



5 June 2009

PROPOSAL FOR A DIRECTIVE ON INDUSTRIAL EMISSIONS (RECAST OF IPPC DIRECTIVE)

BUSINESSEUROPE PRIORITY CONCERNS IN VIEW OF THE MEETING OF THE COUNCIL WORKING GROUP ON ENVIRONMENT ON 8 JUNE 2009

In view of the current discussions in the Council on the IPPC¹-recast directive BUSINESSEUROPE would like to draw attention to a number of priority concerns for European industry. As a general principle, European industry is favourable to the IPPC approach and has been a willing participant in the elaboration of the reference documents on best available techniques (BREFs). Any revision of the Directive must ensure ongoing environmental protection without upsetting the functioning of a well established system. That said we believe there is room to improve implementation of the directive and consequently dissemination of Best Available Techniques (BATs) across Europe. The reconciliation of these two goals remains particularly important in the following areas:

Deviations from BATAEL emissions

The Council must not set the possibilities for deviating from BATAEL² emissions as tight as the original Commission proposal. Otherwise this would represent an excessively severe restriction on flexibility which may cause disproportionate high costs without adequate environmental benefits. Older plants, in particular, need flexibility founded upon fundamental IPPC principles, not only in exceptional or specific cases but in all justifiable cases.

Furthermore, industry is strongly concerned that the draft directive in its present form would open the door for emission reduction requirements beyond BAT in general without any proper justification (articles 15.4 and 16.3.a).

Soil protection rules

The proposal to have a quantified baseline report on soil as basis for remediation activities goes against the principle of subsidiarity especially as many national laws stipulate rules for remediation of contaminated soil. Many Member States share industry's serious reservations on EU-wide soil regulations as the discussions on a soil framework directive in the Council show.

¹ Integrated Pollution Prevention and Control

² Best Available Technique Associated Emission Levels



Update of permit conditions in line with investment cycles

Reconsidering permit conditions within four years after adoption of a new or updated BREF causes high uncertainties with regard to investments in the EU in sectors with longer investment cycles. BUSINESSEUROPE asks for an extension of this timeframe and/or a cost-benefit-analysis in cases where the reconsideration aims at new permit conditions.
