



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Petitions

20.11.2009

NOTICE TO MEMBERS

Subject: Petition 1459/2007 by Roberto Giurastante (Italian), on behalf of Greenaction Transnational, on atmospheric pollution in the Italy/Slovenia cross-border coastal region

1. Summary of petition

The petitioner maintains that there is a danger of atmospheric pollution due to toxic emissions from a steelworks situated in the Trieste industrial region. The plant is obsolete and lacks the appropriate purification technology. In view of the negligence of the competent authorities and the owner of the industrial works, the petitioner asks the EU to intervene, partly to tackle the economic and social consequences of a potential closure of the plant. The situation is made worse by the presence of other sources of pollution, such as the municipal waste incinerator and the Trieste sewage plant, neither of which comply with the legislation in force.

2. Admissibility

Declared admissible on 29 May 2008. Information requested from Commission under Rule 192(4).

3. Commission reply, received on 25 November 2008.

The petitioner raises concerns about industrial pollution in the whole marine area of the port of Trieste complaining, in particular, about the operating conditions of a steel plant and of five waste water management plants situated in the Province of Trieste, responsible for significant toxic emissions which pollute the sea water and the air of the entire cross-border area.

The applicable EU environmental legislation is IPPC Directive and the Urban Waste Water Treatment Directive. Directive 2008/1/EC concerning integrated pollution prevention and

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control¹ (codified version of Directive 96/61/EC, hereinafter: IPPC Directive) covers installations for the production and processing of metals including the production of pig iron or steel and the processing of ferrous metals.

According to this directive, the competent authorities are required to draw up, for each installation, an integrated permit, based on best available techniques, to ensure a high level of protection of the environment taken as a whole. The competent authorities are also required to ensure that the terms of the permit are respected by the operator when operating the installation.

The deadline for issuing permits complying with the requirements for existing installations was 30 October 2007. On 8 May 2008, the Commission launched an infringement procedure against Italy because of the poor permitting progress made under the IPPC Directive.

With regard to this petition, there are probably two installations in the "Servola Ironworks area" which fall under the scope of IPPC: the steel plant "LUCCHINI via Servola" and the energy plant "Centrale di Servola". According to the Italian IPPC Permit Register² and, while noting that this information may not necessarily be up-to-date, only the steel making plant holds an IPPC permit. This being said, the mere existence of a permit is not sufficient to assess whether the permit is valid and complies with the provisions of the IPPC Directive.

The petition also mentions inadequate waste water treatment in the Province of Trieste. The Urban Waste Water Treatment Directive³ sets out an obligation for waste water treatment for all settlement areas or areas of economic activity of more than 2 000 inhabitants or the equivalent in waste water pollution ('population equivalents'). The settlement areas of Trieste, Muggia and San Dorligo della Valle are, without doubt, within the scope of the directive. Considering that the necessary biological waste water treatment is not properly provided, the Commission has in its role as Guardian of the Treaty already initiated an infringement procedure against Italy for non compliance with the Urban Waste Water Treatment Directive

As regards compliance with the air quality legislation (Air Framework Directive 96/62/EC, Directive 1999/30/EC that specifies annual limit values for PM10 and nitrogen dioxide and the recently adopted directive on ambient air quality and cleaner air for Europe that will be replacing the above mentioned directives⁴), the Commission notes that in the Trieste zone the concentration of PM10 and nitrogen dioxide are above the limit value plus the margin of tolerance, a situation that triggers the adoption of an air quality plan. The Region of Friuli Venezia Giulia has adopted such a plan for the zone which identifies measures to reduce PM10 and nitrogen dioxide in the Trieste zone and which also includes the development of a specific agreement (accordo di programma) aimed at supporting the industrial reconversion of

¹ OJ L 24, 29.1.2008, p. 8

² IPPC Permit - Centrale di Servola <http://aia.minambiente.it/DettaglioImpiantoPub.aspx?id=23> [accessed 28 July 2008]

³ OJ L 135, 30.5.1991, p. 40

⁴ Framework Directive 96/62/EC, OJ L 296, 21.11.1996, p. 55; 1st daughter Directives 1999/30/EC, OJ L 163, 29.6.1999, p.41; the new Directive on ambient air quality and cleaner air for Europe OJ L152, 11.06.2008 p. 1.

the Servola steelworks. The Commission, through the required regular updates of the plan, will follow the development of the identified measures.

The Commission will further investigate with the Italian authorities how Directive 2008/1/EC is being implemented regarding the installations concerned. The Commission will also seek information from the Italian authorities on the implementation of the other relevant Community legislation on environmental protection.

4. Commission reply, received on 20 November 2009.

As described in the previous Commission communication, the installation falls under the scope of Directive 2008/1/EC concerning integrated pollution prevention and control¹ (codified version of Directive 96/61/EC, hereinafter: IPPC Directive).

The Commission investigated this matter with the help of the Italian authorities. Questions were asked regarding the permit, the operating conditions and the monitoring of the emissions of the installation as well as enforcement measures, if any, taken by the competent authority. On the basis of this, the following information was obtained:

- The competent Italian authority granted a permit in accordance with the IPPC Directive in February 2008 covering the Lucchini steelworks and all directly associated activities carried out by the same operator on the Servola site. However, due to the large size of the industrial complex, the authorities were not able to identify the exact installations referred to in the petition;
- With regard to the monitoring of the operation of the installation, the competent authority imposed a set of requirements and structural measures which the operator had to implement during the course of 2008. These measures should lead to the reduction of emissions of particulate matter by around 45%;
- The competent authority delivered a last warning in February 2009 for the failure to implement these measures relating to the operation of the blast furnace and required the operator to take appropriate measures within 30 days of receipt of the warning. Since the required measures were not carried out, the blast furnace stopped its operation on 12 March 2009. As a result, a significant part of the steel-making activities was also stopped;
- The competent authority carried out a number of monitoring inspections and several infringement and penalty notices were issued to the operator;
- As regards air quality, the Italian authorities notified the Commission in January 2009 of a request for an exemption from the obligation to apply the limit values for PM₁₀ in 67 air quality zones including the IT0602 zone, to which the city of Trieste belongs. In accordance with Article 22(2) of Directive 2008/50/EC² a Member State may be exempt from obligations

¹ OJ L 24, 29.1.2008, p. 8

² OJ L 152, 11.6.2008, p. 1

to apply the limit values for PM₁₀ if all appropriate abatement measures have been taken at national, regional and local level to achieve compliance by the 2005 deadline and if the principal cause of the exceedance can be attributed to site-specific dispersion characteristics, adverse climatic conditions or transboundary contributions, and an air quality plan is established demonstrating that conformity with the limit values will be achieved before the expiry of the new deadline.

The Commission has assessed the Italian notification and adopted Decision C(2009)7390 final on 28 September 2009 in which objections were raised against the exemption from the obligation to apply the daily and the annual limit value for PM₁₀ in zone IT0602 on the grounds that, due to a lack of information, it has not been fully demonstrated that compliance with the limit values can be achieved by the expiry of the exemption period in 2011. As a consequence the PM₁₀ limit values will continue to apply without the margin of tolerance in the zones concerned by the objections.

The most updated air quality data officially reported to the Commission on 20 October 2008 by the Italian authorities shows that in 2008 the air quality zone IT0602 complied with PM₁₀ daily limit values and that the concentration of nitrogen dioxide (NO₂) was above the annual limit value that will enter into force in 2010.

Conclusion

In light of recent air quality data and after the cessation of activities of the blast furnace, the Commission could not identify a breach of the Air Quality and IPPC Directives. The Commission will, however, continue to monitor the levels of PM₁₀ and NO₂ in this and other air quality zones in Italy.