



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 24.06.1996

COM(96) 306 final - SYN 526

Re-examined proposal for a

COUNCIL DIRECTIVE

on integrated pollution prevention and control

(presented by the Commission pursuant to Article 189 c (d)
of the EC Treaty)

EXPLANATORY MEMORANDUM

On 14 September 1993 the Commission adopted a "Proposal for a Council Directive on Integrated Pollution Prevention and Control". (1) OJ C311, 17.11.93

The Economic and Social Committee delivered its opinion on 27 April 1994. (2) OJ C195, 18.7.94

The European Parliament delivered its opinion at first reading on 14 December 1994. (3) OJ C18, 23.1.95

On 15 May 1995 the Commission adopted an amended proposal under Article 189a(2) of the EC Treaty, incorporating a number of the amendments proposed by the European Parliament. (4) OJ C165, 1.7.95

On 27 November 1995 the Council adopted a common position on the Commission's amended proposal. (5) OJ C87, 25.3.96

The European Parliament examined the Council's common position at second reading on 22 May 1996 and approved it subject to 31 proposed amendments.

The Commission has examined the amendments proposed by the European Parliament at second reading, incorporating a number of them into the present reexamined proposal.

The Commission's position on the amendments approved by Parliament at second reading is as follows.

Amendments accepted by the Commission

Amendment 14 on Article 2(11) on definition of "best" in the concept of "best available techniques" deletes a superfluous phrase.

Amendments 16 and 17 (article 3 paragraphs (b) and (f)) clarify the obligations of the operator regarding pollution control and on cessation of activities. Respect for human health was already implicit by virtue of its inclusion in the directive's definition of pollution, but a slightly modified form Parliament's proposal is included to make this explicit.

Amendments 18 and 21 (article 6(1), first indent and new 2nd subparagraph respectively) make more explicit the information which must be included in the permit application. The first is a minor modification, but the second is a useful provision regarding a non-technical summary of the rest of the information provided which will increase accessibility to the public and therefore transparency.

Amendment 28 (article 13(1)) relates to the periodicity of permit review. The Commission accepts the principle of Parliament's amendment that a maximum period between revisions should be specified. However five years is too short and the Commission therefore reverts to its original proposal of a ten-year review period.

Amendment 30 (article 15(1) first subparagraph) relates to the public information provisions of the directive. The Commission accepts the tie-in with the EIA Directive proposed by Parliament with a

slightly modified wording to take account of the specific provisions of that Directive.

Amendment 39 (Annex I point 3.5) relates to the ceramic industry. Part of this amendment simply corrects translation errors. The significant part is the phrase "setting density per kiln". This reflects the fact that setting density, being a measurement of density, is kiln-specific and cannot be aggregated for the installation as a whole.

Amendment 42 (Annex I point 6.7) relates to solvent using industries. The text proposed in the reexamined proposal has the same effect as that proposed by Parliament, and aligns the IPPC text with the threshold criterion the Commission proposes to use in its forthcoming proposal for the control of VOC emissions from certain stationary sources.

Amendments not accepted by the Commission

A group of 7 amendments - 4,5,8,15,24,49 and 52 - cannot be accepted because they would fundamentally distort the integrated approach. The obligation to consider local environmental conditions, which would be removed by amendments 4, 5 and 24, is essential to produce the optimised pollution control solution which is the goal of the Directive. Incorporation of the principle of costs and advantages in the definition of BAT, which would be deleted or distorted by amendments 49 and 52, is also essential, as that definition determines the level of effort under the Directive, and without the reference to costs and benefits there would be no proportionality to the controls. Moreover every Member State makes this balance in practice in setting its own controls, and it is reasonable to recognise this at Community level also. Mandating the Commission to produce uniform emission limit value directives in every case, which would be the effect of amendment 8, would again distort the potential for local optimisation, although the Commission will propose such directives where necessary.

The remaining 15 amendments - 2,7,10,19,20,22,32,33,34,35,37,44,46,54,57 - proposed a large number of small drafting changes. These are not included because they are already reflected elsewhere in the Common Position, or because they are out of keeping with the proposal for legal or technical reasons.

In accordance with Article 189C(d) of the EC Treaty, the Commission modifies as follows the text of the Common Position on its proposal concerning integrated pollution prevention and control, in order to include the accepted amendments in the Common Position.

REEXAMINED PROPOSAL FOR A

COUNCIL DIRECTIVE

on integrated pollution prevention and control

COMMON POSITION

AMENDED TEXT

Citations

Unchanged

Recitals

Unchanged

Article 1

Unchanged

Article 2(11) first subparagraph

"best available techniques" shall mean the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent, and where that is not practicable, generally to reduce emissions and the impact on the environment as a whole.

"best available techniques shall mean the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole.

Article 3(b)

(b) no significant pollution is caused;

(b) no significant pollution, including in particular harm to human health, is caused;

Article 3(f)

(f) the necessary measures are taken upon definitive cessation of activities to avoid any pollution risk and return the site of operation to a satisfactory state.

(f) the necessary measures are taken upon significant cessation of activities to avoid any pollution risk, including in particular risk to human health, and return the site of operation to a satisfactory state.

Article 4

Unchanged

Article 5

Unchanged

Article 6(1), first indent

- the installation and its activities;

- the installation and the nature and extent of its activities;

Article 6(1), 2nd subparagraph (new)

An application for a permit shall also include a non-technical summary of the details referred to in the above indents.

Article 7

Unchanged

Article 8

Unchanged

Article 9

Unchanged

Article 10

Unchanged

Article 11

Unchanged

Article 12

Unchanged

Article 13(1)

Member States shall take the necessary measures to ensure that competent authorities periodically reconsider and where necessary update permit conditions.

Member States shall take the necessary measure to ensure that competent authorities periodically, and at the latest ten years from the start-up of the operation, and at least once every ten years thereafter, reconsider and where necessary update permit conditions. Where a permit is updated for one of the reasons set out in paragraph 2, the ten-year period shall run from the date of the updating of the permit.

Article 14

Unchanged

Article 15(1), first subparagraph

1. Without prejudice to Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment, Member States shall take the necessary measures to ensure that applications for permits for new installations or for substantial changes are made available for an appropriate period of time to the public, to enable it to comment on them before the competent authority reaches its decision.

1. Without prejudice to Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment, Member States shall take the necessary measures to ensure that applications for permits for new installations or for substantial changes are made available for an appropriate period of time to the public, together with any relevant information obtained or conclusion arrived at pursuant to Articles 5, 6 and 7 of Directive 85/337/EEC where article 4 of that Directive applies, to enable it to comment on them before the competent authority reaches its decision.

Article 16

Unchanged

Article 17

Unchanged

<u>Article 18</u>	Unchanged
<u>Article 19</u>	Unchanged
<u>Article 20</u>	Unchanged
<u>Article 21</u>	Unchanged
<u>Article 22</u>	Unchanged
<u>Article 23</u>	Unchanged

ANNEX I(3.5)

3.5 Installations for the manufacture of ceramic products by burning in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day, and/or with a kiln capacity exceeding 4m³ and exceeding a loading density of 300 kg/m³.

3.5 Installations for the manufacture of ceramic products by firing in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day, and/or with a kiln capacity exceeding 4m³ and with a setting density per kiln exceeding 300 kg/m³.

ANNEX I(6.7)

6.7 Installations for the surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with a consumption capacity of more than 150kg per hour or more than 200 tonnes per year.

6.7 Installations for the surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with a solvent consumption of more than 150kg per hour or more than 200 tonnes per year.

ANNEX II

Unchanged

ANNEX III

Unchanged

ANNEX IV

Unchanged

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