



UNION EUROPEENNE DE L'ARTISANAT ET DES PETITES ET MOYENNES ENTREPRISES
EUROPÄISCHE UNION DES HANDWERKS UND DER KLEIN- UND MITTELBETRIEBE
EUROPEAN ASSOCIATION OF CRAFT, SMALL AND MEDIUM-SIZED ENTERPRISES
UNIONE EUROPEA DELL'ARTIGIANATO E DELLE PICCOLE E MEDIE IMPRESE

IPPC Review – Data Gathering Part II

Suggestions for further possible amendments

As called for in the 4th meeting of the IPPC Review Advisory Group on 6 December 2006 and the note of 20 December 2006 we suggest considering the following possible amendments to the IPPC Directive:

1. AMENDMENTS ALREADY SUGGESTED IN THE QUESTIONNAIRE FOR “DATA GATHERING PART I”

1.1. A clearer definition of “change in operation”

The question is whether any change of an installation obliges operators to inform the competent authority in any event or in case negative consequences for the environment are to be expected only. It is unclear, if changes of an IPPC installation (like installing a SCR unit or a filter) that **improve** the environmental impacts **only** (through the reduction of the emissions of certain substances) are “changes in operation”.

1.2. Clarification of “substantial changes”

In practice changes of IPPC may meet the threshold criteria for the activity but do not cause any additional negative impact on the environment. Nevertheless they are “substantial changes” according to Article 2 Number 10 letter b) IPPCD.

As an incentive for such changes e.g. a relief from the provisions for “substantial changes” in Article 12 paragraph 2 IPPCD could be considered.

For example the Austrian Environmental Law foresees that operators intending to change parts of their installations do not have to issue an application for a permit when there will be no additional emissions. The operator has to inform the competent authority only in order to proof that the change does not cause any additional emissions. This procedure is in average much shorter than a full permit procedure for the change of an installation.

1.3. Definition for “volatile organic compounds”

There should be a definition for VOC in the IPPCD like in the solvent emissions Directive to ensure legal certainty.

1.4. Smaller waste treatment installations

While certain new requirements for waste treatment installations not yet falling under the IPPCD may have positive impacts on the harmonisation of the internal market (esp. for waste shipment)

and can avoid competition distortion it could be disproportionate to make all IPPC requirements for them applicable.

We suggest considering these aspects as part of the study “data gathering in relation to waste treatment installations” which should also demonstrate the impacts of the integration of further waste treatment activities into the IPPC regime.

2. NEW SUGGESTIONS

2.1. IPPC threshold for galvanic installations

Annex I Nr. 2.6. IPPCD sets a threshold for installations for surface treatment of metals and plastic materials using an electrolytic or chemical process where the volume of the treatment vats exceeds 30m³. Thus very small firms may fall under the IPPCD and have to comply with the requirements of that Directive. We suggest considering the environmental, economical and social impacts when:

- the threshold is raised up to 100m³
- other facilitations if certain requirements are foreseen

Justification: It could be economically unfeasible and disproportionate for very small firms with installations falling under Nr. 2.6 of Annex I IPPCD complying with all requirements of that Directive. Above all those firms may only have a few employees and do not have the capacity to follow the IPPC process (development of BAT, periodic review of permits etc.)

2.2. Output threshold approach for certain activities

Section 7.3.1 of the Commission Communication, COM(2003) 354 final (“On the road to sustainable production”) elaborated: *“It is also appropriate to examine whether in some cases it would be more straightforward to have production output thresholds over a given period instead of production capacity thresholds.”*

In a survey we made among the Austrian industry in 2005 the following sectors were in favour of the production output approach instead or alternatively of the capacity threshold approach:

- chemical industry
- foundries
- installations for surface treatment of metals and plastic (Annex I Nr. 2.6 IPPCD)
- glass industry for certain processes with high quality requirements

Justification: The installed and permitted capacity is often unused due to many reasons. Unused capacity has no negative effect on the environment. Therefore we suggest considering the impacts of a production output approach for the sectors mentioned above. The study should elaborate necessary constraints to facilitate the change to production outputs. Time periods of consideration if the production output is reached or not as well as monitoring efforts may be the topic of the study.

2.3. “Production capacity” instead of “melting capacity” as IPPC threshold for foundries

Section A.i of the terms of reference for the Data Gathering Part II study already foresees clarifying the IPPC threshold in Annex I Nr. 2.4. We strongly suggest adding the consideration of the impacts when in Annex I Nr. 2.5 the term “melting capacity” is changed to the term

“production capacity” for the non-ferrous metals industry.

Justification: With the application of the theoretical term “melting capacity”, based on a 24-hour operation of all melting units, a lot of installations with a daily production below 20t/d fall under the IPPC regime. This may not have been the intension of the IPPCD.

The reasons for the differences between the “melting capacity” and the daily “production capacity” are:

- The possible daily production capacity is influenced not only by the technical capacity of the furnace itself, but also from the production capacity of other units (e.g. casting, post processing)
- Due to the composition diversity when casting aluminium a certain number of furnaces has to be operated. Often some furnaces with compositions not needed that much, are only used for heating but not for casting.

Brussels/Vienna, 15th January 2007