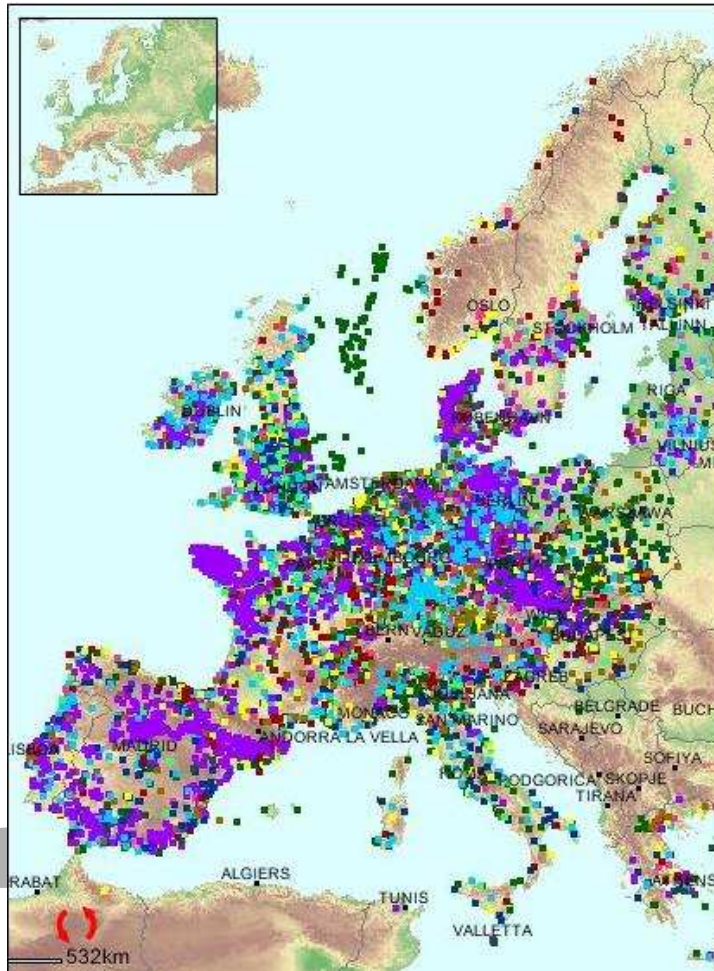
European Pollutant Release and Transfer Register (E-PRTR)

This makes implementation and enforcement very difficult and leads to unnecessary administrative burden

Key IPPC Sectors



IPPC installations in Europe

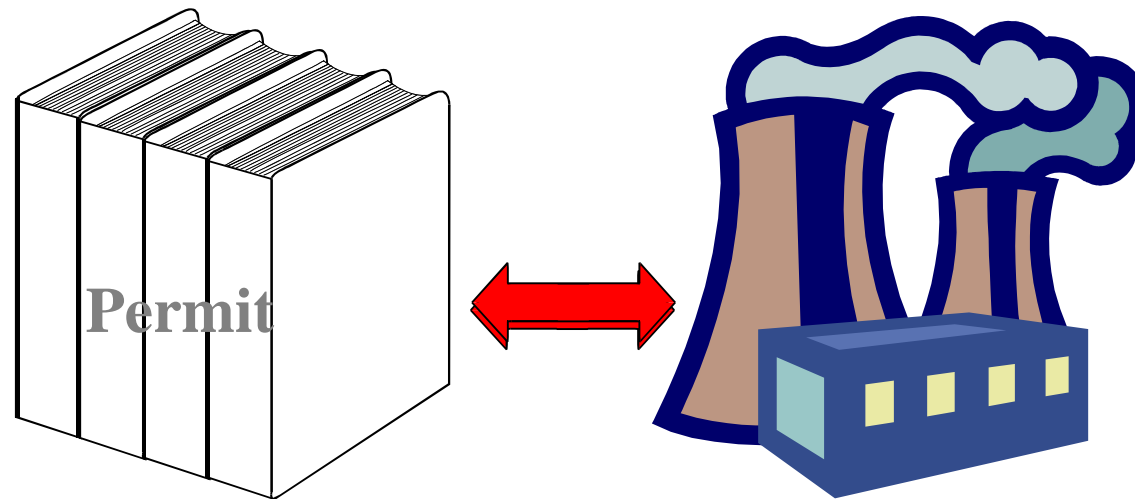


Key dates

- Entry into force: 30 October 1996
- Transposition = implementation for new installations:
 - 30 Oct 1999 (old MS)
 - date of accession (new MS)
- Implementation for existing installations:
 - 30 Oct 2007
 - (with some transitional periods for new MS)

Key provisions

IPPC is about permitting!!!



Key provisions

Article 9(4) – The BAT concept

Emission limit values and equivalent parameters and technical measures **shall be based on the best available techniques**, without prescribing the use of any technique or specific technology, but taking into account the **technical characteristics** of the installation concerned, its **geographical location** and the **local environmental conditions**.

BAT

Definitions in Article 2:

- **BEST** means “most effective in achieving a high general level of protection of the environment as a whole”
- **AVAILABLE** means “developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages”
- **TECHNIQUES** include “both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned”

“Sevilla Process” / BREFs

- Information exchange required by Art. 16(2)
- Purpose to support licensing authorities
- Published BAT Reference Documents (BREFs) for each sector
- BREFs should be taken into account by the licensing authorities
- <http://eippcb.jrc.ec.europa.eu/>

"Sevilla Process" / BREFs

**Government
experts**

EIPPCB



**Industry
experts**

**NGO
experts**

Practical issues 1 - Transposition

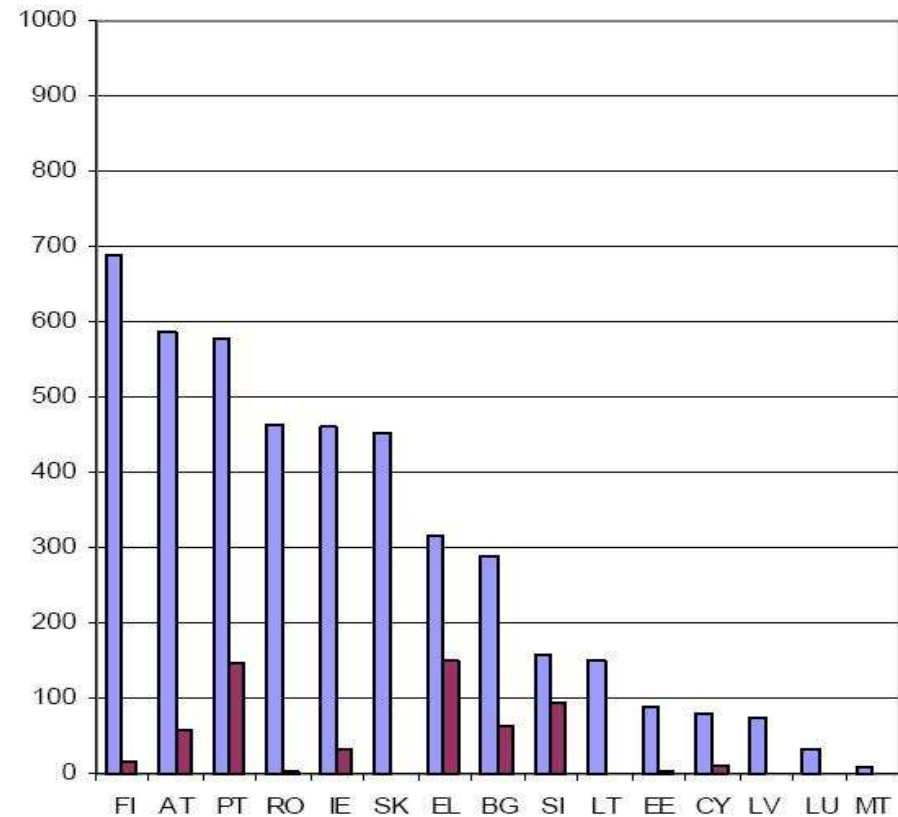
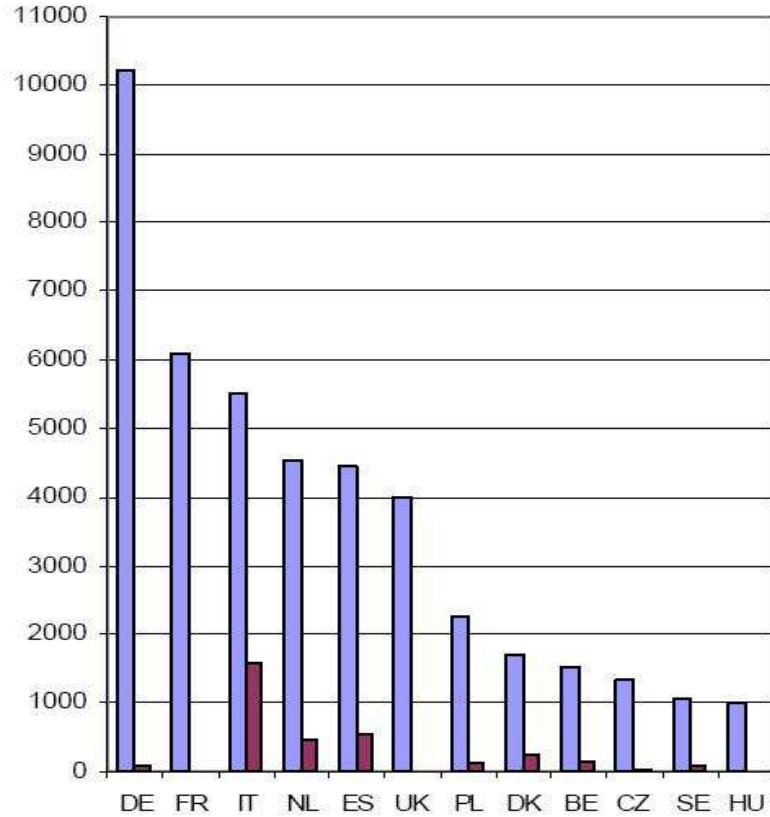
- Lengthy procedure
- COM monitors correct transposition (conformity checking)
- 19 non-conformity cases launched in the case of IPPCD (3 still pending)
- Future action: transposition checklist for future IED – preference for up-stream solutions



Practical issues 2 – Permitting progress

- **Deadline for issuing permits for existing installations: 30 October 2007**
- **COM followed up the situation regularly; IEG meetings**
- **A number of MSs missed the date**
- **Infringement procedures (first set beginning of 2008)**
- **14 cases still open (permitting for existing installations still not finalized)**

Permitting progress by Member State



Practical issues 3 - Guidance

- COM adopted a number of guidance documents in close co-operation with Member States
- http://ec.europa.eu/environment/air/pollutants/stationary/ippc/general_guidance.htm
- Facilitation of implementation
- Q&A section



Practical issues 4 – Reporting

- **Art. 17(3) – Member States shall report triennially to the COM on implementation of the IPPCD**
- **COM shall publish a report**
- **IRIS – Industrial emissions Reporting Information System**
- **Tool for gathering information and summarizing MS reports**
- **<http://www.iris.eionet.europa.eu/>**

The Commission's IPPC review

- Began in early 2006, with data collection taking place over the following two years.
- Main focus of the review - **10 key studies**:
 - **horizontal** issues including implementation, environmental benefits, impacts on competitiveness
 - **sectoral** issues including waste treatment, agriculture, waste incineration and large combustion plants
- Approximately **100 case study installations**
- Review process overseen by an **advisory group** comprising stakeholders from Member States, industry and NGOs

Concerns with the status quo

The Commission's review identified the following key areas of concern:

- **Insufficient implementation of BAT**
- **Limitations with regard to compliance, enforcement and environmental improvements**
- **Unnecessary administrative burdens** due to complexity and inconsistency of parts of legal framework
- **Insufficient scope and unclear provisions** to achieve the Thematic Strategy objectives (air, waste, soil)



Why a review?

Shortcomings in implementation were recognised in some of the case study installations as part of the review

<i>Sector</i>	<i>BAT Associated Emissions Levels (BREFs)</i>	<i>Permit conditions: Emission Limit Values (ELVs)</i>
Cement	NOx: 200-500 mg/m ³	3 out of 4 installations: 800 mg/m ³ (WID) No consideration of BAT
Non-ferrous metals plant 1	SO ₂ : 50-200 mg/m ³	800 mg/m ³
Non-ferrous metals plants 2 and 3	Dioxins: <0.1-0.5 ng/m ³	No ELV, no monitoring data available
Pulp mill	Various pollutants to water	No permit conditions for releases into water
Chemicals plant	Benzene: 5 mg/m ³	2500 mg/m ³ (500x more than BREF)

Recast

The IPPC Directive would be merged with 6 other related directives (horizontal recast):

- LCP Directive (2001/80/EC)
- Waste Incineration Directive (2000/76/EC)
- Organic Solvents Directive (1999/13/EC)
- Titanium-Dioxide Directives (78/176/EEC, 82/883/EEC, 92/112/EEC)

Issue 1: insufficient implementation of BAT

- Permit conditions cover not only emissions to air and water, but also emissions to land, waste management, energy efficiency, environmental management systems and prevention of accidents (Art. 15(1,2))
- Permits issued to operators must contain BAT based permit conditions (Art. 16(2))
- BAT conclusions shall be the reference for setting the permit conditions (Art. 15(3))

Issue 1: insufficient implementation of BAT

- Permits must contain emission limit values set by the competent authority that do not exceed BAT-AELs (Art.16(2))
- Certain derogation from these limits is allowed in specific cases as long as it is justified (Art. 16(3)) but in any case the ELVs set out in Chapter III (LCP) have to be met
- Shortcomings in the LCP sector - 74% (SO₂) - 49% (NO_x) of 2005 industrial emissions → higher uptake of BAT and strengthened ELVs in IED

Issue 2: Limitations with regard to compliance enforcement and environmental improvements

Minimum provisions were introduced on:

■ Inspections

- **Inspection plans and programmes for IPPC installations**
- **At least 1 site visit every 12 months unless programmes are based on a systematic appraisal of the environmental risks**

■ Review of permit conditions

- **Permits to be reconsidered within 4 years of the publishing of a new BREF and, if necessary, will have to be updated**

■ Reporting on compliance by operators

- **Yearly report, including comparison with BAT (BREF)**

Issue 3: Unnecessary administrative burdens

- The Commission identified reductions in administrative burden at EU level through the introduction of:
 - Reduced reporting requirements for MS and operators
 - Simplified use of general binding rules
 - Unified / Single permits for installations subject to the proposed Directive
- These actions at an EU level should reduce administrative burden by **€31 million per year**
- However, the main possibilities for reduction of administrative burden lie at Member States level: action could result in a further **€150-300 million saving per year**

Issue 4: Insufficient scope & unclear provisions that threaten the Commission's Thematic Strategy objectives

- Environmental improvements through the introduction of new activities to the scope of IPPC
 - ➔ **Smaller combustion activities of 20-50 MW capacity**
 - ➔ **Wood based panels, wood preservation activities**
 - ➔ **Some additional waste management activities**

- Clarification of IPPC scope for existing activities

- New provisions concerning protection of soil and groundwater

State of play

- EP: 1st reading vote in plenary in March 2009
- Council: political agreement under CZ Presidency in June 2009



Amendments EP

- Rapporteur appointed in early 2008 – Mr Holger Krahmer (ALDE-DE) and issued his draft report in July 2008 containing 58 amendments
- Further 475 amendments were submitted prior to the EP's Committee on Environment, Public Health and Food Safety (ENVI) vote
- ENVI Committee vote - 22 January 2009
- 63 compromise amendments and a number of individual amendments resulting in 80 agreed amendments in the final ENVI Committee report
- The resulting ENVI Committee report along with a number of further amendments was voted at the Plenary sitting on 10 March 2009
- The final Parliament report includes 85 amendments

Key amendments EP

- The proposal of the Commission to strengthen the application of BAT and the role of the BAT Reference Documents (BREFs) is generally supported
- Other issues such as soil protection, inspection, update of permits, reporting and public access to information generally remain close to the Commission's Proposal
- A key new proposal was introduced (the so-called European Safety Net) to allow the Commission to establish, through comitology, minimum requirements for all industrial sectors based on the BREFs
- Additional amendments relate mainly to scope of the Directive e.g. no extension of the scope for poultry, limited BAT-based manure land-spreading

Council political agreement 1

- Following work under three Presidencies, political agreement was reached in Council on 25 June 2009
- Key provisions on strengthening of role of BREFs have been maintained
- BAT Conclusions (from the BREFs) shall be the reference for setting the permit conditions
- Implementation of BAT Associated Emission Levels (BAT-AELs) set in the BAT Conclusions
 - **Permits must contain emission limit values to ensure that emissions do not exceed BAT-AELs**
 - **Derogation from BAT AELs is allowed in specific cases as long as it is justified and justification is made available to the public**

Council political agreement 2

- New adoption procedure: comitology for “BAT conclusions”, followed by publication of the whole BREF
- More guidance on the elaboration and content of the BREFs
- Large Combustion Plants - level of ambition maintained but more flexibility introduced
- Implementation date for new plants: 2012 instead of 2016
- Implementation for existing plants: 1 January 2016 retained but certain temporary flexibilities added

Council political agreement 3

- **Smaller amendments to:**
 - **Inspections**
 - **Permit review**
 - **Reporting by operators**
 - **Soil and Groundwater provisions**
 - **Scope**

Possible outputs, timing

- Legislative proposal based on an impact assessment: adopted by the Commission on 20 December 2007 – COM(2007) 844 final
- EP first reading (March 2009)
- Council political agreement (June 2009)
- EP 2nd reading (beginning 2010)
- End of co-decision (2nd half 2010)
- Unlikely to come into effect until ~ 2012

For more information...

- **DG ENV industrial emissions website**
<http://ec.europa.eu/environment/air/pollutants/index.htm>
- **CIRCA website on the IPPC review (study reports)**
http://circa.europa.eu/Public/irc/env/ippc_rev/library
- **European IPPC Bureau (BREFs)**
<http://eippcb.jrc.es/pages/FActivities.htm>
- **Status in co-decision – PreLex**
http://ec.europa.eu/prelex/detail_dossier_real.cfm?CL=en&DosId=196594

Thank you for your attention!

