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Committee on the Environment, Public Health and Food Safety

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COMPROMISE AMENDMENTS 1 - 63

Draft report
Holger Krahmer
(PE407.661v01-00)

on industrial emissions (integrated pollution prevention and control) (recast)

Proposal for a directive
(COM(2007)0844 – C6-0002/2008 – 2007/0286(COD))

AM_Com_LegCompr

BLOC 1 (Derogation)

Amendment 1

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Derogation" replacing Amendments 89, 90, 91, 95, 96

Proposal for a directive

Article 3 – point 9 a (new)

Text proposed by the Commission

Amendment

9a. "Best Available Techniques Associated Emission Levels", (BAT-AELs) means a range of emission levels resulting from the application, in normal operating conditions, of the best available techniques as described in the Best Available Techniques Reference Document and expressed in the form of an average over a period of time and under given reference conditions;

Or. en

Justification

Vernola 89, Krahrmer 90, Seeber 91, Hegyi 95, Blokland 96.

Amendment 2

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Derogation" replacing Amendments 19, 20, 176, 181, 184, 188, 185, 186, 187, 188, 189, 190

Proposal for a directive

Article 16 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The competent authority shall set emission limit values *that do not exceed the emission levels associated with the best available techniques as described in the BAT reference documents.*

The competent authority shall set emission limit values *and monitoring and compliance requirements to ensure that the BAT associated emission levels are not exceeded.*

Emission limit values may be supplemented by equivalent parameters or technical measures provided that an equivalent level of environmental protection can be achieved.

Amendment 3

Holger Kraemer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Derogation" replacing Amendments 21, 22, 23, 176, 191, 192, 193, 194, 195, 196, 197, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 533

Proposal for a directive Article 16 – paragraph 3

Text proposed by the Commission

3. By derogation from the second subparagraph of paragraph 2, the competent authority may, in *specific* cases, *on the basis of an* assessment of the environmental and economic costs and benefits taking into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions, set emission limit values *that exceed the* emission levels *associated with the best available techniques as described in the BAT reference documents.*

Amendment

3. By derogation from the second subparagraph of paragraph 2, the competent authority may, in *exceptional* cases, *that result from the* assessment of the environmental and economic costs and benefits taking into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions, set emission limit values, *equivalent parameters or technical measures, and monitoring and compliance requirements in such a way that BAT associated* emission levels *may be exceeded.*

Those emission limit values shall however not exceed the emission limit values set out in Annexes V to VIII, *where applicable*.

Those emission limit values, *equivalent parameters or technical measures* shall however not exceed the emission limit values set out *according to Article 68 (a) or, where applicable*, in Annexes V to VIII.

When emission limit values, equivalent parameters and technical measures are set in accordance with this paragraph, the reasons for allowing emission levels deviating from BAT associated emission levels as described in the BAT reference documents should be documented and justified in an annex to the permit conditions.

The Commission may establish criteria for the granting of the derogation referred to in this paragraph.

The Commission may establish criteria for the granting of the derogation referred to in this paragraph.

Those measures, designed to amend non-essential elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 69(2).

Those measures, designed to amend non-essential elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 69(2).

Justification

Hegy 194

BLOC 2 (Soil)

Amendment 4

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Soil" replacing Amendments 2, 70, 71, 72, 73

Proposal for a directive

Recital 16

Text proposed by the Commission

Amendment

(16) It is necessary to ensure that the operation of an installation does not lead to a deterioration of the quality of soil and groundwater. **Permit** conditions should therefore include the monitoring of soil and groundwater and the **operator should** remediate the site upon definitive cessation of activities.

(16) It is necessary to ensure that the operation of an installation does not lead to a **significant** deterioration of the quality of soil and groundwater. **Where necessary and appropriate, permit** conditions should therefore include the monitoring of soil and groundwater and the **requirement to** remediate the site upon definitive cessation of activities, **in accordance with the requirements laid down in Community and national liability law. As soon as new Community legislation amending Directive 2004/35/EC or on the protection of soil enters into force, the Commission should review the provisions on the protection of soil and ground water set out in this Directive to ensure consistency and to avoid overlap.**

Or. en

Justification

Krahmer amendment 2

Amendment 5

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Soil" replacing Amendments 9, 100, 101, 102, 103, 104

Proposal for a directive

Article 3 – point 15

Text proposed by the Commission

(15) 'baseline report' means quantified information on the state of soil and groundwater contamination by dangerous substances;

Amendment

(15) 'baseline report' means quantified information on the state of soil and groundwater contamination by **significant amounts of relevant** dangerous substances;

Or. en

Justification

Amendment 6

Holger Krahrner, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment "Soil" replacing Amendments 15, 136

Proposal for a directive

Article 12 – point 8

Text proposed by the Commission

(8) the necessary measures are taken upon definitive cessation of activities to avoid any risk of pollution and return the site of operation to **the** state **defined in accordance with** Article 23(2) and (3).

Amendment

(8) the necessary measures are taken upon definitive cessation of activities to avoid any risk of pollution and return the site of operation to **a satisfactory** state **in accordance with the requirements laid down in** Article 23(2) and (3).

Or. en

Justification

Krahrner 15, Prodi 136

Amendment 7

Holger Krahrner, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Soil" replacing Amendments 138, 139, 140, 141

Proposal for a directive

Article 13 – point e

Text proposed by the Commission

(e) **where applicable**, a baseline report;

Amendment

(e) if the activity involves dangerous substances in significant amounts, a baseline report **providing information on these substances**;

Or. en

Justification

following Hegyi (103)

Amendment 8

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Soil" replacing Amendments 18, 167, 168, 169, 170

Proposal for a directive

Article 15 – point d

Text proposed by the Commission

Amendment

(d) requirements of periodic monitoring in relation to dangerous substances likely to be found on site having regard to the possibility of soil and groundwater contamination at the site of the installation;

(d) requirements of periodic monitoring in relation to **relevant** dangerous substances likely to be found **in significant amounts** on site having regard to the possibility of soil and groundwater contamination at the site of the installation;

Or. en

Justification

Hegyi 169

Amendment 9

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Soil" replacing Amendments 212, 213, 214, 215, 216, 217, 218, 219, 220, 222

Proposal for a directive

Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Without prejudice to the first subparagraph, periodic monitoring shall be carried out at least once every *seven years*.

Without prejudice to the first subparagraph, periodic monitoring *of groundwater and soil* shall be carried out at least once every *five and ten years respectively, unless the monitoring is based on a systematic appraisal of the risk of contamination*.

Or. en

Justification

Hegy: 215

Amendment 10

Holger Kraemer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Soil" replacing Amendments 31, 245, 246

Proposal for a directive

Article 23 – paragraph 1

Text proposed by the Commission

1. Without prejudice to Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage and to Directive 20.../.../EC of the European Parliament and of the Council establishing a framework for the protection of soil and amending Directive 2004/35/EC the competent authority shall ensure that the permit conditions imposed to ensure the respect of the principle set out in point (8) of Article 12 are implemented upon definitive cessation of activities.

Amendment

1. Without prejudice to Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage *to Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration, to Directive of the European Parliament and of the Council on the protection of the environment through criminal law* and to Directive 20.../.../EC of the European Parliament and of the Council establishing a framework for the protection of soil and amending Directive 2004/35/EC the competent authority shall ensure that the permit conditions imposed to ensure the respect of the principle set out in point (8) of Article 12 are implemented upon definitive cessation of activities.

Justification

Vernola 246

Amendment 11

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Soil" replacing Amendments 29, 31, 221, 247, 248

Proposal for a directive

Article 23 – paragraph 2

Text proposed by the Commission

2. Where the activity involves the use, production or release of dangerous substances having regard to the possibility of soil and groundwater contamination at the site of the installation, the operator shall prepare a baseline report before starting operation of an installation or before a permit for an installation is updated. That report shall contain the quantified information necessary to determine the initial state of the soil and the groundwater.

The Commission shall establish criteria on the content of the baseline report.

Those measures designed to amend non-essential elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 69(2).

Amendment

2. Where the activity involves the use, production or release of ***relevant amounts of*** dangerous substances having regard to the possibility of soil and groundwater contamination at the site of the installation, the operator shall prepare a baseline report before starting operation of an installation or before a permit for an installation is updated. That report shall contain the quantified information necessary to determine the initial state of the soil and the groundwater ***with regard to significant amounts of dangerous substances.***

The Commission shall establish the ***general*** criteria on the content of the baseline report.

Those measures designed to amend non-essential elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 69(2).

Or. en

Justification

Hegyi 248, Prodi 247

Amendment 12

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Soil" replacing amendments 30, 249, 250, 251, 252, 253

Proposal for a directive

Article 23 – paragraph 3

Text proposed by the Commission

3. Upon definitive cessation of the activities, the operator shall assess the state of the soil and groundwater contamination by dangerous substances. Where the installation has caused any pollution by dangerous substances of soil or groundwater compared to the initial state established in the baseline report referred to in paragraph 2, the operator shall remediate the site and return it to that initial state.

Amendment

3. Upon definitive cessation of the activities, the operator shall ***inform the competent authority and*** assess the state of the soil and groundwater contamination by dangerous substances. Where the installation has caused any pollution by dangerous substances of soil or groundwater compared to the initial state established in the baseline report referred to in paragraph 2, the operator shall remediate the site and return it to that initial state.

BLOC 3 (Reporting obligations)

Amendment 13

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Reporting Obligations" replacing Amendments 13, 124, 125, 126, 127, 128, 129

Proposal for a directive

Article 8 – point 1

Text proposed by the Commission

Amendment

(1) that the operator provides the competent authority with **a report** on compliance with the permit conditions at least every twelve months;

(1) that the operator provides the competent authority with **the relevant data** on compliance with the permit conditions at least every **twenty-four months, which shall be made available on the internet without delay; If a breach of permit conditions has been identified by an inspection in accordance with Article 25, the reporting frequency shall be increased to at least once every** twelve months;

Or. en

Amendment 14

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Reporting obligations" and "Information to the public" replacing Amendments 32, 254, 255, 256, 257, 258, 259

Proposal for a directive

Article 24

Text proposed by the Commission

Reporting on compliance

The **report** on compliance referred to in point (1) of Article 8 shall include a comparison between the **operation of the installation, including the level of emissions**, and the best available techniques as described in the BAT reference documents.

Amendment

Comparison of emissions with best available techniques associated emission levels

The **relevant data** on compliance **with the permit conditions** referred to in point (1) of Article 8 shall include a comparison between the emissions and the best available techniques **associated emissions levels** as described in the BAT reference documents. **The report shall be made accessible on the internet without delay.**

Or. en

Justification

BLOC 4 (ESN)

Amendment 15

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "ESN" replacing Amendments 3, 17, 26, 42, 43, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 298, 299, 300, 301, 302, 303, 304, 305, 306

Proposal for a directive

Article 14

Text proposed by the Commission

BAT reference documents

1. The Commission shall ***adopt BAT reference documents based on the results of the information exchange referred to in Article 29.***

Amendment

BAT reference documents ***and exchange of information***

1. The Commission shall ***organise an exchange of information between Member States, representatives of their relevant competent authorities, operators and providers of techniques representing the industry concerned, non-governmental organisations promoting environmental protection and the Commission on the following:***

(a) the performance of installations in terms of emissions, pollution, consumption and nature of raw materials, use of energy or generation of waste;

(b) the best available techniques used, associated monitoring and their developments.

The Commission shall set up an Information Exchange Forum comprised of Member States, representatives of their relevant competent authorities, the representatives of the industries concerned and nongovernmental organisations promoting environmental protection for the organisation of the exchange of information referred to in this paragraph.

The Commission shall establish guidance for the exchange of information including on the collection of data and the determination of the content of BAT reference documents. An evaluation report shall be published by the Commission. The report shall be made accessible on the internet.

1a. The Commission shall publish the result of the information exchange referred to in paragraph 1 as a new or updated BAT reference document.

2. The BAT reference documents shall in particular describe the best available techniques, the associated emission levels and associated monitoring, the monitoring of soil and groundwater and remediation of the site and the emerging techniques, giving special consideration to the criteria listed in Annex III. *The Commission shall review and update the BAT reference documents as appropriate.*

2. The BAT reference documents shall in particular describe the best available techniques, the associated emission levels, *consumption levels* and associated monitoring, the monitoring of soil and groundwater and remediation of the site and the emerging techniques, giving special consideration to the criteria listed in Annex III, *finalising the revision by, at the latest, eight years after the publication of the last version.* The Commission shall *ensure that the BAT conclusions of the BAT reference documents are made available in the official languages of the EU. On request of a Member State the Commission will make available the whole BAT reference document in the requested language.*

Or. en

Justification

Hegyí 150, Krahmer 30, Krahmer 42, Krahmer 43, EPP 153, Krahmer 148, Hegyí 157, Jackson 160, Krahmer 26

Amendment 16

Holger Krahmer, Marcello Vernola, Gyula Hegyí, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "ESN" replacing Amendments 42, 43, 44, 296, 297, 298, 299

Proposal for a directive

Article 29

Text proposed by the Commission

Amendment

Article 29

deleted

Exchange of information

The Commission shall organise an exchange of information with Member States, the industries concerned and non-governmental organisations promoting environmental protection on the following:

(a) the performance of installations in terms of emissions, pollution, consumption and nature of raw materials, use of energy or generation of waste;

(b) the techniques used, associated monitoring, and their developments.

Or. en

Justification

Based on Hegyi 257

Amendment 17

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "ESN" replacing Amendments 26, 42, 43, 148, 153, 157, 160, 304, 370, 371, 372

Proposal for a directive

Article 68

Text proposed by the Commission

Amendment

On the basis of best available techniques the Commission shall *adapt Parts 3 and 4 of Annexe V, Parts 1, 2, 6, 7 and 8 of Annex VI, Parts 1, 5, 6, 7 and 8 of Annex VII and Parts 2 and 4 of Annex VIII to scientific and technical progress.*

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 69(2).

*1. On the basis of **the** best available techniques **as described in the BAT reference documents concerned**, the Commission shall **within 12 months after the publication of a BAT reference document in Article 14 based on the BAT conclusions in the BAT reference document, adjust Annexes V, VI, VII, VIII by setting emission limit values as minimum requirements. Emission limit values may be supplemented by equivalent parameters or technical measures and monitoring and compliance requirements provided that an equivalent level of environmental protection can be achieved.***

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 69(2).

*2. **Before the decision of the committee referred to in Article 69(2) on the measures pursuant to the first paragraph, the Commission shall consult the relevant industry and non-governmental organisations promoting environmental protection and report on the outcome of the consultations and how they have been taken into account.***

Or. en

Justification

Annexes: Krahmer 148, Hegyi 372, Krahmer 148 1c

Amendment 18

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "ESN" replacing Amendments 48, 50, 51, 144, 148, 154, 160, 164, 228, 370, 372, 373

**Proposal for a directive
Article 68 a (new)**

Article 68a

Minimum requirements

1. Without prejudice to Article 68, the Commission shall, within 12 months after the publication of a BAT reference document in accordance with Article 14, based on the BAT conclusions in the BAT reference document, set emission limit values as well as monitoring and compliance requirements as minimum requirements. Emission limit values may be supplemented by equivalent parameters or technical measures provided that an equivalent level of environmental protection can be achieved.

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 69(2).

Such minimum requirements shall be directed to significant environmental impacts of the activities or installations concerned, and shall be based on BAT/AEL.

2. Before the decision of the committee referred to in Article 69(2) on the measures pursuant to the first paragraph, the Commission shall consult the relevant industry and non-governmental organisations promoting environmental protection and report on the outcome of the consultations and how they have been taken into account.

3. In accordance with paragraphs 1 and 2, the Commission shall in particular set by 2011 emission limit values as well as monitoring and compliance requirements for dioxins and furans emitted by installations carrying out the activities referred to in points 2.1 and 2.2 of Annex I.

Those measures, designed to amend non-essential elements of this Directive, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 69(2). Member States or competent authorities can set stricter emission limit values for dioxin and furan emissions.

Or. en

Justification

Own article EPP 144, 154; Turmes 370; Hegyi 373, Turmes 370; Krahrmer 148 1d, Wording amalgamates proposals from Krahrmer, Turmes, Hegyi, Weisgerber, Replaces Krahrmer 148 1a2; EPP 154.6; Turmes 370; Replaces EPP 154.2, Krahrmer 148 1c; 154.5,

BLOC 5 (Update of permit)

Amendment 19

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Update of permit" replacing Amendments 27, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242

Proposal for a directive

Article 22 – paragraph 3 – subparagraph 1

Text proposed by the Commission

3. Where the Commission **adopts** a new or updated BAT reference document, Member States shall, within four years of publication, ensure that the competent authority, **where necessary**, reconsiders and updates the permit conditions for the installations concerned.

Amendment

3. Where the Commission **publishes** a new or updated BAT reference document, Member States shall, within four years of publication, ensure that the competent authority, reconsiders and, **where necessary**, updates the permit conditions for the installations concerned.

Or. en

Amendment 20

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Update of permit" replacing Amendments 28, 243

Proposal for a directive

Article 22 – paragraph 4 – point b

Text proposed by the Commission

(b) **developments** in the best available techniques allow for the significant reduction of emissions;

Amendment

(b) **significant changes** in the best available techniques allow for the significant reduction of emissions;

Or. en

Justification

Krahmer 28 to be voted separately.

Amendment 21

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Update of permit" replacing Amendments 244

Proposal for a directive

Article 22 – paragraph 4 – point d

Text proposed by the Commission

(d) where **it is necessary to comply** with an environmental quality standard in accordance with Article 19.

Amendment

(d) where **needed for compliance with Directive 2001/81/EC of the European Parliament and of the Council on national emission ceilings for certain atmospheric pollutants** or with an environmental quality standard in accordance with Article 19.

Or. en

Justification

BLOC 6 (Inspections)

Amendment 22

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Inspections" replacing Amendments 33, 34, 35, 36, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274

Proposal for a directive

Article 25 – paragraph 4

Text proposed by the Commission

4. Based on the inspection plans, the competent authority shall regularly draw up inspection programmes, determining the frequency of site visits for different types of installations.

Those programmes shall include at least one site visit every twelve months, for each installation, **unless** those programmes are based on a systematic appraisal of the environmental risks of the particular installations concerned.

Amendment

4. Based on the inspection plans, the competent authority shall regularly draw up inspection programmes, determining the frequency of site visits for different types of installations.

Member States shall ensure that a sufficient number of skilled persons are available to carry out the inspections.

Those programmes shall include at least one ***random*** site visit every ***eighteen months***, for each installation. ***This frequency shall be increased to at least one random site visit every six months if an inspection has identified a case of non-compliance with the permit conditions.***

When those programmes are based on a systematic appraisal of the environmental risks of the particular installations concerned, ***the frequency of site visits may be lowered to a minimum of one every 24 months.***

The systematic appraisal of the environmental risks shall be based on objective criteria such as:

(a) the record of the operators compliance with the conditions of the permit

(b) the impacts of the installation on the environment and human health

(c) the participation of the operator in the Community eco-management and audit scheme (EMAS), pursuant to Regulation (EC) No 761/2001, or the implementation of equivalent eco-management systems

The Commission ***shall*** establish criteria on the appraisal of the environmental risks.

Those measures designed to amend non-essential elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 69(2).

The Commission ***may*** establish ***further*** criteria on the appraisal of the environmental risks.

Those measures designed to amend non-essential elements of this Directive, by supplementing it, shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 69(2).

Or. en

Justification

Turmes 260, Hegyi 270, Krahrmer 33, Musacchio 261, EPP 266, 267, Krahrmer 33, EPP 266, 267, 26, Hegyi 27, Vernola 267, Krahrmer 34

Amendment 23

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Inspections" replacing Amendments 276, 277, 278, 279, 280, 281, 284, 285

Proposal for a directive

Article 25 – paragraph 6

Text proposed by the Commission

Amendment

6. Non-routine inspections shall be carried out to investigate serious environmental complaints, serious environmental accidents, incidents and occurrences of non-compliance as soon as possible and, where appropriate, before the issue, reconsideration or update of a permit.

6. Non-routine **random** inspections shall be carried out to investigate serious **and qualified** environmental complaints, serious environmental accidents, incidents and occurrences of non-compliance **or facts that seriously affect human health** as soon as possible and, where appropriate, before the issue, reconsideration or update of a permit.

When carrying out a non-routine inspection, operators may be required by the competent authorities to provide information in order to investigate the content of an accident, incident or occurrence of non-compliance, including health statistics.

Or. en

Justification

Krahmer 34, Hegyi 278, Vernola 277, Vernola 281

BLOC 7 (Information to public)

Amendment 24

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment "Information to the Public" replacing Amendments 26, 42, 43, 148, 153, 157, 160, 198, 304, 372

Proposal for a directive

Article 16 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that the public concerned is given early and effective opportunities to participate in the decision relating to the granting of the derogation referred to in this paragraph.

Or. en

Justification

Hegy 198

Amendment 25

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Information to the public" and "Reporting obligations" replacing Amendments 36, 282, 283, 284, 285

Proposal for a directive

Article 25 – paragraph 7 – subparagraph 2

Text proposed by the Commission

The report shall be notified to the operator concerned and made publicly available within **two months** after the inspection takes place.

Amendment

The report shall be notified to the operator concerned **within two months. The confirmed report shall be** made publicly available **on the internet by the competent authority** within **four months** after the inspection takes place.

Or. en

Justification

Krahmer 36, Hegyi 282, Turmes, Hegyi

Amendment 26

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Information to the public" replacing Amendments 37, 286, 287

Proposal for a directive

Article 26 – paragraph 1 – point d

Text proposed by the Commission

(d) adoption of general binding rules as provided for in Articles 7 and 18.

Amendment

(d) updating of a permit or permit conditions for an installation where a derogation is to be granted in accordance with Article 16(3).

Justification

Krahmer 37, Brepoels 286, based on Hegyi 282: Derogation

Amendment 27

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Information to the public" replacing Amendments 288

Proposal for a directive

Article 26 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Non-governmental organisations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest.

Justification

Hegyi 288

Amendment 28

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment "Information to the public" replacing Amendments 38, 289, 290, 291

Proposal for a directive

Article 26 – paragraph 2

Text proposed by the Commission

Amendment

2. Points (a) and (b) of paragraph 1 shall not apply where all of the following conditions are met: *deleted*

(a) the new installation or substantial change is subject to Directive 85/337/EEC;

(b) general binding rules cover all of the necessary permit conditions;

(c) there is no need to impose any stricter requirements to comply with Article 19.

Amendment 29

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Information to the public" replacing Amendment 39

Proposal for a directive

Article 26 – paragraph 3 – introductory paragraph

Text proposed by the Commission

3. When a decision on granting, reconsideration or updating of a permit, ***or on the adoption or updating of general binding rules*** has been taken, the competent authority shall make available to the public the following information:

Amendment

3. When a decision on granting, reconsideration or updating of a permit has been taken, the competent authority shall make available to the public without delay the following information:

Justification

Krahrmer 39

Amendment 30

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Information to the public" replacing Amendments 40, 294

Proposal for a directive

Article 26 – paragraph 3 – point e

Text proposed by the Commission

Amendment

(e) how the *emission limit values included in the permit or the general binding rules* have been determined in relation to the best available techniques and associated emission levels as described in the BAT reference documents;

(e) how the *permit conditions referred to in Article 15* have been determined in relation to the best available techniques and associated emission levels as described in the BAT reference documents;

Justification

Krahmer 40, Hegyi 294

Amendment 31

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Information to the public" replacing Amendment 295

Proposal for a directive

Article 26 – paragraph 3 – point f

Text proposed by the Commission

(f) where a derogation is granted in accordance with Article 16(3), the reasons for that derogation and the conditions imposed;

Amendment

(f) where a derogation is granted in accordance with Article 16(3), the *specific* reasons for that derogation *based on the criteria laid down in Article 16 (3)* and the conditions imposed;

Justification

Hegyi 295

Amendment 32

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Information to the public" replacing Amendment 41

Proposal for a directive

Article 26 – paragraph 3 – point g

Text proposed by the Commission

Amendment

(g) the result of the reconsideration of **general binding rules as referred to in Articles 18(3) and** of permits as referred to in Article 22(1), (3) and (4);

(g) the result of the reconsideration of permits as referred to in Article 22(1), (3) and (4);

Justification

Krahmer 41

Amendment 33

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Information to the public" replacing Amendments 292, 293

Proposal for a directive

Article 26 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Member states shall ensure that the information referred to under points (a) to (g) shall be made available on the internet without delay.

Justification

Hegyi 292, Musacchio 293

Amendment 34

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "Information to the public" replacing Amendments 364, 365

Proposal for a directive

Article 67 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that information is made available to the Commission on the implementation of this Directive, on representative data on the emissions and other environmental effects, on emission limit values and on the application of best available techniques in accordance with Articles 15 and 16.

1. Member States shall ensure that information is made available to the Commission on the implementation of this Directive, on representative data on the emissions and other environmental effects, on emission limit values and on the application of best available techniques in accordance with Articles 15 and 16 **and on the derogations granted according to Article 16(3)**.

Or. en

Justification

based on Hegyi 364, Vernola 365

BLOC ANNEXES

(Bloc replaces all amendments on the Annexes)

Amendment 35

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 54, 382, 383, 384, 385

Proposal for a directive

Annex I – paragraph 3

Text proposed by the Commission

When calculating the total rated thermal input of installations referred to in point 1.1, combustion plants with a rated thermal input below 50 MW and operating no more than **350 hours** per year shall not be included for the purposes of this calculation.

Amendment

When calculating the total rated thermal input of installations referred to in point 1.1, combustion plants with a rated thermal input below 50 MW and operating no more than **500 hours** per year shall not be included for the purposes of this calculation.

Or. en

Justification

Krahrmer 54 proposes the change of the threshold. Turmes 384 proposes to keep 20-50 MW and to delete the "de minimis rule. Instead of changing the threshold it is proposed to keep the

threshold of 20 MW but to amend the "de minimis rule" to exclude more small installations from the calculation.

Amendment 36

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendment 386

Proposal for a directive

Annex I – point 2.5 – subpoint c

Text proposed by the Commission

(c) operation of non-ferrous metal foundries producing cast metal products, with ***a production capacity of good castings*** exceeding 2,4 tonnes per day for lead and cadmium or 12 tonnes per day for all other metals.

Amendment

(c) operation of non-ferrous metal foundries producing cast metal products, with ***melting capacity*** exceeding 4 tonnes per day for lead and cadmium or 20 tonnes per day for all other metals.

Or. en

Justification

Blokland 386 deletes the term "good casting". It is correct that the production of "good" or "bad casting" in an installation has the same environmental impacts. In addition, it would be difficult to implement a threshold expressed only in terms of "good casting". The drafting can therefore be improved to make the description of the scope more accurate and clearer without changing radically the current IPPC scope.

Amendment 37

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 392, 393

Proposal for a directive

Annex I – point 5.2 – introductory paragraph

Text proposed by the Commission

5.2. Incineration of non-hazardous waste with a capacity exceeding 3 tonnes per hour.

Amendment

5.2. Incineration ***and co-incineration*** of non-hazardous waste with a capacity exceeding 3 tonnes per hour.

Justification

Blokland 392; Ferreira 393. Co-incineration is already included through the description of other activities such as cement production. It would however make sense to clarify that co-incineration is indeed covered (as it is already the case for hazardous waste under point 5.1(c))

Amendment 38

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendment 404

Proposal for a directive**Annex I – point 5.3 – subpoint b***Text proposed by the Commission*

(b) physico-chemical treatment;

Amendment

(b) physico-chemical treatment; ***with the exclusion of activities covered by Directive 91/271/EEC concerning urban wastewater treatment and which solely result in treated sludge, as defined in Directive 86/278/EEC on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture. This exclusion applies only in cases where at least the same level of environmental protection would be achieved as under this Directive;***

Or. en

Justification

Sturdy 404. In order to avoid overlap between legislation and ensure consistency, it is justified not to cover installations subject to the Directive 91/271/EC on Urban Waste Water Treatment. In addition, the amendment makes an appropriate reference to the Sludge Directive as regards the definition of "treated sludge".

Amendment 39

Holger Kraemer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 397, 398

Proposal for a directive

Annex I – point 5.3 – subpoint d

Text proposed by the Commission

Amendment

(d) treatment of slags and ashes;

(d) treatment of slags and ashes *not covered by other categories of industrial activities*;

Or. en

Amendment 40

Holger Kraemer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 399, 400, 401, 402, 403

Proposal for a directive

Annex I – point 5.23 – subpoint e

Text proposed by the Commission

Amendment

(e) treatment of scrap metal.

(e) treatment of scrap metal *in shredders*.

Or. en

Amendment 41

Holger Kraemer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 417, 418

Proposal for a directive

Annex I – point 6.6 – subparagraph 2

Text proposed by the Commission

In cases of other poultry species than referred in point (a) or different types of species referred in points (a), (b) and (c) reared on the same installation, the threshold shall be calculated on the basis of equivalent nitrogen excretion factors compared to the thresholds set above.

Amendment

In cases of other poultry species than referred in point (a) or different types of species referred in points (a), (b) and (c) reared on the same installation, the threshold shall be calculated on the basis of equivalent nitrogen excretion factors compared to the thresholds set above. ***The Commission shall establish guidance on the calculation the thresholds and the determination of equivalent nitrogen excretion factors.***

Or. en

Justification

Blokland 417 and Sturdy 418: It is technically difficult at this stage to propose specific thresholds for the poultry species which are not mentioned (in practice only a very limited number of farms would be concerned by poultry species not mentioned in the Annex I, e.g. quails, ostriches, pheasants) or for mixed farms. As a compromise and in view of the very technical nature of the issue, the Commission should issue guidance.

Amendment 42

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 420, 421

Proposal for a directive Annex I – point 6.9

Text proposed by the Commission

6.9 Preservation of wood and wood products with a production capacity exceeding **75 m³** per day.

Amendment

6.9 Preservation of wood and wood products with a production capacity exceeding **50 m³** per day.

Or. en

Amendment 43

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 426, 427, 428, 429, 430, 431

Proposal for a directive

Annex V – Part 1 – point 2 - paragraph

Text proposed by the Commission

Combustion plants using solid fuels which were granted a permit before 27 November 2002, and which do not operate more than 1500 hours per year (rolling average over a period of five years), shall be subject to an emission limit value for SO₂ of 800 mg/Nm³.

Amendment

Combustion plants ***with a rated thermal input of less than 500 MW using liquid fuels*** which were granted a permit before 27 November 2002, and which do not operate more than 1500 hours per year (rolling average over a period of five years), shall be subject to an emission limit value for SO₂ of 800 mg/Nm³.

Justification

There were amendments proposing more stringent values (lower end of BAT): Blokland 427; Turmes 428; Westlund 429; Musacchio 430. Less stringent value or provisions are proposed by Korhola 426 and Krahrmer 431 (replacing Krahrmer 57). The compromise is inspired by Korhola 426. Allowing "peak" operating plants using liquid fuels to have a less stringent ELV for SO₂ would avoid the need to have secondary abatement measures installed for these plants as primary measures (in particular the use of liquid fuels with < 0,5% sulphur) will be sufficient in all cases. Due to their limited number of operating hours per year, their environmental impact is rather limited. For liquid fuel fired plants, the derogation should be restricted to plants of less than 500 MW as these have to comply already with more stringent ELVs under the LCP Directive.

Amendment 44

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 432, 433, 434, 435, 436

Proposal for a directive

Annex V – Part 1 – point 4 - paragraphs

Text proposed by the Commission

Amendment

Combustion plants using solid fuels with a rated thermal input not exceeding 500 MW which were granted a permit before 27 November 2002 and which do not operate more than 1500 hours per year as a rolling average over a period of five years, shall be subject to an emission limit value for NO_x of 450 mg/Nm³.

Combustion plants using solid fuels with a rated thermal input of 500 MW or more, which were granted a permit before 1 July 1987 and which do not operate more than 1500 hours per year as a rolling average over a period of five years, shall be subject to an emission limit value for NO_x of 450 mg/Nm³.

Combustion plants using solid fuels *or liquid fuels and* with a rated thermal input not exceeding 500 MW which were granted a permit before 27 November 2002 and which do not operate more than 1500 hours per year (as a rolling average over a period of five years), shall be subject to an emission limit value for NO_x of 450 mg/Nm³.

Combustion plants using solid fuels *or liquid fuels and* with a rated thermal input of 500 MW or more, which were granted a permit before 1 July 1987 and which do not operate more than 1500 hours per year as a rolling average over a period of five years, shall be subject to an emission limit value for NO_x of 450 mg/Nm³.

Justification

More stringent values (lower end of BAT) are proposed by Turmes 433 (all fuels); Musacchio 434 (all fuels); Westlund 436 (all fuels). Less stringent values and provisions are proposed by Korhola 432 (all fuels); Ehler 435 (lignite 100-300 MW). Korhola 432 furthermore proposes ELV 600 for peak plants < 1500 h using liquid fuels as well as for pre-2002 plants operating less than 20 000 h over 8 years. Allowing "peak" operating plants using liquid fuels to have a less stringent ELV for NO_x, as proposed in the compromise, would avoid the need to have secondary abatement measures (in particular selective catalytic reduction or SCR) installed for these plants, as primary measures (in particular adjustments to the combustion process) will be sufficient. Due to their limited number of operating hours per year, their environmental impact is rather limited.

Amendment 45

Holger Kraemer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 448, 450, 451, 452, 453

Proposal for a directive

Annex V – Part 1 – point 5 – note 4 – subparagraph 3

Text proposed by the Commission

Amendment

Gas turbines for emergency use that operate less than 500 hours per year are not covered by the emission limit values set out in this point. The operator of such plants shall record the used operating time.

Gas turbines *or gas engines* for emergency use that operate less than 500 hours per year are not covered by the emission limit values set out in this point. The operator of such plants shall record the used operating time.

Justification

More stringent values (lower end of BAT): Blokland 439; Turmes 440; Westlund 442. Less stringent values: Krahmer 438 (blast furnace and coke gas in pre-2002 plants); Van Nistelrooij 441 (no ELV for CO and weakening ELV for NOx), 450 (less stringent ELV for GT units < 50 MW), 451 (no ELV if less than 20 tonnes NOx emitted per year) and 452 (ELV 150 for pre-2002 gas turbines if less than 1500 h per year). Other more stringent provisions: Turmes 443 & Westlund 444 (drop reference to efficiency for calculating NOx ELV for gas turbines); Turmes 445 & Westlund 446 (remove 70% load rule and remove 500 h derogation). Other less stringent amendments: Van Nistelrooij 437 (drop CO ELV); Turmes 445 and Westlund 446 (drop reference to liquid fuels for gas turbines); Van Nistelrooij 448 (extend 500 h derogation to boilers and engines) and 453 (opt out for GT if < 10 000 h operation after 1/1/2016).

Amendment 46

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendment 452

Proposal for a directive

Annex V – Part 1– point 5 - note 4 a (new)

Text proposed by the Commission

Amendment

4a. Gas turbines which were granted a permit before 27 November 2002 and which do not operate more than 1500 hours per year (as a rolling average over a period of five years), shall be subject to an emission limit value for NOx of 150 mg/Nm³.

Amendment 47

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 466, 467, 468, 470

Proposal for a directive

Annex V – Part 2 – point 5 - note 2 – subparagraph 3

Text proposed by the Commission

Gas turbines for emergency use that operate less than 500 hours per year are excluded from the emission limit values set out in this point . The operator of such plants shall record the used operating time.

Amendment

Gas turbines *or gas engines* for emergency use that operate less than 500 hours per year are not covered by the emission limit values set out in this point. The operator of such plants shall record the used operating time.

Justification

More stringent values (lower end of BAT): Blokland 466; Turmes 467; Westlund 468. Less stringent values: Van Nistelrooij 470 (taking into account efficiency for GT as in Part 1; less stringent ELV for GT units < 50 MW; no ELV if less than 20 tonnes NOx emitted per year). Other less stringent amendments: Van Nistelrooij 470 (extend 500 h derogation to boilers and engines). The amendment is inspired by Van Nistelrooij 470.

Gas engines for generating electricity are often in direct competition with gas turbines. Allowing "emergency" gas engines to be exempted from the ELVs ensures that they are treated equally with gas turbines. For these plants, operating a very limited number of hours and functioning only in "emergency" cases, applying secondary abatement measures (in particular selective catalytic reduction or SCR) would lead to high costs with very little environmental benefit, given the limited number of operating hours per year.

Amendment 48

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendment 474

Proposal for a directive

Annex V – Part 3 – paragraph 1

Text proposed by the Commission

Amendment

1. The concentrations of SO₂, NO_x and dust in waste gases from each combustion plant with a rated thermal input of 100 MW or more shall be measured continuously .

The concentration of CO in waste gases from combustion plants firing gaseous fuels with a rated thermal input of 100 MW or more shall be measured continuously.

1. The concentrations of SO₂, NO_x, **CO** and dust in waste gases from each combustion plant with a rated thermal input of 100 MW or more shall be measured continuously .

Justification

Hegy 474: extends CO monitoring to all combustion plants > 100 MW. The Commission proposal introduced the requirement to monitor CO continuously only for combustion plants firing gaseous fuels as for these plants an ELV has been defined in Annex V. Competent authorities need to define monitoring requirements in the permits in line with BAT (article 17). As CO may be considered as a relevant parameter for all combustion plants in order to control the combustion process, it is important to have continuous monitoring in place

Amendment 49

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 475, 476

Proposal for a directive

Annex V – Part 4 – paragraph 1

Text proposed by the Commission

1. In the case of continuous measurements, the emission limit values set out in Parts 1 and 2 shall be regarded as having been complied with if the evaluation of the measurement results indicates, for operating hours within a calendar year, that all of the following conditions have been met :

(a) no validated monthly average value exceeds the relevant emission limit values set out in Parts 1 and 2;

Amendment

1. In the case of continuous measurements, the emission limit values set out in Parts 1 and 2 shall be regarded as having been complied with if the evaluation of the measurement results indicates, for operating hours within a calendar year, that all of the following conditions have been met :

(a) no validated daily average value exceeds the relevant emission limit values set out in Parts 1 and 2;

(b) no validated daily average value exceeds 110 % of the relevant emission limit values set out in Parts 1 and 2;

(b) 95 % of all the validated hourly average values over the year do not exceed 200 % of the relevant emission limit values set out in Parts 1 and 2.

(c) in cases of combustion plants composed only of boilers using coal with a rated thermal input below 50 MW, no validated daily average value exceeds 150 % of the relevant emission limit values set out in Parts 1 and 2,

(d) 95 % of all the validated hourly average values over the year do not exceed 200 % of the relevant emission limit values set out in Parts 1 and 2.

The validated average values are determined as set out in point 10 of Part 3.

For the purpose of the calculation of the average emission values, the values measured during the periods referred to in Article 33(4) and (5) and Article 34 as well as during the start-up and shut-down periods shall be disregarded.

Justification

Commission proposal allows additional flexibility when compared to the LCP BREF. Whereas the BREF BAT levels reflect daily averages, Annex V requires the ELVs to be met on a monthly basis. In addition, daily average values cannot exceed 110% of the ELV and 95% of hourly averages over 1 year shall not exceed more than twice the ELVs. The Commission proposal makes no distinction between pre-2016 and post-2016 plants. While keeping the same compliance rules for new and existing plants, it is necessary to align them with the BAT conclusions of the BREF which are based on daily averages and not monthly averages.

Amendment 50

Holger Kraemer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518

**Proposal for a directive
Annex VI – Part 6 – point 2.5**

2.5. The competent authority may decide not to require continuous measurements for HCl, HF and SO₂ in waste incineration plants or waste co-incineration plants and require periodic measurements as set out in point 2.1(c) **or no measurements** if the operator can prove that the emissions of those pollutants can under no circumstances be higher than the prescribed emission limit values.

2.5. The competent authority may decide not to require continuous measurements for HCl, HF and SO₂ in waste incineration plants or waste co-incineration plants and require periodic measurements as set out in point 2.1(c) if the operator can prove that the emissions of those pollutants can under no circumstances be higher than the prescribed emission limit values. ***This derogation shall not be applied in cases of burning mixed waste from different sources.***

The competent authority may decide not to require continuous measurements for NO_x and require periodic measurements as set out in point 2.1(c) in existing waste incineration plants with a nominal capacity of less than 6 tonnes per hour or in existing waste co-incineration plants with a nominal capacity of less than 6 tonnes per hour if the operator can prove on the basis of information on the quality of the waste concerned, the technologies used and the results of the monitoring of emissions that the emissions of NO_x can under no circumstances be higher than the prescribed emission limit value.

Or. en

Justification

The Commission proposal foresees specific cases where no requirements of HCl, HF and SO₂ can be required by competent authorities. The compromise proposal takes into account Turmes 509, Weisgerber 507, Ferreira 508 and Blokland 510, which remove the additional proposed flexibility. Hegyi 512 limits the flexibility by specifying the cases where the derogation can be applied (prove "on the basis of information on the quality of the waste concerned")

The Commission proposal furthermore foresees specific cases where NO_x can be subject to periodic measurements instead of continuous measurements. Turmes 515, Weisgerber 513, Ferreira 514 and Blokland 516 propose to remove the additional proposed flexibility.

Amendment 51

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 519, 520, 521, 522

Proposal for a directive

Annex VI – Part 6 – point 2.6

Text proposed by the Commission

Amendment

2.6. The competent authority may decide to require *less than two measurements* per year *or no measurements* for heavy metals and for dioxins and furans in the following cases:

2.6. The competent authority may decide to require *only one measurement* per year for heavy metals and for dioxins and furans in the following cases:

Amendment 52

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendment 524

Proposal for a directive

Annex VI – Part 6 – point 2.6 – subpoint c a (new)

Text proposed by the Commission

Amendment

(ca) the operator can prove that no electric and electronic waste or waste containing chlorinated compounds is treated.

Amendment 53

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 8, 98, 99

Proposal for a directive
Article 3 – point 13

Text proposed by the Commission

(13) 'emerging technique' means a novel technique for an industrial activity that, if commercially developed, **could** provide a higher general level of protection of the environment or higher cost savings than existing best available techniques;

Amendment

(13) 'emerging technique' means a novel technique for an industrial activity that, if **industrially proven and** commercially developed, **would** provide a higher general level of protection of the environment or **at least the same level of protection and** higher cost savings than existing best available techniques;

Justification

Amendments Vernola 98 and Hegyi 99 can be taken on board to improve definition (clarity)

Amendment 54

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 11, 92, 118, 119, 120

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

2. A permit may cover two or more installations or parts of installations operated by the same operator on the same site or on different sites .

Where a permit covers two or more installations, each installation shall comply with the requirements of this Directive.

Amendment

2. **Member States may provide that a** permit may cover two or more installations or parts of installations operated by the same operator on the same site or on different sites.

Where a permit covers two or more installations, each installation shall comply **individually** with the requirements of this Directive.

Justification

Krahrmer 11 and Brepoels 119 propose to remove this flexibility, while Turmes 120 and Musachio 118 want to keep it, but want to specify the proposed flexibility. The proposed compromise is to make it clear that this is a possibility left to MS and that they are not forced to use this flexibility (for instance if their permitting organization could not allow such a system)

Amendment 55

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 12, 97, 122

Proposal for a directive

Article 5

Text proposed by the Commission

Two or more natural or legal persons may be the joint operator of an installation or combustion plant, waste incineration plant or waste co-incineration plant, or may be the operators of different parts of an installation or plant.

Amendment

Member States may provide that two or more natural or legal persons may be the joint operator of an installation or combustion plant, waste incineration plant or waste co-incineration plant, or may be the operators of different parts of an installation or plant. **A single natural or legal person shall be identified to take the responsibility for meeting the obligations of the Directive.**

Justification

Krahmer 12 clarifies that only 1 person should be responsible. Brepoels 122 proposes to remove the proposed provisions. A possible compromise could be to make clear that this is a possibility left to MS and that they are not forced to use this flexibility (for instance if their legal regime could not allow such a system) + require that in cases of several operators involved in an installation, one single person is identified for being responsible for the application of the Directive and avoid dilution of responsibility.

Amendment 56

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 14

Proposal for a directive

Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

In cases of a breach causing danger to human health or the environment and as long as compliance is not restored in accordance with point (b) of the first subparagraph, the operation of the installation or combustion plant, waste incineration plant or waste co-incineration plant shall be suspended.

In cases of a breach causing **significant** danger to human health or the environment and as long as compliance is not restored in accordance with point (b) of the first subparagraph, the operation of the installation or combustion plant, waste incineration plant or waste co-incineration plant shall be suspended.

Amendment 57

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendment 16

Proposal for a directive

Article 13 – paragraph 1 – letter k

Text proposed by the Commission

(k) the main alternatives to the proposed technology, techniques and measures studied by the applicant in outline.

Amendment

(k) the main **relevant** alternatives to the proposed technology, techniques and measures studied by the applicant in outline.

Amendment 58

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendment 24

Proposal for a directive

Article 18 – paragraph 2

Text proposed by the Commission

Amendment

2. General binding rules shall be based on the best available techniques, without prescribing the use of any technique or specific technology.

2. General binding rules shall be based on the best available techniques, without prescribing the use of any technique or specific technology ***in order to ensure compliance with Articles 15 and 16.***

Member States shall ensure that general binding rules contain emission limit values, or equivalent parameters or technical measures, that do not exceed the emission levels associated with the best available techniques as described in the BAT reference documents.

Justification

Paragraphs 2 and 3 relate to the setting of conditions in general binding rules and their review once a new BREF is published. Instead of re-opening the issues relating to BAT [see Krahrmer 24] and permit review [see Krahrmer 25 + amendments 224 to 227], this compromise proposes to make a direct link to the Articles on BAT and BREFs (Art 15 and 16) and on permit review (Art 22) as proposed by [Krahrmer 25].

Amendment 59

Holger Krahrmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 25, 224, 225, 226, 227

Proposal for a directive

Article 18 – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that general binding rules are kept up to date with developments in the best available techniques.

Where the Commission adopts a new or updated BAT reference document, Member States shall, within four years of publication, where necessary, reconsider and update the general binding rules for the installations concerned.

Amendment

3. Member States shall ensure that general binding rules are kept up to date with developments in the best available techniques ***in order to ensure compliance with Article 22.***

Justification

Paragraphs 2 and 3 relate to the setting of conditions in general binding rules and their

review once a new BREF is published. Instead of re-opening the issues relating to BAT [see Krahmer 24] and permit review [see Krahmer 25 + amendments 224 to 227], this compromise proposes to make a direct link to the Articles on BAT and BREFs (Art 15 and 16) and on permit review (Art 22) as proposed by [Krahmer 25].

Amendment 60

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 26, 230

Proposal for a directive

Article 20

Text proposed by the Commission

Member States shall ensure that the competent authority follows or is informed of developments in best available techniques and of the publication of any new or revised BAT reference documents.

Amendment

Member States shall ensure that the competent authority follows or is informed of developments in best available techniques, and of the publication of any new or revised BAT reference documents ***also informing the public concerned.***

Justification

Vernola 230: taken on board in the compromise package, since it is useful that the Member States informs the public concerned about developments in BREFs.

Amendment 61

Holger Krahmer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendments 45, 307

Proposal for a directive

Article 30 – paragraph 2 – introductory paragraph

Text proposed by the Commission

For the purpose of the first subparagraph, the Commission shall adopt ***measures to determine*** the following:

Amendment

For the purpose of the first subparagraph, the Commission shall adopt the following ***criteria:***

Justification

Krahmer 45 deletes comitology and Brepoels 307 proposes that the Commission establishes

guidelines instead of measures through comitology. The proposal is to keep comitology but to stress that criteria (not measures) are adopted.

Amendment 62

Holger Kraemer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment replacing Amendment 331

Proposal for a directive

Article 35 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the monitoring of air polluting substances is carried out in accordance with Part 3 of Annex V.

Amendment

1. Member States shall ensure that the monitoring of air polluting substances is carried out in accordance with Part 3 of Annex V. ***Member States may require that such monitoring shall be carried out at the operator's expense.***

Justification

Hegyi 331: reintroduces that MS may require operators to pay for monitoring. This text was deleted from the LCP Dir, since may do so also without this provision (in practice, the continuous monitoring equipment will generally be installed/operated/maintained by the operators). It is added again for clarification purposes.

Amendment 63

Holger Kraemer, Marcello Vernola, Gyula Hegyi, Claude Turmes, Roberto Musacchio, Johannes Blokland

Compromise amendment on "ESN" (part of BLOC 4)

Proposal for a directive

Recital 32 a (new)

Text proposed by the Commission

Amendment

(32a) In order to address the significant problems raised by the emissions of dioxins and furans (and other relevant polluting substances) emitted by installations producing pig iron and steel and, in particular, sintering iron ore, the procedure laid down in this Directive should be applied as priority at the latest by 2011 to these activities.

Or. en