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THE EUROPEAN UNION**

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**NOTE**

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from : General Secretariat  
to : Delegations

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Subject : Proposal for a Directive of the European Parliament and of the Council on  
industrial emissions (integrated pollution prevention and control)  
(Recast)  
– Progress report / Information from the Presidency

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Delegations will find attached information provided by the Presidency on the aforementioned proposal for a Directive, to be examined by the Environment Council under "Other business" items at its meeting on 20 and 21 October 2008.

**Proposal for a Directive of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (Recast)**  
**- Information from the Presidency -**

1. The Commission adopted the aforementioned proposal in December 2007. The aim of the proposal is to revise and merge into a single Directive seven separate Directives concerning industrial emissions in order to achieve a high level of environmental protection while simplifying legislation and reducing unnecessary administrative burdens. The use of the recasting technique makes it possible to combine in a single text both the substantive amendments and the provisions which remain unchanged.
  
2. The Working Party on the Environment commenced its examination of the proposal in May 2008. After a discussion of the impact assessment, the examination continued in a structured form, focusing in turn on groups of provisions relating to specific topics, i.e.:
  - support for the implementation of best available techniques;
  - strengthening compliance with requirements, increasing environmental benefits;
  - flexibility in the granting of authorisations and the promotion of eco-innovation;
  - amendments relating to combustion plants;
  - the scope (in part).

Once it has completed its examination of the provisions concerning the Directive's scope, the Working Party will examine the following questions at its forthcoming meetings:

- the amendments relating to waste incineration plants using organic solvents and producing titanium dioxide;
- soil protection;
- other provisions which cannot be categorised under any of the above headings.

3. The discussions which have taken place within the Working Party have enabled the following **preliminary conclusions** to be drawn:

**General principles:**

- Delegations seem to support the objective of merging together seven current Directives to create a single Directive on industrial emissions. However, some delegations are not convinced that such simplification will reduce the administrative burden.
- Delegations support the proposal's objective of ensuring better implementation of best available techniques.
- Most delegations feel that too many aspects are left to the committee procedure and that it would be preferable for them to be specified in the Directive, or for the subsidiarity principle to be applied.

**Role of the BAT reference documents:**

- All the Member States appear to agree on the need to strengthen the role of the Best Available Techniques Reference Documents to describe best available techniques. However, questions remain in terms of defining the process for drafting such documents and formalising the implementation of best available techniques in the operating permits.

**Monitoring and inspection procedures:**

- Most Member States agree on the importance of strengthening the monitoring and inspection procedures. However, there are still questions surrounding the conditions for re-examination within four years of the publication of a BAT reference document, as provided for in the proposal.
- Member States have raised the question of maintaining a reference to general binding rules.
- The frequency of inspections and the reporting procedures have yet to be defined, precisely in order to reduce administrative burdens.

### **Chapter concerning large combustion plants:**

- The examination of the new provisions concerning large combustion plants has shown that there is no consensus among Member States at this stage. Several Member States have given their full support to the emission limit values, while others are strongly opposed to them. The question of the cost of implementing such values has been raised, in particular as regards plants with a capacity of less than 100 MW.
- Regarding the date on which the new emission limit values are to enter into force for existing combustion plants (2016), a large number of Member States have asked for that date to be postponed, with 2020 having been mentioned frequently in that connection.

### **Scope of the Directive:**

- Thirteen Member States have entered reservations regarding the proposal to extend the scope of the Directive to plants of between 20 and 50 MW, while others have expressed doubts concerning the amendments widening the Directive's scope.

