To cover

1. EU legal framework on air quality and on industrial emissions
2. Revision of the IPPC Directive, adoption of the IED
3. Structure of the IED
4. Essential provisions of the IED

NB: BAT and LCPs to be addressed in separate presentations!

5. Interrelations with other legal instruments
EU legal framework on air quality

1. Addressing air pollution at national level / level of zones:
   - Ambient Air Quality Directive (+ 4th daughter directive)
   - NEC Directive

2. Addressing point source emissions
   - stationary sources => IED
   - mobile sources (traffic)

3. Links with Accession Treaty provisions (transitional derogations and intermediate ceilings)
The legal framework concerning industrial emissions in the European Union

IPPC Directive 2008/1/EC
Large Combustion Plants (LCP) Directive 2001/80/EC
Waste Incineration Directive 2000/76/EC
Directive on the limitation of emissions of VOC from solvents 1999/13/EC
Directives related to the titanium dioxide industry 78/176, 82/883 and 92/112

European Pollutant Release and Transfer Register (E-PRTR) Regulation 166/2006

Industrial Emissions Directive (IED) 2010/75/EU
IED: why?

- Merging of 7 existing Directives
- Strengthening of BAT and role of the BAT reference documents (conclusions)
- New minimum ELVs for LCP bringing them in line with BAT
- Strengthened provisions on inspections, review of permit conditions and reporting on compliance
- Stronger provisions on soil & groundwater protection
- Extended scope
Scope of IED

Some 50,000 installations across EU (Annex I activities)

Large variety of industrial/agro-industrial activities

- Energy industries…
- Mineral industries…
- Metal industries…
- Chemical industries…
- Waste management…
- Intensive livestock (pigs/poultry)…
Structure of IED

Ch. I: Common provisions

Ch. II: Provisions for all activities listed in Annex I

Ch. III: Special provisions for combustion plants [> 50 MW]

Ch. IV: Special provisions for waste (co-)incineration plants

Ch. V: Special provisions for installations and activities using organic solvents

Ch. VI: Special provisions for installations producing TiO2

Ch. VII: Committee, transitional and final provisions

Annexes

BAT based permit conditions

Sectoral « minimum » requirements incl. emission limit values
What are the essential requirements?

Prevention of pollution and, if not feasible, reduction

Permit is required for operating the installation

Permit needs to contain permit conditions including emission limit values (ELVs) for all relevant pollutants, which are to be based on the use of the best available techniques (BAT)

Access to information and public participation
Issues addressed by the integrated approach

1. Contribution to emissions? Why important for air / water / soil?
2. Prevention of waste
3. Energy efficiency
4. Accident prevention (Seveso Directive!)
Some other important provisions
IED – Cessation of activities (Art. 22)

• **Baseline report**
  - Required where relevant hazardous substances are used or produced
  - Contains information on the state of soil and groundwater contamination by hazardous substances
  - Criteria for content to be established in COM guidance

• **Site closure / remediation**
  - Once activity stops operating: operator assesses the state of soil and groundwater contamination and compares with baseline report
  - Where significant pollution: operator shall take necessary measures so as to return the site to the “baseline” state
  - Where significant risk to human health and the environment: operator shall take necessary actions aimed at the removal, control, containment or reduction of relevant hazardous substances, so that the site ceases to pose significant risk
IED – Environmental inspections (Art. 23)

- **environmental inspection plan** at national, regional or local level covering all installations
- **CA shall regularly draw up programmes for routine environmental inspections**, incl. frequency of site visits
  - Frequency: determined on the basis of risk appraisal of installations, but minimum yearly (highest risk) up to 3-yearly (lowest risk)
  - Criteria: potential/actual impacts, compliance track, EMAS, ...
  - If inspection has identified important case of non-compliance: additional site visit within 6 months
- **Non-routine environmental inspections**
  - serious environmental complaints, serious environmental accidents, incidents and occurrences of non-compliance, and before granting/reconsidering/updating permit
- Following each site visit: **report** to be notified to operator concerned within 2 months and made publicly available within 4 months of site visit
IED – Access to information (Art. 24)

• The competent authority shall make available to the public via the Internet the following information:
  • the content of the decision, including a copy of the permit and any subsequent updates;
  • the reasons on which the decision is based;
  • where a derogation is granted in accordance with Article 15(4), the specific reasons for that derogation based on the criteria laid down in that paragraph and the conditions imposed
Interrelations with other instruments 1

Environmental quality standards for the purposes of Ambient Air Quality Directive 2008/50/EC

- Article 18 IED

Environmental quality standards
Where an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, additional measures shall be included in the permit, without prejudice to other measures which may be taken to comply with environmental quality standards.

- Issue of Transitional National Plans (Article 32 IED)
Interrelations with other instruments 2

Preliminary ruling case on NEC Directive vs IPPC Directive (Joined Cases C-165/09 to C-167/09)

The IPPC Directive must be interpreted as meaning that, when granting an environmental permit for the construction and operation of an industrial installation, MS are not obliged to include among the conditions for grant of that permit the national emission ceilings for $SO_2$ and $NO_x$ laid down by the NEC Directive, whilst they must comply with the obligation arising from that Directive to adopt or envisage, within the framework of national programmes, appropriate and coherent policies and measures capable of reducing, as a whole, emissions of inter alia those pollutants to amounts not exceeding the ceilings laid down in Annex I.
Interrelations with other instruments 3

- *Intermediate emission ceilings* for large combustion plants, laid down in the *Accession Treaty* (applicable for BG, LT, PL and RO, during the period of transitional derogations)

- *E-PRTR Regulation*: reporting!

Entry into force of IED

Member States fully transpose the IED. The Directive applies to all new installations from this date onwards.

All existing installations previously subject to IPPC, WI, SE and TiO2 Directives must meet the requirements of the IED. Existing LCP do not yet need to meet new ELVs (Ch. III, Annex V).

Existing installations operating newly prescribed activities (e.g. waste installations, wood based panels, wood preservation) must meet the requirements of the IED.

Existing LCP must meet the requirements set out in Chapter III and Annex V

- Transitional flexibilities:
  - TNP: - 30/6/2020
  - Limited life time derogation: - 31/12/2023
  - Small isolated systems: - 31/12/2022
  - District heating: - 31/12/2019
For more information...

- **DG ENV industrial emissions website**
  
  http://ec.europa.eu/environment/air/pollutants/stationary/index.htm

- **European IPPC Bureau (BREFs)**
  

- Please contact us if you have any further questions:
  
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