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REPORT

on progress in implementing Council Directive 96/61/EC concerning integrated pollution prevention and control
(COM(2003) 354 - C5-0410/2003 - 2003/2125(INI))

Committee on the Environment, Public Health and Consumer Policy

Rapporteur: Marialiese Flemming

PR_INI

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PROCEDURAL PAGE

By letter of 19 June 2003 the Commission forwarded to Parliament its communication on progress in implementing Council Directive 96/61/EC concerning integrated pollution prevention and control (COM(2003) 354), which was referred to the Committee on the Environment, Public Health and Consumer Policy and to the Committee on Industry, External Trade, Research and Energy for information.

At the sitting of 4 September 2003 the President of Parliament announced that the Committee on the Environment, Public Health and Consumer Policy had been authorised, under Rule 47(2) and Rule 163, to draw up an own-initiative report on this subject (C5-0410/2003).

At the sitting of 9 October 2003 the President of Parliament announced that he had also asked the Committee on Petitions for its opinion.

The Committee on the Environment, Public Health and Consumer Policy had appointed Marialiese Flemming rapporteur at its meeting of 16 June 2003.

The committee considered the draft report at its meetings of 2 December 2003 and 21 January 2004.

At the latter meeting it adopted the draft resolution unanimously.

The following were present for the vote: Mauro Nobilia (acting chairman); María del Pilar Ayuso González, María Luisa Bergaz Conesa, Jean-Louis Bernié, Hans Blokland, David Robert Bowe, John Bowis, Philip Bushill-Matthews, Chris Davies, Alexander de Roo, Säid El Khadraoui, Jillian Evans (for Hiltrud Breyer), Pernille Frahm, Cristina García-Orcoyen Tormo, Robert Goodwill, Françoise Grossetête, Jutta D. Haug (for Anne Ferreira), Marie Anne Isler Béguin, Christa Klaß, Eija-Riitta Anneli Korhola, Bernd Lange, Paul A.A.J.G. Lannoye (for Inger Schörling), Peter Liese, Patricia McKenna, Erik Meijer (for Mihail Papayannakis), Bill Miller (for Torben Lund), Rosemarie Müller, Antonio Mussa (for Jim Fitzsimons), Riitta Myller, Giuseppe Nisticò, Guido Sacconi, Karin Scheele, Jonas Sjöstedt, María Sornosa Martínez, Catherine Stihler, Nicole Thomas-Mauro, Antonios Trakatellis, Peder Wachtmeister and Phillip Whitehead.

The opinion of the Committee on Petitions is attached.

The report was tabled on 28 January 2004.

DRAFT EUROPEAN PARLIAMENT RESOLUTION

on progress in implementing Council Directive 96/61/EC concerning integrated pollution prevention and control (COM(2003 354 - C5-0410/2003 – 2003/2125(INI))

The European Parliament,

- having regard to the Commission Communication entitled 'On the Road to Sustainable Production - Progress in implementing Council Directive 96/61/EC concerning integrated pollution prevention and control' (COM(2003) 354),
 - having regard to Council Directive 96/61/EC of 24 September 1996 concerning integrated pollution prevention and control¹,
 - having regard to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment² and to Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances³,
 - having regard to Rules 47(2) and 163 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Consumer Policy and the opinion of the Committee on Petitions (A5-0034/2003),
- A. whereas meeting the requirements set out in Directive 96/61/EC constitutes one of the major preconditions if European industry is to achieve success as regards protection of the environment,
- B. whereas the Directive not only constitutes a major challenge for European industry but also provides a major opportunity,
- C. whereas the objective of the Directive will be attained only if the authorities responsible for the transposition thereof devote all the necessary efforts thereto,
- D. whereas, in some Member States, delays have occurred in the transposition of the Directive into national legislation,
- E. whereas the Member States had to complete a questionnaire by the end of October 2003, giving detailed information about the way in which they had transposed the Directive,
- F. whereas, pursuant to Directive 96/61/EC, existing installations do not have to meet the requirements set out in the Directive until 30 October 2007,

¹ OJ L 257, 10.10.1996, p. 26.

² OJ L 175, 5.7.1985, p. 40.

³ OJ L 10, 14.1.1997, p. 13.

- G. whereas ten more countries will accede to the Union on May 2004, with Directive 96/61/EC already having been fully transposed into the national legislation of eight of the 13 applicant countries,
- H. having regard to the major problems which are to be expected when Directive 96/61/EC is implemented in the applicant countries,
- I. whereas the lack of clarity in the interpretation of Directive 96/61/EC referred to by the Commission may well, in practice, result in major uncertainties in the implementation of the Directive,
- J. whereas the principle of subsidiarity is generally valid, but whereas it may prove to be the case that the efforts made by the authorities in the implementation of the Directive are inadequate and that, as a result, more strictly harmonised solutions need to be considered, for example by the introduction of Community-wide emission limit values for certain pollutants (such as dioxin),
- K. whereas identical types of installations should be the subject of identical definitions in all directives,
- L. whereas the withdrawal from the scope of Directive 96/61/EC of the air pollutants on which the emissions trading system is based is to be deplored,
- M. whereas one of the operators' fundamental obligations is to take every appropriate preventive measure against pollution by using best available techniques (BATs), but whereas various definitions of BATs exist,
- N. whereas fairly small undertakings in particular do not have available the expertise or the human and financial resources needed to undertake the requisite and desirable adjustments,
1. Calls on the EU not to supplement or expand the relevant legislation at present so as to give the national authorities more time to familiarise themselves with the current legal situation;
 2. Bearing in mind the signing, in December 2003 of the Interinstitutional Agreement on Better Regulation, the objectives of which include, inter alia., clarity and transparency of legislation, and which contains provisions for implementation and monitoring, on which the institutions have agreed;
 3. Emphasises that an improvement in the implementation of Directive 96/61/EC requires further strengthening of every opportunity to support the undertakings involved;
 4. Calls on the Commission to draw up a 'Guidance Document' in order to clarify the definition of 'installation' and of Annex I, with industry being necessarily involved in that process;
 5. Calls for such a Guidance Document to include clarification on the application of the Directive to municipal waste water treatment plants as well as any directly associated

activities relating to Annex I, point 5.3, taking into account that the provisions of the Urban Waste Water Treatment Directive already apply.

6. Calls on the Commission to draw up practical guidelines so as to provide a clear definition of energy-efficiency requirements;
7. Calls on the Commission to review the threshold values set out in Annex I for some sectors (e.g. waste management); takes the view that such review of threshold values must involve the participation of all those concerned;
8. Welcomes the introduction of additional Community emission limit values, where it can be shown that the authorities in one or more Member States have laid down emission limit values which are not based on BATs;
9. Notes that the Communication indicates that at least the following key terms and definitions in the Directive lack sufficient clarity:
 - Threshold criteria
 - Installation boundaries and definition of 'installation'
 - Substantial change
 - Deriving emission limit values from BAT
 - Returning the site to satisfactory state
 - Permit conditions for accidents, waste minimisation and energy efficiency;
10. Calls on the Commission to take appropriate measures to ensure optimum coherence between the definitions used in Directive 96/61/EC and Directive 85/337/EEC as well as with Directive 96/82/EC;
11. Calls on the Commission to consider the possibility of introducing sector specific guidelines as regards the length of permit validity for installations and activities;
12. Calls for Directive 96/61/EC to be applied as well to the air pollutants on which the emissions trading system is based;
13. Considers that the status and role of the information exchange network and the "reference documents" (BREFs), whose aim is to make comparative analyses and to identify and seek to guide the determination of "best available technology" (BAT) – elements which constitute the Directive's cornerstone, and thus the issuing of permits for installations covered by the Directive, need further clarification;
14. Calls on the Commission to ensure that all BREF documents are finalised as soon as possible, and recommends that they are regularly reviewed to take into account new facts and the development of abatement technologies;
15. Recognises that the BREF definition procedure has not fully reflected the original intentions of the IPPC directive; therefore calls on the Commission to establish clear criteria for BAT selection in line with the objectives of the directive, to propose rules for reporting on industry performance levels, and to define transparent decision-making rules for the Technical Working Groups with appropriate conflict management procedures and adequate possibilities to record minority positions;

16. Recommends to the Commission that it expand all BREF documents to include quantitative energy-efficiency tables and graphs;
17. Calls on the Commission to have all BREF documents translated into all the official languages of the EU;
18. Calls on the Member States and on the Commission to promote more intensive exchange of information between the competent authorities with regard to actual transposition of Directive 96/61/EC;
19. Calls for an increase in the endowment of the Community guidelines on state aid for environmental protection¹, especially for small and medium-sized undertakings;
20. Recommends that, in future, the Commission also consider a separate directive for the prevention of and a reduction in environmental pollution from small and medium-sized enterprises;
21. Calls on the Commission, when it undertakes a revision of Directive 96/61/EC in the future, to include in the scope thereof activities where experience has shown at Member State level that this would be beneficial to the environment;
22. In revising the IPPC directive, calls on the Commission to make proposals to strengthen the formal status of NGO participation in the BREF definition procedure and to make available financial resources to ensure appropriate participation of the environmental non-governmental sector;
23. Supports the inclusion of waste management installations if appropriate threshold values are laid down;
24. Calls on the Commission to encourage national strategies for the early inclusion of existing installations in certain sectors in the scope of Directive 96/61/EC before 30 October 2007;
25. Recommends to the Commission that it support the expansion of administrative capacity in the accession countries;
26. Underlines that it will not accept that weaknesses in the IPPC Directive or its implementation by the Member States result in the *de facto* undermining of citizen's rights pursuant to the Aarhus Convention and the Directives on the public's right to information on, and participation in decisions affecting the environment, including the rights that will emanate from the proposed Directive on access to justice in environmental matters;
27. Considers that, in view of enlargement, the overall lack of clarity, the remarkable variations in implementation, and the absence of effective monitoring mechanisms weaken the capacity of the Directive, particularly as far as environmental issues are concerned, to stimulate sustainable production patterns; also emphasises that small and medium-sized enterprises, which account for a significant proportion of the installations

¹ OJ C 37, 3.2.2001, p. 3

covered by the IPPC Directive, are the first to suffer from the lack of clarity in certain key concepts and calls for support measures to be introduced which comply with the applicable rules of competition and the internal market;

28. Instructs its President to forward this resolution to the Council and Commission.

EXPLANATORY STATEMENT

The Directive concerning integrated pollution prevention and control entered into force on 30 October 1996. Since October 1999, the Directive has applied to new installations as well as to existing installations where the operator intends to carry out changes which may have significant negative effects on human health or the environment.

As regards existing installations, the Directive grants the Member States a transitional period until October 2007. By then, therefore, existing installations must also meet all the requirements set out in the Directive.

The aim of the Directive is to ensure the integrated prevention and control of pollution caused by a number of industrial and agricultural activities and to guarantee a high level of environmental protection in the EU.

Integrated pollution prevention and control is achieved by a permit system for installations. The permit system is designed to ensure that operators of installations are obliged to take measures to prevent environmental pollution. That includes, in particular, the use of best available techniques (BATs).

Your rapporteur expressly welcomes Directive 96/61/EC and emphasises that, while meeting the Directive's requirements constitutes a major challenge for European industry, at the same time it also provides it with a major opportunity.

In accordance with the principle of subsidiarity, the implementation of the Directive is a matter for the Member States. Although the Directive has been transposed into national law in all the Member States (except Luxembourg), the actual implementation of the Directive is still at a very early stage.

The reason for this is that, since the Directive entered into force, relatively few new installations have been built or significant changes made to existing installations in the EU.

To date, permits covered by Directive 96/61/EC have been issued in only a few Member States, largely because the Member States were granted a transitional period within which to adapt existing installations so as to meet the requirements of the Directive.

In June 2003, the Commission embarked upon a wide-ranging consultation process involving all those concerned with a view to identifying the problems involved in the implementation of Directive 96/61/EC. To that end, the Member States were required to complete a questionnaire by the end of October 2003, giving detailed information about the way in which they had transposed the Directive.

In the light of the information given in the replies, your rapporteur takes the view that a definitive assessment of the efficacy and/or need for improvement of the Directive cannot usefully be made until national reports have been submitted about the actual transposition of the Directive with regard to existing installations, i.e. from 2007 onwards. Only then will Directive 96/61/EC be comprehensively applied in practice and a genuine impact assessment be possible.

Your rapporteur also takes the view that the national authorities responsible for the implementation of the Directive must be given time to familiarise themselves with the current legal situation and acquire the requisite new expertise.

Your rapporteur is, therefore, fundamentally opposed to any expansion or extension of Directive 96/61/EC before 30 October 2007.

Lack of clarity in the interpretation of Directive 96/61/EC (inter alia with regard to threshold values, installations boundaries, whether changes are substantial or not, satisfactory state of an industrial site, and energy efficiency) has already led to serious uncertainties in the implementation of the Directive.

Your rapporteur therefore calls on the Commission to draw up a 'Guidance Document' with a view to clarifying the definition of 'installation' and of Annex I.

With a view to the interpretation of the term 'production capacity', the Commission should take account not only of the capacity at which the installation is technically capable of being operated but also of actual restrictions on capacity. They include, in particular, restrictions relating to operating hours, single-shift operation or Monday-to-Friday operation. If technical capacity limits were the sole decisive factor, locations which had no such capacity restrictions would enjoy a comparative advantage.

Because of the interpretation difficulties involved with energy efficiency, the Commission is also asked to draw up practical guidelines so as to define energy-efficiency requirements more clearly.

As the Commission itself admits in its Communication (COM(2003) 354), the threshold values for some sectors listed in Annex I are too ambitious or even unreasonable. The threshold values for the waste management sector in particular are set very low.

That may lead in particular to a situation where installations with relatively insignificant adverse effects on the environment are required to undergo extensive and expensive administrative procedures quite disproportionate to the benefits accruing to the environment.

Your rapporteur therefore calls on the Commission to review the threshold values - with the input of all those concerned.

When Directive 96/61/EC is subject to a thoroughgoing review - at the earliest in 2007 - your rapporteur would support the inclusion in the scope of the Directive of mining installations and installations for the manufacture of chipboard and fibreboard. Should all waste management installations, at some time in the future, fall within the ambit of the Directive, appropriate threshold values would have to be set for such installations.

With regard to the introduction of Community-wide emission limit values, your rapporteur would currently recommend a softly-softly approach. The introduction of Community-wide emission limit values applicable to certain sectors or with regard to certain pollutants would contradict not only the decentralised but also the integrated approach taken in Directive 96/61/EC, since they would restrict the opportunities for the authorities to take environmentally and economically justified measures in individual cases.

However, should it so happen, in the future, that one or more Member States had laid down emission limit values which were too lax or were not based on best available techniques, the establishment of Community-wide emission limit values applicable to certain sectors or with regard to certain pollutants might be necessary.

Your rapporteur recognises that one major problem arises from the fact that identical types of installation are currently defined differently in various directives (in particular in Directive 96/61/EC, Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment and Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances).

Your rapporteur therefore calls on the Commission to take the measures required to ensure that the definitions used in those directives are made as consistent as possible.

Your rapporteur also deplores the Commission proposal that the air pollutants covered by the emissions trading system should be excluded from the scope of Directive 96/61/EC.

The Commission submitted this proposal because, in future, such pollutants will be covered by the Directive on greenhouse gas emissions allowance trading. The exclusion of certain air pollutants from the scope of Directive 96/61/EC would mean that certain installations would be exempted from the obligation to use best available techniques. The operators of such installations could then decide whether to reduce their emissions to or below the authorised level or to purchase emission rights from other parties.

Although the greenhouse gas emissions allowance trading scheme may also result in emission reductions in a possibly more cost-effective manner, your rapporteur would contend that such an exclusion of certain installations would jeopardise the integrated approach of Directive 96/61/EC.

The exclusion of such substances from the application of best available techniques infringes the principle that only a high level of environmental protection provisions can ensure that economic activities are sustainable. That principle was also set out in the Sixth Environment Action Programme.

Should the mutually conflicting aspects of the various noxious components be appraised in the authorisation procedure and weighed against each other with a view to a balance being struck, the parts of emissions which have a particularly damaging effect may not be left out of the assessment procedure (for example, those greenhouse gases which also contribute to the depletion of the ozone layer).

Finally, account must also be taken in this connection of how these pollutants are treated at primary or secondary level in the respective installations. The treatment processes may well result in the creation of other pollutants in not insignificant quantities. If the basic substances were not to be assessed under the integrated authorisation procedure, the downstream products would also be excluded from assessment.

Your rapporteur therefore calls for the application of Directive 96/61/EC to air pollutants subject to the emissions trading scheme as well.

The BAT reference documents (known as BREF documents) drawn up by the Commission in consultation with the Member States serve as an aid to the interpretation of the definition of best available techniques (BATs).

Your rapporteur takes the view that the BAT Reference documents provide a useful overview of production methods, processes tested successfully throughout Europe, emission reduction measures and attainable emission levels. Accordingly, the existing BRF documents should be updated regularly.

However, your rapporteur feels that priority should be given to the drawing up of BREF documents for all the branches involved. Existing BREF documents should not be revised until the Commission has drawn up BREF documents for all branches. Better information about the best available techniques for all the branches involved is required as a matter of urgency so as to provide the authorities, experts and the undertakings involved with a uniform basis for assessment.

In addition, your rapporteur would recommend the inclusion in BREF documents of quantitative energy-efficiency tables and graphs, since purely qualitative data are inadequate on their own.

Because of the significance of the BREF documents, and with a view to the optimum dissemination thereof, your rapporteur calls on the Commission as a matter of urgency to have all BREF documents translated into all the official languages of the EU.

Directive 96/61/EC principally applies to large industrial and agricultural installations. However, small and medium-sized undertakings account for a considerable number of the installations covered by the Directive.

Since, however, in many instances, small and medium-sized undertakings do not have available the expertise or the human and financial resources needed to undertake the adaptations required under the Directive, your rapporteur believes that such undertakings merit specific support.

Your rapporteur therefore calls for an increase in the endowment of the Community guidelines on state aid for environmental protection (2001/C 37/03). The granting of additional aid of this nature to small and medium-sized undertakings would help them to adapt their installations so that they meet the legal requirements.

Pursuant to Directive 96/61/EC, existing installations must comply with the requirements of the Directive by 30 October 2007. It is, therefore, not enough for authorities to issue permits between now and that date which give operators of installations additional time in which to meet the requirements of the Directive in full.

Some Member States are aware of this problem and have already drawn up national strategies so as to ensure that the authorities and operators are not overwhelmed when the transitional period expires. Those strategies provide for existing installations in certain sectors to be incorporated into the scheme covered by Directive 96/61/EC before 30 October 2007.

A similar problem arises in the accession countries, where, at present, the requisite administrative capacities are also inadequate.

Your rapporteur therefore calls on the Commission to encourage national strategies for the early inclusion of existing installations in the scope of Directive 96/61/EC in the Member States and in the accession countries.

16 December 2003

OPINION OF THE COMMITTEE ON PETITIONS

for the Committee on the Environment, Public Health and Consumer Policy

on the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on the Road to Sustainable Production and Progress in implementing council Directive 96/61/EC concerning integrated pollution prevention and control
(COM(2003) 354 –C5-0410/2003 - 2003/2125(INI))

Draftsperson: Jean Lambert

PROCEDURE

The Committee on Petitions appointed Jean Lambert draftsman at its meeting of 11 September 2003.

It considered the draft opinion at its meetings of 26/27 November and 15 December 2003.

At the last meeting it adopted the following suggestions unanimously.

The following were present for the vote: Roy Perry (Acting Chair), Astrid Thors (Vice Chair), Jean Lambert (Draftsperson), Felipe Camisón Asensio, María Luisa Bergaz Conesa, Marie-Hélène Descamps, Margot Keßler, Ioannis Koukiadis, Ioannis Marinos, Antonios Trakatellis, Christian Ulrik von Boetticher, Eurig Wyn.

SHORT JUSTIFICATION

The Integrated Pollution Prevention and Control (IPPC) Directive¹ came into force on 30 October 1996 with formal compliance for new plants required by 30 October 1999. Compliance of existing plants is required by 30 October 2007, except when these are subject to 'substantial changes', for which permits are required as from 1999. Some of the accession countries have been granted longer implementation periods.²

Specified industrial activities are to be authorised in order to attain '*a high level of protection for the environment taken as a whole*'. This is to be achieved by preventing or reducing emissions to air, water and land, including measures concerning waste and energy efficiency. The overall objective of the Directive is to implement the best available techniques taking into account the local conditions.

The information exchange on best available techniques and monitoring, provided for in the Directive ("Sevilla process") is co-ordinated and facilitated by the European IPPC Bureau, which is part of the Institute for Prospective Technological Studies at the Commission's Joint Research Centre, based in Seville. The exchange seeks to join Member States resources in identifying BATs, while simultaneously functioning as sector-by sector benchmarking. The main results of the information exchange are the so-called 'BREF' documents (as in BAT Reference documents), to which an annex to the Directive refers. These should, in principle, guide the issuing of permits, which, in turn should guide the operators of installations to take preventive measures against pollution.

The permit system makes the IPPC Directive essential for the implementation of a large number of other Community laws and policy instruments, ranging from emissions trading schemes and environmental liability to EU chemicals policy or the CAP. Many of the instruments mentioned by the Commission, such as, the directives on environmental impact assessment, landfills and the management of waste and waters, or the "Aarhus" Directives³ are frequently at the core of issues raised in petitions to EP.

In light of this strategic role foreseen for the IPPC Directive the state of implementation by the Member States, as reported in the Communication, is somewhat worrying. According to the Commission "very few Member States managed to meet (the) dead line" for transposition" (p. 8), and in some problems in this respect still remain. A central concern highlighted in the Communication is the lack of strategy in many Member States for phasing in existing installations.⁴ Those Member States that have not yet adopted a strategy for dealing with the permits for existing installations are likely to be faced with serious difficulties in meeting the 2007 dead line.

However, when reading the analysis in the Communication of the significant variations in the

¹ Directive 96/61/EC, OJ L257 10.10.96.

² These concern certain existing plans in Poland, Slovenia, Slovakia and Latvia, with requests by Bulgaria and Romania.

³ Directive and Directive... The Commission has recently submitted a proposal for a Directive on the third 'Aarhus pillar, that is, access to justice. See COM ...

⁴ For example, in the UK - where a phasing-in strategy fortunately has been adopted - there are reportedly 7,705 installations basically concerned, but only 1% 'new' and 1% covered by the rules on substantial change.

way Member States apply the Directive, your draftsman fears that the level of difference puts reaching the objectives of the Directive severely at risk. Given the magnitude of the variations, such implementation would even seem to contravene the objectives of the internal market.

The Communication shows rather clearly how these variations relate to certain aspects of the Directive itself, notably, to a lack of clear definitions of key terms in the Directive, to certain ambiguities as to the actual status of the BREFs, and in terms of the boundaries between technical/technological, political and legal aspects of essential decisions and procedures. However, also the Communication leaves room for further clarity when it states, on the one hand, that the BREF documents *"are to be taken into account by competent authorities when considering permit applications and establishing permit conditions"* and, on the other hand, that *BREF documents do not set any legally binding standards* (p. 16, emphasis added).

Such statements - or indeed, such a state of law - do not facilitate correct implementation and consistent application. Thus, there is a need to clarify the Directive in respect to the status of the BREFs, notably their relation to concrete emission limit values (ELVs) and permit criteria, but also as regards the role and status of the information exchange process, in which the BREFs are laid down.

Finally - and crucially from the perspective of the Committee on Petitions - there appears to be a fatal lacunae in the mechanisms for monitoring the implementation of the Directive. A statement in the Communication is illuminating in this respect: *"In accordance with the principle of subsidiarity, Member States have exclusive responsibility for the implementation of the Directive. The role of the Commission is to facilitate exchange of information at EU level"*(p.6)

Taken literally, this could effectively leave the possibilities to monitor the implementation in limbo. Ultimately, one can question the added value of European legislation if it does not lead to sufficient consistence and coherence in the implementation. Needless to say, such legislation also becomes problematic from the point of view of our possibility to be of assistance to citizens who turn to Parliament with petitions if, in the end, all that can be replied to the petitioner is that whatever shortcomings there are in the national application, it is up to the competent national authorities to remedy these.

SUGGESTIONS

The Committee on Petitions calls on the Committee on the Environment, Public Health and Consumer Policy, as the committee responsible, to incorporate the following suggestions in its motion for a resolution:

1. Concerned by the state of implementation of the Directive and, notably, that as a result of the magnitude of the variations in application, which current interpretation of the Directive by the Member States, as well as certain ambiguities in the Directive itself appear to lead to, the objectives of the Directive will not be reached; calls on the Member States and the Commission to react within their powers to remedy this state of affairs without delay;
2. Bearing in mind the signing, in December 2003 of the Interinstitutional Agreement on Better Regulation, the objectives of which include, inter alia., clarity and transparency of legislation, and which contains provisions for implementation and monitoring, on which the institutions have agreed;
3. Considers that the status and role of the information exchange network and the "reference documents" (BREFs), whose aim is to make comparative analyses and to identify and seek to guide the determination of "best available technology" (BAT) – elements which constitute the Directive's cornerstone, and thus the issuing of permits for installations covered by the Directive, need further clarification;
4. Emphasises that controversies of a political, rather than technical nature, which might arise within the "Sevilla process", and concerning the BREFs, need to be referred to an appropriate forum - possibly by referral to a comitology procedure; considers therefore that it is vital to make provision for a technical improvement to this system, on an urgent basis;
5. Underlines that it will not accept that weaknesses in the IPPC Directive or its implementation by the Member States results in *de facto* undermining citizen's rights pursuant to the Aarhus Convention and the Directives on the public's right to information on, and participation in decisions affecting the environment, including the rights that will emanate from proposed Directive on access to justice in environmental matters;
6. Calls on the Commission to draw the logical conclusions of its Communication as regards the need to establish emission limit values (ELVs), notably, with a view to emissions trading and environmental liability;
7. Notes that the Communication indicates that at least the following key terms and definitions in the Directive lack sufficient clarity:
 - Threshold criteria
 - Installation boundaries and definition of 'installation'
 - Substantial change
 - Deriving emission limit values from BAT
 - Returning the site to satisfactory state
 - Permit conditions for accidents, waste minimisation and energy efficiency

8. Is concerned by the apparent weakness in the mechanism for the monitoring of the application of the Directive;
9. Considers that, in view of enlargement, the overall lack of clarity, the remarkable variations in implementation, and the absence of effective monitoring mechanisms weaken the capacity of the Directive, particularly as far as environmental issues are concerned, to stimulate sustainable production patterns; also emphasises that small and medium-sized enterprises, which account for a significant proportion of the installations covered by the IPPC Directive, are the first to suffer from the lack of clarity in certain key concepts and calls for support measures to be introduced which comply with the applicable rules of competition and the internal market;