



**COUNCIL OF  
THE EUROPEAN UNION**

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from:	General Secretariat
to:	Coreper / Council
No. Cion prop.:	5223/08 ENV 17 - COM(2007) 843 final
No. prev. doc:	13722/08 ENV 628 CODEC 1257
Subject:	Proposal for a Directive of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) (recast) - State of play

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1. The Commission adopted the above 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 began examining the proposal in May 2008 and has continued examining it on a regular basis since.

After a discussion of the impact study, the examination has 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 and increasing environmental benefits;
- flexibility in the granting of permits and the promotion of eco-innovation;
- amendments relating to large combustion plants;
- the scope;
- the amendments relating to waste incineration plants using organic solvents and producing titanium dioxide;
- the final provisions and other provisions which cannot be categorised under any of the above headings with the exception of soil protection.

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 comitology and that it would be preferable for them to be specified in the Directive, or for the subsidiarity principle to be applied.

### **Role of BAT reference documents (BREFs)**

- There appears to be a consensus on the need to strengthen the role of BREFs. A large majority of delegations also wish to keep the present procedures for preparing and adopting BREFs while strengthening their role in determining permit conditions, particularly as regards emission limit values. Delegations likewise support the principle of introducing transparency in the setting of emission limit values, particularly in situations where those values become BREF conclusions.
- Several delegations fear that the Commission proposal strengthens the role of reference documents to the point of rendering them legally binding, in particular for emission limit values, which would not be consistent with the process of drafting and adopting them. Other delegations consider that the competent authorities are given sufficient flexibility to depart from BREF conclusions in specific cases where justified. A number of delegations also point out that if the role of reference documents is to be strengthened, they should be translated into all the official languages.

### **Monitoring, inspection and re-examination of permits**

- Most delegations agree on the importance of strengthening the monitoring and inspection procedures and the importance of re-examining permits following the publication of a new or revised reference document. The re-examination timetable, the frequency of inspections and the reporting procedures have yet to be clarified.

### **Large combustion plants**

- The examination of the new provisions concerning large combustion plants has shown that there is no consensus among delegations at this stage.
- The emission limit values are generally supported by delegations except in the case of plants with a capacity of less than 100 MW, for which the question of implementation cost versus expected benefit has been raised.

- Several delegations wish to introduce greater flexibility for certain existing plants until 2020.
- Regarding the date on which the new emission limit values are to come into force for existing combustion plants (2016), a large number of delegations have asked for it to be postponed, with 2020 being mentioned frequently in this connection.

#### **Scope**

- Many reservations have been entered regarding the proposal to extend the scope to plants with a rated thermal input of between 20 and 50 MW.
- Most delegations reject the proposal to extend the scope as regards intensive rearing, arguing that the benefits do not justify the costs.
- Some delegations have also expressed doubts concerning other proposals to widen the scope.

#### **Other provisions**

- Delegations generally support the proposals on specific provisions relating to waste incineration plants using organic solvents and producing titanium dioxide.
- Several delegations have requested a longer transitional period for the transposition of the Directive.

4. At recent Working Party meetings, the Presidency has initiated discussions on compromise suggestions taking into account comments made by delegations.

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