

# **An overview of the industrial emissions Directive**

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Gratefully acknowledged!

## **Recast of Directives on:**

- **Integrated pollution prevention and control**
- **Large combustion plants**
- **Waste incineration**
- **Solvent emissions**
- **Titanium dioxide (\*3)**

## **Recast, so.....**

- **A great deal remains unchanged!**
- **About improving the implementation of the component Directives.**

## 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 **TiO<sub>2</sub>**
- Ch. VII: Committee, transitional and final provisions
- Annexes

# IED

## Key issues during negotiations (EP, Council)

- BAT / BREF / BAT conclusions – to be covered in more detail
- LCP emission limit values and flexibility
- “European Safety Net”
- Soil/groundwater
- Other issues

# IED – Key Issue 1: BAT

- BAT info exchange → BREFs: Sevilla process (unchanged)
- Specific definitions of BAT, BREFs, BAT Conclusions and BAT-AELs entered into the text – these define the scope of the work in these areas
- **BAT conclusions:** part of BREFs to be adopted via comitology (implementing acts)
- BAT conclusions shall be **the reference** in setting permit conditions
- ELVs to ensure **emissions do not exceed BAT AELs**
- Monitoring / reporting provisions linked to compliance with permit conditions

# IED – Key Issue 1: BAT

- **derogations (art. 15(4)) – competent authorities may choose to apply flexibility by setting less strict emission limit values**
  - only if costs are disproportionately higher than benefits due to local environment, geographical location or technical characteristics of the installation
  - environmental safeguards
    - no significant pollution
    - link to environmental quality standards
  - MS need to report on application of derogations
- **Commission may clarify the criteria through guidance**



# Work of the Commission

- **Ensuring MS transpose the Directive – see transposition checklist**
- **Ensuring MS implement the Directive**
- **Other actions such as:**
  - Organise exchange of information under Articles 13 and 64
  - Develop guidance on baseline reports (Article 22)
  - Develop guidance for MS on encouraging development / application of emerging techniques (Article 27)
  - Propose revised emission limit values for certain categories of LCP (Article 30)
  - Undertake reviews for a number of issues e.g. spreading of manure

# Work of Member States

- **Ensuring transposition of the Directive into national law**
- **Ensuring implementation of the Directive**
  - setting up of mechanisms for new provisions e.g. inspections
- **Providing information to the public**
- **Considering whether optional elements of the Directive are to be implemented**
  - e.g. transitional national plan, general binding rules, ...
- **Providing information to the Commission**
- **Playing an active role in the exchange of information under Article 13 and in particular provision of data**
- **Playing an active role in the Article 75 Committee**

## **Work of operators**

- **Contribute to information exchange on BAT**
- **Develop and apply emerging techniques**
- **Assist development of EU and national guidance**
- **Meet information requirements**
  - Pollutant Release and Transfer Register (PRTR)
  - large combustion plant inventory
- **Comply with permits!**
- **Assist regulator with permit reviews**

# Role of the Article 13 Forum (1)

- Primary role is to **help the Commission** in the implementation of Article 13
- To be comprised of MS, Industry, NGOs and Commission
- Largely a continuation of the Information Exchange Forum
- Forum to provide its **opinion** on the practical arrangements for the exchange of information and in particular:
  - a) the rules of procedure of the forum
  - b) the work programme for the exchange of information
  - c) guidance on the collection of data
  - d) guidance on the drawing up of BREFs and on their quality assurance including the suitability of their content and format

## Role of the Article 13 Forum (2)

Forum also has a key role to play in the [development of BREFs themselves](#)

- The forum shall provide its **opinion** on the **proposed content of the BREFs**
  - The opinion of the forum is to be made **publicly available**
  - The opinion of the forum is to be taken into account by the Commission when it proposes decisions on BAT conclusions to be adopted via the Article 75 Committee

# Role of the Article 75 Committee (1)

- The role of the Committee is to **assist the Commission**
- The Committee will operate (now) under **EU Regulation 182/2011** and in particular the examination procedure referred to in Article
- Committee **voting** is to be undertaken by **Member States only**

## Role of the Article 75 Committee (2)

Involvement in the [adoption process](#) for a number of key provisions

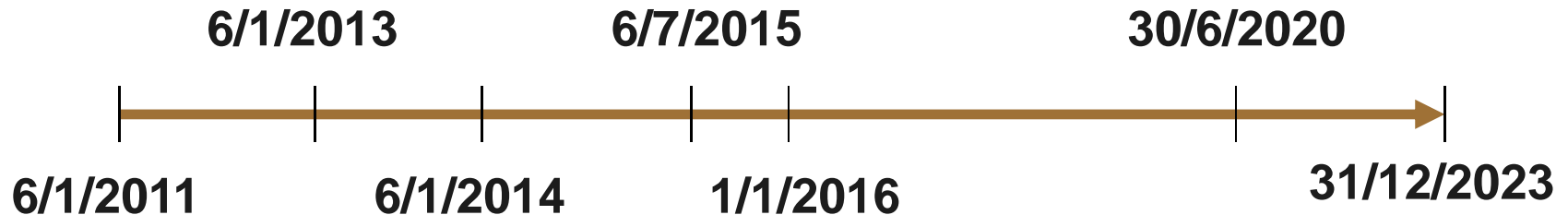
- **Adoption of certain [guidance](#) under Article 13(3)(c) and (d)**
  - guidance on the collection of data
  - guidance on the drawing up of BREFs and on their quality assurance including the suitability of their content and format.
- **Adoption of [BAT conclusions](#) under Article 13(4)**
- **Adoption of [implementing rules for LCP](#) under Article 41**
  - Determination of start-up and shut-down periods
  - Transitional National Plan rules
- **Type, format, frequency of [reporting by MS](#) under Article 72**

# Delegated acts

- **Articles 76-78 of IED lay out the mechanism for delegated acts to be applied in the case of IED**
  - Exercise, revocation and objections
- **Under IED delegated acts will be used for:**
  - Article 48(5) setting of date for continuous monitoring of heavy metals, dioxins and furans for waste incinerators and co-incinerators
  - Adaptation of Annexes V to VII (except ELVs)



# Timeline for the future



- Entry into force of the Directive on industrial emissions (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 TiO<sub>2</sub> Directives must meet the requirements of the IED.
- LCP do not yet need to meet the 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.
- LCP must meet the requirements set out in Chapter III and Annex V.
- Transitional National Plan provisions for LCP end
- Limited lifetime derogation provisions for LCP end



**Additional slides for info**

## IED – Key Issue 2: Large Combustion Plants (LCP)

- **ELVs from COM Proposal have been maintained**
- **Increased flexibility was added for existing plants**
  - **1 January 2016** kept as default implementation date
  - **temporary flexibilities**: transitional national plan, opt-outs, small isolated systems, district heating plants
  - derogations for **peak plants** (< 1500 h/y)
  - option to use **desulphurisation rate** instead of SO<sub>2</sub> ELVs
  - **refineries**: status quo LCP Dir, but review clause (end 2013)
- **review clause for diesel engines, recovery boilers, non-commercial gases (← based on BAT) (end 2013)**
- **new plants: implementation from end 2012 instead of 2016**

# IED – Key Issue 2: Large Combustion Plants (LCP) Flexibilities

Article	Final text
Art. 31 Desulphurisation rate	Minimum rates of desulphurisation without limit in time but Commission to <u>review limits</u> by 31 December 2019
Art. 32 Transitional National Plan (TNP)	until 30 June 2020
Art. 33(1) 'opt out' (limited life time derogation)	period: 1 January 2016 to 31 December 2023 max. operating hours: 17 500
Art. 35(1) derogation for district heating plants	until 31 December 2022

## IED -Key issue 3: “European Safety Net (ESN)”

- COM shall **assess the need to have ESN for an activity** as part of its 3-yearly implementation report
  - for activities within scope of BAT Conclusions adopted during previous 3 year period
  - based on **environmental impact** of activities and **level of application of BAT** in sector
  - assessment shall consider **opinion of the Forum**
  - accompanied by **legislative proposal** where appropriate, including EU wide minimum requirements where assessment identified such a need

## IED – Key issue 4: Soil / groundwater

- New provisions for soil and groundwater in order to ensure **integrated** approach to pollution prevention and reduction
- **Baseline report** required where hazardous substances are to be used or produced
- Once the **activity stops** operating then the operator assesses the **state of soil and groundwater contamination** by hazardous substances **against the baseline report**
- Where the comparison indicates contamination then the operator must take **action**
- **Monitoring**: permit to include requirement for periodic monitoring for soil (every **10 years**) and groundwater (every **5 years**) (art. 16(2))

# IED - Inspections (Art. 23)

- Environmental **inspection plans** covering all installations
- **Programmes** to be drawn up including the frequency of site visits
- Frequency to be determined on the basis of **risk appraisal**, considering at least:
  - Potential and actual impacts of installation on environment / human health
  - Record of compliance with permit conditions
  - Participation in EMAS
- **Minimum site visit frequency:**
  - highest risk: at least once every 12 months
  - lowest risk: at least every 36 months
  - Follow up site visit within 6 months in case of serious case of non-compliance
- **Reports** of inspections to be made publicly available



# IED- Other important provisions

- **Permit reconsideration: max. 4 years after BAT Conclusions**
- **General binding rules based on BAT**
- **Small number of new activities included**
  - Gasification/liquefaction other than coal  $\geq$  20 MW
  - Waste disposal: pre-treatment for (co-)incineration, slags and ashes, shredders metal waste
  - Waste recovery: same as disposal plus biological treatment
  - Wood panels production
  - Wood preservation
- **Commission reviews**
  - end 2011: thresholds for poultry, simultaneous rearing of animals
  - end 2012: Combustion plants below 50 MW, intensive rearing cattle; spreading manure