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CONSULTATION OF STAKEHOLDERS ON IPPC**1. Is there a need for any additional action at EU level to address implementation difficulties or should current and future Member States deal with them individually? If there is such a need, what type of action should be appropriate?**

UNICE considers that the IPPC Directive is based on a very good concept and there are no reasons to amend it significantly. Implementation of the Directive is the responsibility of each individual Member State but it is one of the roles of the Commission to ensure that national implementation is in agreement with the general principles of the Directive.

One important implementation problem, which has been raised several times within the TWGs and the IEF is the issue of the threshold values given in Annex 1 of the Directive. The divergence of interpretations between Member States can be very wide and could introduce some distortion inside the EU. This issue was discussed several times in different IEF sessions and should be one of the priorities for the future revision of the Directive

Due to long delays for finalising a number of sectorial BREFs, UNICE would suggest either postponing the prescribed date of 2007 for the compulsory granting of permits, or at least leaving more time for installations to carry out the necessary technical and operational adjustments.

2. What support measures should be taken at UE, national, regional, or local level to facilitate compliance by installations, in particular SMEs?

Up to now, the fundamental principles of the Directive are not sufficiently well known and understood at regional or local level. Dissemination of information and adequate training have to be developed in order to ensure that the operators and the authorities directly involved in the elaboration of a permit are fully aware of these principles. Good co-operation and dialogue between environmental authorities should be promoted. Information seminars, training as well as overall co-ordination of BREF information exchange should be further developed at national and local levels. The role of the IMPEL network could be further promoted at EU level. Simple and clear guidance on 'how to use the BREF in practice' should also be available for the national competent authorities and the operators.

In some industrial sectors, far too many SMEs are presently concerned by the Directive (their number being largely depending on the interpretation by the Commission and at Member State level of the threshold values in Annex 1). The process for implementing a permit needs far too much work for SMEs in general. If IPPC-type permits for SMEs are found really necessary for sound environmental reasons, the permitting procedures should be thoroughly simplified; for instance by taking into accounts only the most important pollutants.

3. What role can the Directive and its exchange of information on best available techniques play in the international arena to promote sustainable production?

UNICE supports the EU role in promoting, at international level, the same high environmental standards and rules existing in Europe. Dissemination of knowledge on available techniques and the European experience of their implementation to achieve environmental quality standards should help to achieve sustainable production in the international arena.

We also believe that the international context should be taken into account in order to ensure that the competitiveness of the European industry is not harmed by unduly heavy environmental constraints

4. Is the information exchange on best available techniques optimal and are the BREF documents an effective implementation tool?

UNICE thinks that the exchange of information is adequate. The Seville process has allowed all interested parties to be actively involved in preparation of the BREFs.

The BREFs represent a useful instrument for the application of the Directive but it must be recalled that they should in no case impose on industries a technique applicable to all cases, since each industrial site is a unique case with many possibilities for variations.

5. Is the scope of the Directive in terms of activities and thresholds appropriate to address the most significant environmental impacts of production processes?

Concerning the threshold values, see comments above. UNICE would favour a clarification about the interpretation of the values in Annex 1, prior to any revision of the values themselves.

UNICE does not support any extension of the scope of the Directive which we consider already covers all industries having a real potential impact on the environment.

6. In which cases do Community-wide emission limit values as minimum requirements help achieve a high level of environmental protection and prevent distortions of the Internal Market?

UNICE is not in favour of Community-wide emission limit values which would be contradictory to the flexible approach principle that takes into account the local conditions. Nevertheless the EU Commission should make sure that the ELVs do not differ excessively and without sound reasons from one place to the other in order to ensure a level playing-field.

So far, we do not see any specific case which requires Community-wide ELVs. If such a case is considered it must be supported by sound science and economically justified. In this regard, the experience gained with the CAFE programme for “transboundary” air pollutants could be valuable to analyse the need and the specific levels required for other pollutants.

7. In order to achieve EU environmental objectives for large industrial and agricultural installations is any action needed to ensure optimal consistency between this Directive and the other existing or potential instruments used at EU or national level? In particular, how can the EU further promote complementary use of market-based instruments, including national emissions trading, and voluntary instruments?

UNICE considers the IPPC Directive and associated processes as an efficient tool for achieving better prevention and control of industrial impacts on the environment. Therefore, any new Directive or Regulation, or any revision of them, should be made consistent with the IPPC Directive.

Concerning the relationship between the IPPC and the Emissions Trading Directive, UNICE believes that, for installations participating to the emissions trading scheme, no other specific requirements on emissions and on energy efficiency should apply.

In addition, we strongly suggest waiting for the Commission report expected in the first half of 2004 on Implementation within Member States and for the conclusion of the CAFÉ strategy before any additional developments are considered. We are satisfied with what has been achieved so far but believe that no new obligations should be added until there is full compliance and the results have been assessed.

8. Do you have any other comments or suggestions of relevance to the subject of the Communication?

The fact that the BREFs are not fully translated into national languages creates some difficulties as well as delays for implementation of the Directive. This means that the return of experience on local implementation of the Directive will be available later than foreseen. It is a major point to be taken into account before the revision of existing BREFs is launched. This is of particular importance when small and even micro-enterprises are included in the scope of the Directive.