



# Procedure file

Basic information		
SYN - Cooperation procedure (historic)	<a href="#">1993/0526(SYN)</a>	Procedure completed
Environment: integrated pollution prevention and control  Amended by <a href="#">2000/0331(COD)</a> Amended by <a href="#">2001/0245(COD)</a> Amended by <a href="#">2004/0231(COD)</a> Repealed by <a href="#">2006/0170(COD)</a>		
Subject 3.70 Environmental policy 5.05 Economic growth		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>ENVI</b> Environment, Public Health and Consumer Protection	PSE <a href="#">BOWE David Robert</a>	30/08/1994
Council of the European Union	Council configuration	Meeting	Date
	Social Affairs	<a href="#">1948</a>	24/09/1996
	Telecommunications	<a href="#">1888</a>	27/11/1995
	<a href="#">Environment</a>	<a href="#">1861</a>	22/06/1995
	<a href="#">Environment</a>	<a href="#">1832</a>	09/03/1995
	<a href="#">Environment</a>	<a href="#">1817</a>	16/12/1994
	<a href="#">Environment</a>	<a href="#">1765</a>	08/06/1994

Key events			
15/11/1993	Committee referral announced in Parliament		
25/04/1994	Vote in committee		Summary
25/04/1994	Committee report tabled for plenary, 1st reading/single reading	A3-0286/1994	
02/05/1994	Decision by Parliament	COM(1993)0423	Summary
02/05/1994	Report referred back to committee		
08/06/1994	Debate in Council	<a href="#">1765</a>	
04/11/1994	Vote in committee		Summary
04/11/1994	Committee report tabled for plenary, 1st reading/single reading	A4-0077/1994	
13/12/1994	Debate in Parliament		
14/12/1994	Decision by Parliament	T4-0189/1994	Summary
16/12/1994	Debate in Council	<a href="#">1817</a>	
09/03/1995	Debate in Council	<a href="#">1832</a>	Summary

15/05/1995	Modified legislative proposal published	COM(1995)0088	Summary
27/11/1995	Council position published	<a href="#">09742/3/1995</a>	Summary
15/02/1996	Committee referral announced in Parliament, 2nd reading		
07/05/1996	Vote in committee, 2nd reading		Summary
07/05/1996	Committee recommendation tabled for plenary, 2nd reading	<a href="#">A4-0159/1996</a>	
22/05/1996	Debate in Parliament		
22/05/1996	Decision by Parliament, 2nd reading	T4-0240/1996	Summary
24/06/1996	Modified legislative proposal published	COM(1996)0306	
24/09/1996	Act adopted by Council after consultation of Parliament		Summary
24/09/1996	End of procedure in Parliament		
10/10/1996	Final act published in Official Journal		

### Technical information

Procedure reference	1993/0526(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
	Amended by <a href="#">2000/0331(COD)</a> Amended by <a href="#">2001/0245(COD)</a> Amended by <a href="#">2004/0231(COD)</a> Repealed by <a href="#">2006/0170(COD)</a>
Legal basis	EC before Amsterdam E 130S-p1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/4/07334

### Documentation gateway

Legislative proposal		COM(1993)0423 <a href="#">OJ C 311 17.11.1993, p. 0006</a>	14/09/1993	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		A3-0286/1994 <a href="#">OJ C 205 25.07.1994, p. 0005</a>	25/04/1994	EP	
Economic and Social Committee: opinion, report		<a href="#">CES0572/1994</a> <a href="#">OJ C 195 18.07.1994, p. 0054</a>	27/04/1994	ESC	Summary
Committee draft report		PE208.093	06/06/1994	EP	
Committee report tabled for plenary, 1st reading/single reading		A4-0077/1994 <a href="#">OJ C 363 19.12.1994, p. 0002</a>	04/11/1994	EP	
Committee opinion	<b>AGRI</b>	PE210.134/DEF	07/11/1994	EP	
Committee draft report		PE210.416	08/12/1994	EP	
Text adopted by Parliament, 1st reading/single reading		T4-0189/1994 <a href="#">OJ C 018 23.01.1995, p. 0054-0082</a>	14/12/1994	EP	Summary

Modified legislative proposal		<a href="#">COM(1995)0088</a> <a href="#">OJ C 165 01.07.1995, p. 0009</a>	15/05/1995	EC	Summary
Council position		<a href="#">09742/3/1995</a> <a href="#">OJ C 087 25.03.1996, p. 0008</a>	27/11/1995	CSL	Summary
Amendments tabled in committee		PE216.590/AM1	01/04/1996	EP	
Amendments tabled in committee		PE216.590/AM2	10/04/1996	EP	
Committee draft report		PE216.590/DEF	18/04/1996	EP	
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A4-0159/1996</a> <a href="#">OJ C 166 10.06.1996, p. 0004</a>	07/05/1996	EP	
Text adopted by Parliament, 2nd reading		T4-0240/1996 <a href="#">OJ C 166 10.06.1996, p. 0054-0069</a>	22/05/1996	EP	Summary
Modified legislative proposal		COM(1996)0306	24/06/1996	EC	
Follow-up document		<a href="#">COM(2003)0354</a>	19/06/2003	EC	Summary
Follow-up document		<a href="#">COM(2005)0540</a>	03/11/2005	EC	Summary

### Final act

[Directive 1996/61](#)  
[OJ L 257 10.10.1996, p. 0026](#) Summary

## Environment: integrated pollution prevention and control

The proposal for a Council framework directive sought to prevent and minimise emissions from industrial installations into the air, water or soil, on the basis of an integrated approach which was to replace the sectoral approach followed to date. The objective was to resolve the problems of pollution rather than to transfer them from one environment to the other. The text provided for respect by industrial installations of emission limit values fixed on the basis of 'best available techniques' (BATs) and the issue of permits to those installations. Having regard to the principle of subsidiarity, the Member States were allowed a large scope of action: it was proposed that in the first instance the Member States adopted their own emission limit values based on BATs for the industrial sectors referred to in the directive. However, the Member States were required to inform the Commission of the emission limit values and the best available techniques adopted. After 30 June 2005 no existing installation would be operated without a permit issued pursuant to the directive. ?

## Environment: integrated pollution prevention and control

The Committee adopted the report by Mr David Bowe (PSE, UK) on integrated pollution prevention and control. This report called for a register of emissions to be kept for certain installations and categories of installation. The register would help disseminate the standards and techniques which applied within the EU and would also help Member States implement the Directive. Member States were to ensure that none of the existing installations remained in operation after 30 June 2005 without a permit issued in accordance with the Directive. The limit values for emissions should be set by Community legislation with the aim of ensuring that environmental standards were not breached. Where an environmental quality standard required stricter conditions than those which could be achieved by the use of "the best available technique" method, additional measures should be provided for in the operating permit. The report also stressed that the Directive should not prevent Member States from maintaining or introducing stricter protection criteria. Member States should retain the freedom to define areas which were particularly polluted or which required special protection and should be able to prohibit the construction of certain installations in these areas, or at least impose stricter criteria on them. ?

## Environment: integrated pollution prevention and control

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## Environment: integrated pollution prevention and control

This report was already adopted in the Committee on 25 April 1994, but at the EP sitting of 2 May 1994, the report was referred back to the Committee, at the request of the Committee on Agriculture and of the EPP Group. 40 amendments had been tabled by the rapporteur and

other members, in addition to the 45 already contained in the report. The purpose of the amendments tabled by the rapporteur is to ensure the efficient use of raw materials, water and energy in industrial process within the Community, so as to achieve a high level of protection for the environment as a whole. The amendments carried will bring Commission and Member States under pressure to accept the EP's opinion now", Mr. BOWE said. In amendment 1, the rapporteur calls for a pollution emissions register for specific plants and plant categories, which would help to address the worldwide dissemination of limit values set and techniques used within the EU, and support the Member States in efficient implementation of the Directive. Member States shall ensure that no existing installation shall be operated later than 30 June 2005, without a permit issued in accordance with this Directive, unless this is stated otherwise in specific EU legislation. Where environmental quality standards or, where they do not exist, relevant guidelines already recommended by the WHO are being breached, existing installations shall be given priority in undergoing this licensing procedure. But the rapporteur feels that until the procedure for issuing permits is completed, Member States may apply economic instruments as appropriate. The Committee also adopted the rapporteur's amendment nr. 64 on emission limit values: - Emission limit values shall be set by EU legislation based on BAT with the aim of ensuring that environmental quality standards are not breached. Where an environmental quality standard requires stricter conditions than by the use of best available techniques, additional measures shall be required in the permit. And in amendment no 16: - Member States may take the necessary legislative proposals to ensure charges are imposed on those emissions of pollutants from existing plants which would not have occurred if BAT had been set. They also may fix charges for emissions on their potential for pollution, and in particular taking into account their toxicity, persistence and accumulation., provided that they at least meet any maximum charge that may be established by the Council. Mr. BOWE also saw his amendment 21 carried, pointing out that this directive shall not prevent any Member State from maintaining or introducing more stringent protective measures compatible with EU legislation. Member States may in particular define areas which are particularly polluted or which should be specially protected and forbid the construction of certain categories of installations or make their operation subject to the requirement to use the best available techniques.

## Environment: integrated pollution prevention and control

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Parliament approved the Commission proposal subject to 55 amendments. These amendments seek mainly to: - call for a specific register of polluting emissions to be kept for certain installations and categories of installations; - supplement the objectives of the directive with a view to guaranteeing efficient use of raw materials, water and energy in industrial processes within the Community; - determine the operator's basic obligations for the purposes of licensing; - oblige Member States to ensure that operators take action to prevent any adverse environmental impact; - ensure that emission limit values are set in Community legislation on the basis of the best available techniques; - lay down licensing procedures for undertakings in order to ensure that they comply with requirements; - extend the scope of the directive to radioactive substances and nuclear installations not covered by the EURATOM Treaty; - supplement the annexes in order to include polluting industries not taken into account by the Commission. The Commission rejected amendments 1, 4, 5, 6, 11, 13, 14, 18, 19 to 24, 29 to 34, 37, 38, 39, 42, 45, 46, 48, 50 to 52 and 56.?

## Environment: integrated pollution prevention and control

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The Council centred its discussions on the main problems arising from the proposal and, on the basis of a Presidency draft, made some progress, which should facilitate an overall solution. The Council instructed the Permanent Representatives Committee to continue examining the problems outstanding and to report to it for its next meeting, in June.

## Environment: integrated pollution prevention and control

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The amended proposal incorporates 27 of the 57 amendments adopted by the European Parliament. The main amendments relate to: - the introduction of the concept of the "basic obligations of the operator", meaning that operators are responsible for managing the environmental consequences of their activity during the entire life of their installations and must draw up an active strategy to help improve and protect the environment on a permanent basis; - public access to information on applications for permits before any decision is taken; - the deletion, under the definition of the term "preparation" of the exclusion of finished products and radioactive substances; - the addition, under "emissions" of lighting and vibration; - the amendment to the definition of "substantial change" in order to cover all types of major change more completely; - the inclusion of nuclear installations; - a more flexible procedure for permits for existing installations; - the scope of the directive. However, the Commission did not accept amendments relating to: - the register of emissions and the assurance regarding the effects of pollution; - public health and the impact assessment; - fixed emission limit values; - the system of taxation; - comitology: the Commission stood by its initial proposal to set up an advisory committee.?

## Environment: integrated pollution prevention and control

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The Council's common position incorporates, in full or in part, 25 of the 57 amendments voted by the European Parliament at first reading, viz.: - a new recital on the operator's responsibility; - guaranteed public access to information before any decision on permits is taken; - limitation of the scope of the directive to the industries listed in Annex I; - inclusion of finished products in the directive (radio-active substances are still excluded); - inclusion of vibration in the definitions of pollution and emissions (lighting is still excluded); - definition of substantial change in operation as a change which may have an adverse impact on the environment; - a new article on the operator's basic obligations; - a note to the effect that an existing installation complies with the directive if a permit meets the requirements of the directive; - a more flexible requirement as regards the inclusion of measures relating to final closure in the permit; - the presentation of Commission proposals on the basis of an exchange of information, where action is needed at Community level; - Annex I (categories of industrial activities): introduction of surface treatment installations using an electrolytic or chemical process; introduction of hazardous and non-hazardous waste incineration installations; lower threshold for paper pulp production plants. - Annex III (water): introduction of biocides and plant health products. In addition, the Council introduced the following new elements: - extension of the definition of existing installation to installations for which a full application for a permit has been filed, subject to compliance with certain conditions; - introduction of a reference to costs and benefits in the definition of best available techniques (BATs); - a transitional period of eight years for existing installations; - references to the protection of

groundwater and waste management in the article relating to the conditions for obtaining a permit; limit values must be based on BATs and a reference is introduced to the need for the technical characteristics and local environmental conditions to be taken into account when establishing emission limit values and the need to ensure that there is protection against cross-border pollution; - addition of specific provisions applicable to intensive agricultural units; - establishment of an inventory of sources of pollution within the framework of the directive; - reports on the implementation of the directive and its efficiency as regards environmental protection, to be presented by the Commission to the Council, where necessary with proposals for action; - a new article concerning the laying down of Community emission limit values by the Council at the proposal of the Commission for the categories of installations listed in Annex I, taking account of the indicative list of the main pollutants listed in Annex III; - the deadline for implementation of the directive (three years after publication).?

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## Environment: integrated pollution prevention and control

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The committee adopted a draft recommendation for a second reading by Mr David BOWE on the common position established by the Council with a view to the adopting of a Council Directive on integrated pollution control and prevention. The aim of the proposal is to prevent or reduce emissions into the air, water and soil from industrial and agricultural activities (listed in Annex I) so as to achieve a high level of protection for the environment as a whole. An integrated approach to pollution control involves minimizing emissions of pollution into all media (air, water or land) at the same time, thus avoiding the transfer of pollution from one medium to another. It considers all the emissions from an industrial plant and prevents companies from emitting into the air, for example, pollution which they have been prevented from emitting into water. While some Member States are already implementing integrated pollution control, the idea is to introduce it in all of them. The directive will apply to most industries in the Union as well as to intensive agricultural units. This would have two benefits: (1) it would ensure the widespread adoption throughout the Union of the most effective system for protecting the environment as a whole and (2) it would provide a level playing field by ensuring that industrial competitors in different Member States faced similar regulatory controls. Parliament adopted 57 amendments at the first reading on 14 December 1994 but only 13 of these were incorporated, wholly or in part, into the common position established by the Council on 27 November 1995. On 7 May 1996, in its recommendation for second reading, the committee adopted 57 amendments to the common position. However, the committee did amend the common position to include a passage referring to "the location, nature and extent" of an installation's activities. Another amendment adopted by the committee for second reading introduced a new passage to the effect that the directive "shall not prevent any Member State from maintaining or introducing more stringent protective measures compatible with the Community legislation". The committee also called for the establishment of an advisory committee on the directive rather than a regulatory committee. Parliament has long taken the view that regulatory committees give too much influence to the Member States to the detriment of the Commission

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## Environment: integrated pollution prevention and control

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The European Parliament adopted the recommendation for second reading by Mr David BOWE (PSE, UK) concerning integrated pollution control prevention. Of the 57 amendments adopted by Parliament at first reading, only 13 were included, in full or in part, in the common position of the Council. Most notable among the amendments which the report recasts are those which seek to avoid excessive burdens on small and medium-sized enterprises. The report also reintroduces an amendment which provides for the compliance by industrial installations with emission limit values based on the "best available techniques". The report deletes a provision of the common position which would have made it possible for emission limit values to be fixed by taking account of the geographical location and local environmental conditions of the installation concerned. The recommendation also provides, in accordance with the "polluter pays" principle, for operators to bear responsibility for managing the environmental consequences of their activity during the entire life of their installations. Moreover, upon definitive cessation of activities, measures must be taken to avoid any pollution risk and return the site of operation to a satisfactory state. Finally, the proposal allows for Member States to maintain or introduce more stringent protective measures.?

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## Environment: integrated pollution prevention and control

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OBJECTIVE: To prevent and minimize emissions from industrial installations into the air, water or soil, on the basis of a horizontal approach which is to replace the sectoral approach followed to date. COMMUNITY MEASURE: Council Directive 96/61/EC concerning integrated pollution prevention and control. SUBSTANCE: The framework Directive provides for compliance by industrial installations with emission limit values established on the basis of the 'best available techniques' (BATs) and the issue of permits in respect of such installations, so as to ensure that no new installations may be operated unless they comply with the Directive. The Directive lays down the general principles governing the basic obligations of the operators of such installations, which the Member States must enforce. Applications for permits for new installations and for substantial changes to existing installations must be made available to the public, to enable it to comment on them before the competent authority reaches its decision. The Directive contains a detailed list of the descriptions which must be provided when permits are applied for. Where more than one competent authority is involved, consideration of applications shall be coordinated in order to guarantee an effective integrated approach. The Directive also covers compliance with and reconsideration and updating of permit conditions. It also provides for the setting of limit values for those categories of installations in respect of which the need for Community action has been identified. ENTRY INTO FORCE: 30/10/1996 DEADLINE FOR TRANSPOSITION: 30/10/1999. An eight-year transition period is envisaged for existing installations. ?

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## Environment: integrated pollution prevention and control

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The Council adopted the Directive.

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## Environment: integrated pollution prevention and control

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The Commission has presented its communication on the progress on implementing Council Directive 96/61/EC concerning integrated pollution prevention and control. Compliance with the Integrated Pollution Prevention and Control Directive is one of the key prerequisites for European industry to achieve good environmental performance. The Commission has a clear message to send to Member States and Candidate Countries: a high level of protection of the environment, which is the overriding objective of the Directive, can only be achieved if the authorities in charge of implementation make the efforts necessary for correct implementation and engage in constructive interaction with plant operators and other stakeholders. A large number of Member States need to accelerate progress towards this objective and the majority of the Acceding Countries must continue to significantly enhance their efforts, as agreed in the accession negotiations. In all cases except where an extra transition period has been granted, which may be the case for installations located in Poland, Slovenia, Slovakia or Latvia, the final deadline is October 2007. Under the the Directive, most decisions about binding environmental standards are taken by the Member States and their authorities in line with the principle of subsidiarity. However, if it becomes clear that their efforts to implement the Directive are insufficient, it might be necessary to consider a higher degree of harmonisation to ensure reasonable consistency between permits issued by different authorities, or alternative ways to achieve the Directive's objectives. Should it become clear that the efforts of the authorities are insufficient, it might be necessary to consider a more harmonised approach that ensures a reasonable degree of consistency between permits issued by different authorities, for example by setting minimum Community-wide emission limit values as a rule rather than as an exception. Alternatively, greater use of market-based instruments could be considered. Successful implementation of the Directive would represent a major contribution to a number of actions under development as part of the Sixth Community Environment Action Programme, in particular the thematic strategies on air pollution, the marine environment, soil protection, sustainable resource use and recycling as well as the strategy on climate change. A particular challenge in this respect will be to evaluate the expected impact of the Directive on the environmental issues addressed in these strategies. The Community also needs to constantly strive for an optimal mix of environment policy instruments, check that there is full consistency between them and to explore the possibility of making more use of non-traditional approaches which provide incentives to companies to further improve their environmental performance. In the global arena, the Community needs to continue its efforts to promote a progressive transition to sustainable production patterns within the 10-year framework of programmes agreed at the World Summit on Sustainable Development in Johannesburg. It is particularly important for non-European countries as well to be able to reap the benefits of the European information exchange on best available techniques. With the publication of this Communication, the Commission is launching a broad consultation on implementation issues and future development of the policy that addresses the environmental impact of large industrial point sources. ?

## Environment: integrated pollution prevention and control

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Council Directive 96/61, otherwise known as the IPPC Directive, obliges the European Commission to prepare a Report on the Directive's level of implementation. In presenting this Report to the European Parliament and the Council, the Commission is fulfilling its obligation under Article 16 of Directive 96/61. This is the first Report prepared by the Commission since the Directive's entry into effect in October 1999 and covers the years 2000 ? 2002. Bearing the time frame in mind, the Report only covers fifteen Member States and does not include the new EU Member States.

To recall, the IPPC Directive seeks to prevent and control pollution from an estimated 45 000 industrial installations across the then fifteen EU Member States. In assessing the general progress made in implementing the Directive, the Commission notes that the IPPC Directive has been transposed but with considerable delays. Although most of the Member States had transposed the necessary legislation by the end of 2004 a number of gaps remained in some of the Member States' legislation. In addition, a number of shortcomings have been noted. For example, infringement proceedings are currently underway against Belgium, Denmark, France, Germany, Greece, the Netherlands, Luxembourg and Spain. Further, in 2004, the ECJ ruled for the first time against Austria for failure to transpose the IPPC Directive completely. In other developments, the Commission notes that in most cases, the Member States have opted to take a different approach in the adoption of the Directive. France and Sweden, for example, only made minor changes to their legislation given that they had an extensive body of law in place compared to Spain, Portugal and Greece who had no pre-existing integrated permitting system. The latter countries, therefore, based much of their provisions on those of the IPPC Directive. As concerns the number of IPPC permits issued the Commission reports that until the end of 2002 around 5545 installations were granted permits for substantial changes, representing around 13% of the 45 000 installations to which the Directive applies. The Report has also identified a discrepancy in the number of permits issued by the Member States. Italy, Spain and Portugal each reported less than 10 permits granted for 'substantial changes' in existing installations, whereas several other Member States reported much higher permitting levels for such types of installations. Greece provided no information at all on the number of permits issued. The Commission expresses concern that one result of the limited progress in the Directive's practical implementation could be the disproportionate number of permit applications being filed prior to the October 2007 deadline for the overall implementation of the Directive. As a result, the Member States are urged to take a much more active approach towards meeting the Directive's full requirements by the end of October 2007.

In light of the challenges and issues raised, the Commission has identified seven actions which need to be carried if the full implementation of the IPPC Directive is to be assured. The seven actions identified are as follows:

1. To ensure full transposition of the Directive by pursuing infringement cases.
2. To regularly monitor the Member States in their efforts to meet the 2007 deadline. Indicators will be developed which will include information on the number of installations identified and the number of permits issued or updated by the Member States.
3. To intensify the use of the European Pollutant Emission Registers, to launch a project whereby 30 installation are chosen at random in order to verify their compliance with the Directive and to launch a project examining whether the 'general binding rules' set up in certain Member States meet the requirements of the Directive. This action has been specifically designed to ensure that there is no abuse of the Directive's inherent flexibility.
4. To ensure the finalisation of the first round of BREFS and to begin their review.
5. To clarify certain ambiguous legal issues and to technically review the Directive
6. To assess ways in which existing legislation can be streamlined on industrial emissions in line with the Better Regulation initiative.
7. To assess the possible use of market-based instruments and to examine what other incentives could be introduced.

Lastly, the Report notes that there is general agreement amongst the Member States that the IPPC Directive acts an effective tool in combating industrial pollution. At the same time, some of the Member States expressed the need to clarify certain technical aspects of the IPPC Directive and a requested greater coherence with other related EU legislation ? specifically on industrial emissions. In addition, the United Kingdom and the Netherlands, as well as some industrial associations have asked for more scope to provide emissions trading, principally for NO<sub>x</sub> and SO<sub>2</sub>, as an alternative to the current BAT-based permitting process. As far as next steps are concerned, the

Commission is committed to continue the on-going review of the Directive throughout 2006. To complement the review an Advisory Group on the IPPC is to be set up. In its concluding remark the Commission states that the Member States' first priority must be the full implementation of the Directive by 30 October 2007.