

Towards an improved policy on industrial emissions

Filip François
European Commission, DG ENV.C.4

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Content of the presentation

■ Current situation and background

- IPPC Directive 2008/1/EC
- BREFs (and review)
- LCP Directive 2001/80/EC

■ the IPPC Review

■ Commission's IPPC Recast proposal

- Objectives
- Main changes related to LCP
- Status of co-decision process

Current situation and background to the IPPC Review

The current situation

European industry is subject to a range of industrial emissions legislation....

IPPC Directive

**Large Combustion
Plants (LCP) Directive**

**Waste Incineration
Directive**



**Directive on the limitation
of emissions of VOC from
solvents**

**Directives related to the
titanium dioxide industry**

**European Pollutant
Release and Transfer
Register (E-PRTR)**

**This makes enforcement at Community level very difficult and
leads to unnecessary administrative burden**

A bit of background on the IPPC Directive

- Directive 2008/1/EC concerning integrated pollution prevention and control (codified version of 96/61/EC)
- There are approximately 52 000 IPPC installations in operation across Europe comprising...

Energy industries...

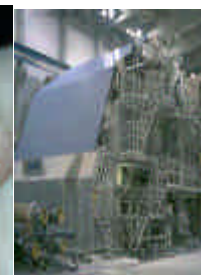
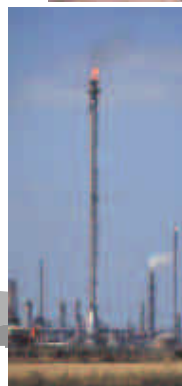
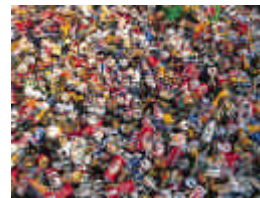
Metal Industries...

Mineral industries...

Chemical industries...

Waste management...

Other activities...



Fundamentals of the IPPC Directive

- Focus on **prevention** of pollution and, if not feasible, **minimisation**
- Installations must operate according to an **integrated permit**
- Permits should contain **ELVs based on BAT** with the possibility to take into account certain local conditions
- BAT information exchange leads to the BAT Reference Documents (**BREFs**), adopted by the Commission
- The Public are provided with access to information
- Final deadline for implementation: **30 October 2007**
- Supplemented by “sectoral” Directives setting **minimum requirements** (ELVs, monitoring): LCPD, WID, SED, ...

BAT information exchange and BREFs

■ Information exchange required by IPPCD - Art 17(2)

→ organised by COM: involves Member States & industries concerned

■ Purpose

→ help Member States in efficient implementation

→ help to redress technological imbalances in EU

→ promote worldwide dissemination of techniques used in EU

■ Process

→ Technical Working Group with BREF author from EU IPPC Bureau

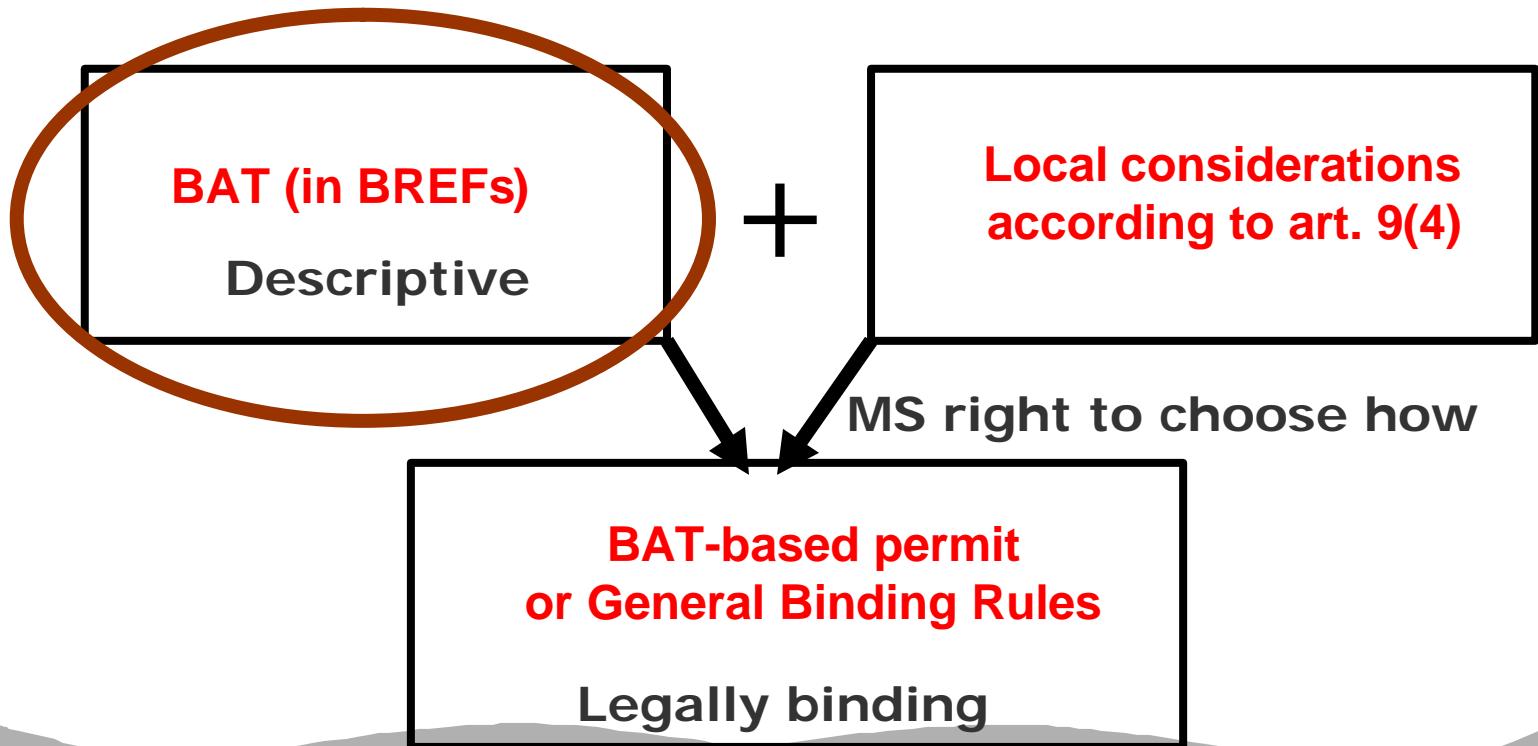
→ **Sevilla Process**: data gathering and exchange, meetings (3-4 years)

→ Agreement on draft final BREF by Information Exchange Forum (IEF)

→ Formal adoption and publication by Commission

■ Result: 32 BREFs, both sectoral and horizontal ones

From BREF to Permit conditions



Review of the BREFs

- **Dynamic nature of BAT**

- **Main concerns**

- New information with potential impact on BAT (gaps, emerging techn.)
- Actual levels of performance
- Correction of errors
- Coherence with other BREFs

- **Guidance document setting out principles for improving data collection for BREFs (April 2008)**

- Data collection to ensure that useful BAT conclusions can be drawn

LCP BREF



EUROPEAN COMMISSION

- adopted in 2006
- will be revised from 2010 on

Integrated Pollution Prevention and Control

Reference Document on
Best Available Techniques for

Large Combustion Plants

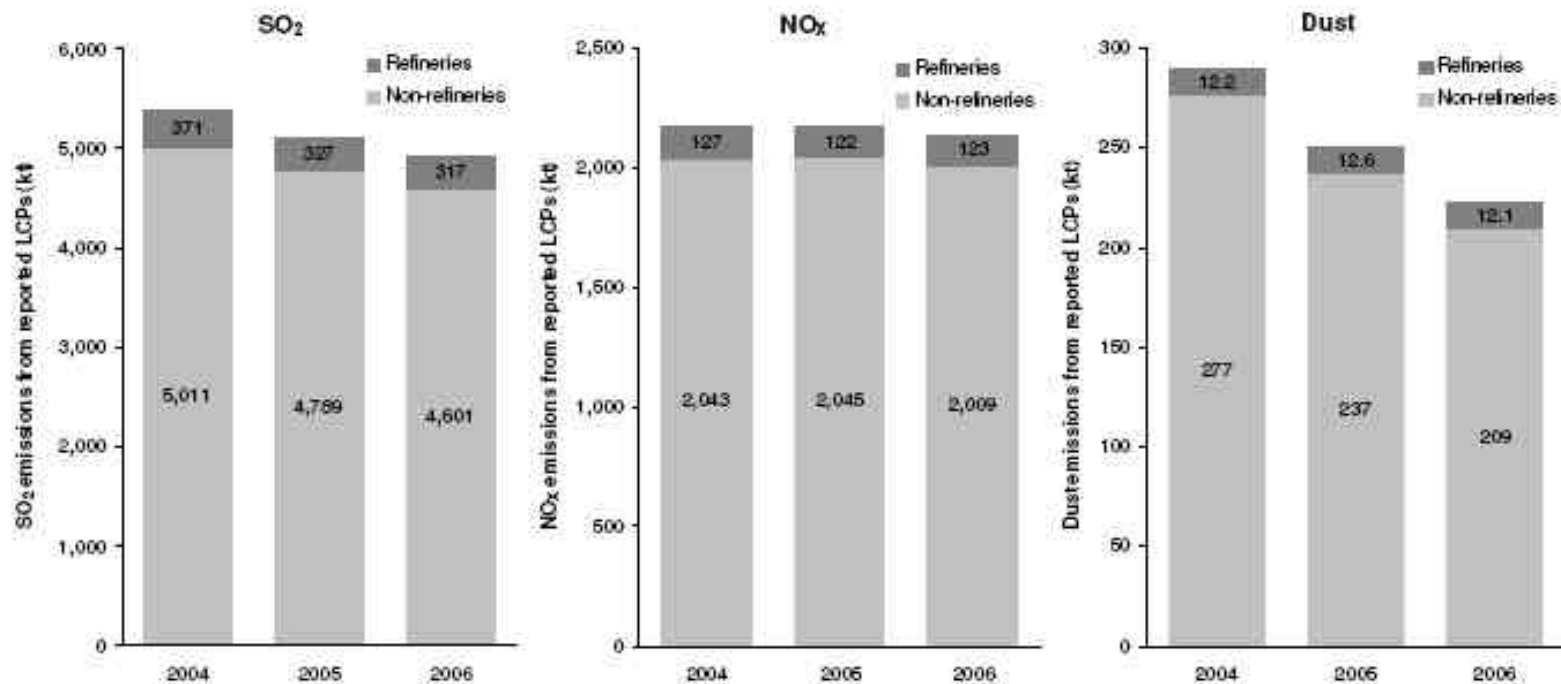
July 2006



LCP Directive 2001/80/EC

- replaced “old” LCP Directive 88/609/EC
- regulates emissions of **SO₂, NO_x and dust** from combustion plants **> 50 MW rated thermal input**
 - excluded: pre-2002 gas turbines, gas/diesel/petrol engines, certain process plants
 - existing - “old new” - “new new”
 - ELVs: fuel and capacity specific
 - **existing** plants: MS may choose to apply **national plan (NERP)**
 - **opt out** for “limited life time” plants
 - emission monitoring: continuous if > 100 MW
- sets minimum standards without prejudice to IPPC Directive

LCP Directive 2001/80/EC: emission inventory



The Commission's review of the IPPC Directive and related legislation

Concerns with the status quo

The Commission's review identified **5 main areas of concern**:

- 1) **Insufficient implementation of Best Available Techniques (BAT)**
- 2) **Limitations with regard to compliance enforcement and environmental improvements**
- 3) **Unnecessary administrative burdens due to complexity and inconsistency of parts of legal framework**
- 4) **Insufficient scope and unclear provisions to achieve the Thematic Strategy objectives (air, waste, soil)**
- 5) **Constraints on the use of more flexible instruments, such as NO_x and SO₂ emission trading systems**

The Commission's proposal for a Directive on industrial emissions (IPPC)

Scope of Recast Proposal

COM(2007) 844 final, 21.12.2007

- **Through the Commission's proposal for a Directive on industrial emissions the following legislation is recast into one single act**
 - Directive 2008/1/EC concerning integrated pollution prevention and control (IPPC)
 - Directive 1999/13/EC on VOC solvent emissions (SE)
 - Directive 2000/76/EC on waste incineration (WI)
 - Directive 2001/80/EC on large combustion plants (LCP)
 - Directives 78/179/EEC, 82/883/EEC and 92/112/EEC related to the titanium dioxide industry

Structure of Recast Proposal

- Chapter I: Common provisions
- Chapter II: Special provisions for **activities listed in Annex I**
- Chapter III: Special provisions for **combustion plants [> 50 MW]**
→ **technical provisions in Annex V**
- Chapter IV: Special provisions for waste (co-)incineration plants
- Chapter V: Special provisions for installations and activities using organic solvents
- Chapter VI: Special provisions for installations producing TiO₂
- Chapter VII: Committee, transitional and final provisions
- Annexes I - VIII

Retaining principles of IPPC Directive

- high level of environmental protection
- integrated approach
- Best Available Techniques
- requirement to have a permit
- information of the public

... while tackling main issues of concern ...

Issue 1: Implementation of Best Available Techniques (BAT)

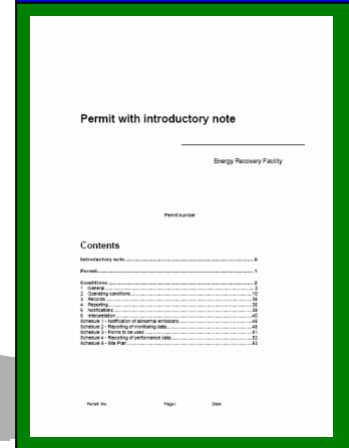
BREFs shall be the reference for setting the permit conditions (Article 15(3))

Permits issued to operators must contain BAT based permit conditions (Article 16(2))

BREFs contain emission levels associated with the use of BAT (**BAT-AELs**)

Permits must contain **emission limit values** (ELVs) set by the competent authority that do not exceed BAT-AELs (Article 16(2))

Derogation from BAT AELs is allowed in **specific** cases as long as it is **justified** (Article 16(3))



Issue 1:

Implementation of BAT: new minimum ELVs for LCP

- **tightening of minimum ELVs for LCPs from 2016 on**
 - aligned with current BAT (upper end of the AEL range)
 - differentiation pre / post 2016 plants
- **no more NERP option for existing plants**
 - emission trading is being considered as an option
- **no “opt outs”**
- **clarification of “common stack”**
- **extension of scope**
 - pre-2002 gas turbines and gas engines
- **waste co-incineration in LCPs: ELVs are aligned**

Issue 1:

Implementation of BAT: new minimum ELVs for LCP (2)

NO _x ELVs mg/Nm ³	LCP Directive			Industrial Emissions Recast Proposal	
	MWth	existing "old new"	"new new"	existing	new
<i>coal/lignite</i>	<i>50 - 100</i>	600	400	300 (450)	300 (400)
	<i>100 - 300</i>		200	200	200
	<i>300 - 500</i>	500 → 200 (> 2016)		200	200
	<i>> 500</i>				
<i>liquid fuels</i>	<i>50 - 100</i>	450	400	450	300
	<i>100 - 300</i>		200	200	150
	<i>300 - 500</i>	400		150	150
	<i>> 500</i>				
<i>natural gas (boilers)</i>	<i>50 - 300</i>	300	150	100	100
	<i>300 - 500</i>		100		
	<i>> 500</i>	200			
<i>gas turbines</i>	<i>natural gas</i>	not covered	50 (75) (*)	50 (75) (*)	50 (*)
	<i>other gases</i>		120	90	50
<i>gas engines</i>	not covered			100	75

(*) efficiency to be taken into account in some cases

Other issues (1)

- **Limitations with regard to compliance enforcement and environmental improvements**

Minimum provisions are introduced on:

- Inspections
- Reconsideration/update of permit conditions
- Reporting on compliance by operators

- **Reduction of unnecessary admin burdens**

- streamlining and simplification
- action plan to stimulate measures at MS level

Other issues (2)

■ Insufficient scope and unclear provisions

New activities to the IPPC scope

→ Combustion installations 20-50 MW

Clarification of IPPC scope for existing activities

New provisions on protection of **soil and groundwater**

■ Constraints on using **NO_x** and **SO₂** emission trading

→ no provisions in legal text

→ could be **cost-effective** tool to provide significant savings in achieving environmental improvements

→ however, **clear EU-wide rules are necessary** and the Commission is undertaking research in this area

Expected benefits of the Commission's legislative proposal

- Significant **environmental and health benefits** through the application of BAT, better enforcement and inspection and the extension of the scope of the legislation
- For the **LCPs** alone, net environmental benefits from emission reduction of €7-28 billion per year incl. annual reduction of premature deaths by 13 000
- Net reduction of **administrative burden**: €105-255 million/y
- A more unified application of BAT will also **reduce distortion of competition**
- The impact assessment has shown that the proposal will have **no long term impacts on competitiveness**

Co-decision: state of play in EU institutions

- **EP:** 1st reading - vote in plenary foreseen on 12 March 2009
- **Council:** political agreement foreseen under CZ Presidency in June 2009
- The proposal may be subject to a **second reading**
- **End of co-decision** foreseen in 2010

Indicative Timeline

Entry into force	Jan 2011
Transposition Application to <u>new</u> installations	July 2012 (+ 1,5 years)
Application to <u>existing</u> installations (<u>current IPPC activities</u>) Repeal 6 existing Directives (not LCP Dir)	Jan 2014 (+ 3 years)
Application to <u>existing</u> installations (<u>new IPPC activities</u>)	July 2015 (+ 4,5 years)
Application of provisions of <u>Chapter III (LCP)</u> Repeal LCP Directive	Jan 2016 (+ 5 years)

For more information...

- **DG ENV industrial emissions website**
<http://www.ec.europa.eu/environment/ippc/index.htm>
- **CIRCA website on the IPPC review (reports)**
http://circa.europa.eu/Public/irc/env/ippc_rev/library
- **Summary report of LCP emission inventories 2004-2006**
http://eea.eionet.europa.eu/Public/irc/eionet-circle/reporting/library?l=/lcp_reporting/summary_report/
- **European IPPC Bureau (BREFs) [new website]**
<http://eippcb.jrc.ec.europa.eu/reference/>