



WORKSHOP FOR JUDGES

***How to Handle Court Proceedings Invoking
Non-compliance with the EU Industrial
Emissions Directive***

Introduction to the Industrial Emissions Directive (IED) 2010/75/EU

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Structure of the Presentation

- I. Objectives / rationale of the IED**
- II. Material and environmental scope of the IED**
- III. Legal framework - IED structure and beyond**
- IV. Legal framework - IED key dates**
- V. How IED law is made: process and participants**
- VI. IED key feature: IED permit**
- VII. IED key feature: BREFs, BAT Conclusions, BAT and BAT-AEPLs**

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Explanation for acronyms:

IED: Industrial Emissions Directive

BAT: best available techniques

BAT BREF reference document: Document drawn up for defined activities and describing applied techniques, present emissions and consumption levels, techniques considered for the determination of BAT

BAT conclusions: document containing the parts of a BAT BREF reference document laying down the conclusions on BAT, their description, information to assess their applicability, the BAT-AELs, associated monitoring, associated consumption levels and, where appropriate, relevant site remediation measures;

BAT-AEL: BAT associated emission levels

BAT-AEPL: BAT associated environmental performance levels

Structure of the Presentation

- VIII. IED key feature: Soil clean-up**
- IX. Special focus on large combustion plants**
- X. Assess IED implementation: Monitoring and Compliance Assessment**
- XI. Assess IED implementation: Inspections**
- XII. Assess IED implementation: Reporting**
- XIII. When non-compliance with permit conditions identified**
- XIV. Role of the public and NGOs**
- XV. Future of IED: Evaluation**

I.

OBJECTIVES / RATIONAL OF THE IED

- **High level of protection of human health and the environment** by reducing harmful industrial emissions across the EU in particular through application of **Best Available Techniques** (BAT).
- Simplify and clarify provisions of existing legislation on industrial installations, to reduce administrative burden and to set a **general framework** for the control of the main industrial activities, giving priority at intervention at source.
- **Integrated approach** to prevention and control of emissions into air, water and soil to avoid shifting pollution from one environmental media to another and to protect the environment taken as a whole.
- Further **level-playing field** across the EU

II.

MATERIAL AND ENVIRONMENTAL SCOPE OF THE IED

Material scope of IED (1)

IED is the main EU instrument regulating pollutant emissions and releases from industrial installations.

- Applies to the largest industrial installations - activities listed in Annex I IED whose production capacity or outputs > thresholds (if any) specified in that Annex:
 - ✓ e.g. Combustion plants with total rated thermal input ≥ 50 MW
 - ✓ e.g. Production of cement clinker in rotary kilns with production capacity > 500 t/day
 - ✓ e.g. *Industrial* production of organic chemicals (polymers etc.)
 - ✓ e.g. Refining of mineral oil and gas

Annex I contains the list of activities covered in particular by Chapters 1 and 2 of the IED.

To define whether the IED applies to a certain installation, exact thresholds (generally production capacities or outputs) are given in Annex I. Some activities are not associated with thresholds, which implies all concerned installations are all subject to the IED.

Material scope of IED (2)

IED covers also some VOC installations not listed in Annex I

- Installations using organic solvents only covered by Chapter V IED – listed in Annex VII (Part I) and meeting thresholds in terms of VOC annual consumption set in Annex VII (Part II)
 - ✓ e.g. Activities in which an adhesive is applied to a surface
 - ✓ e.g. Activities in which a continuous film of a coating is applied
 - ✓ e.g. Dry cleaning using VOC to clean consumer goods
 - ✓ e.g. Surface cleaning of products
- Installations using organic solvents meeting the threshold set in Annex I (item 6.7) are covered by Chapter II (BAT) and relevant BAT conclusions (and Chapter V for minimum requirements if not addressed in BAT conclusions)
 - ✓ e.g. Surface treatment of products using VOC for e.g. coating with a VOC consumption capacity > 150 kg/hour or > 200 t/year

Chapter V covers activities, which use organic solvents and apply to activities listed in Annex VII (Part 1) and, where applicable, reaching the consumption thresholds set out in Part 2 of that Annex. Yet, if threshold set in Annex I (6.7), the installation concerned is covered by Chapter II and subject *inter alia* to BAT related requirements.

Material scope of IED (3)

Some 50,000 installations across EU operating large variety of industrial/agro-industrial activities

Energy industries...

Mineral industries...

Metal industries...

Chemical industries...

Waste management...

Intensive livestock ...



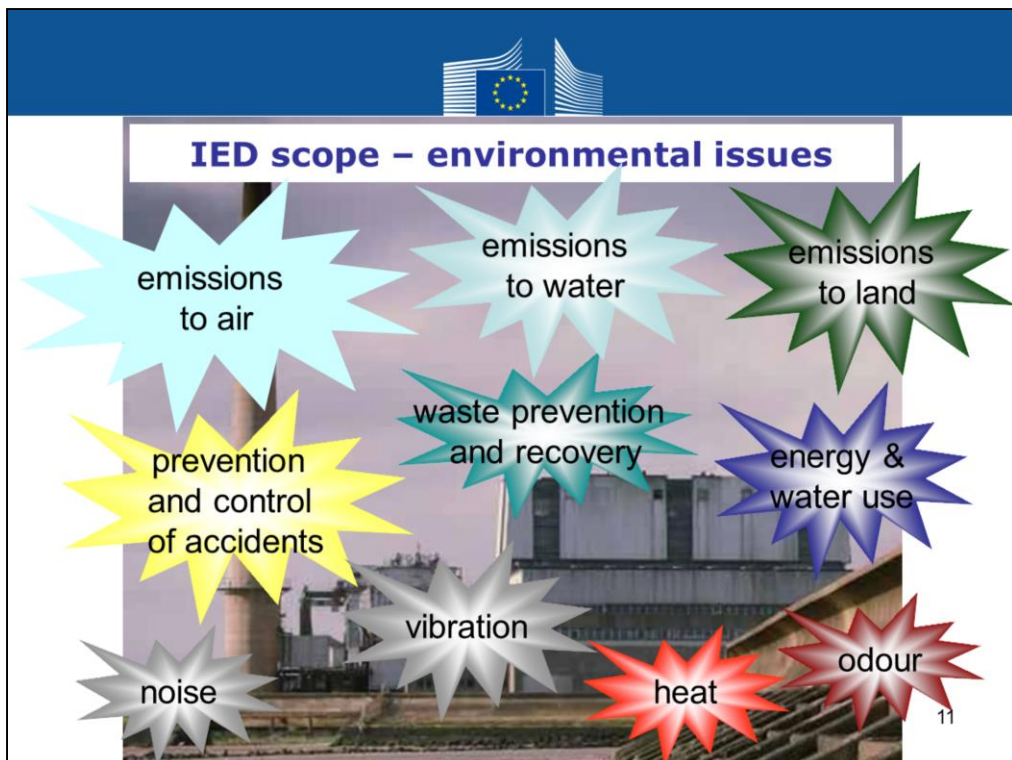


Material scope of IED (4)

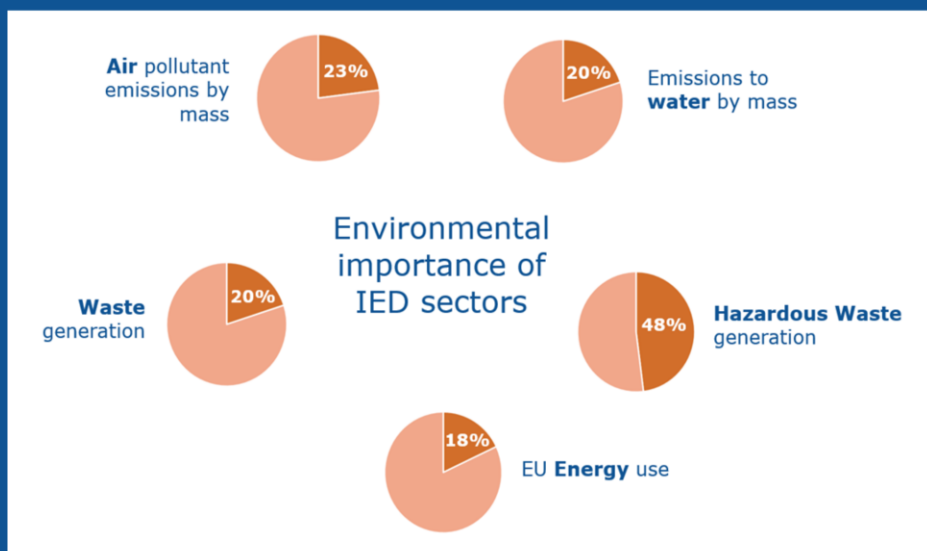
**Amongst activities covered by the IED,
it does not cover (Art. 2)**

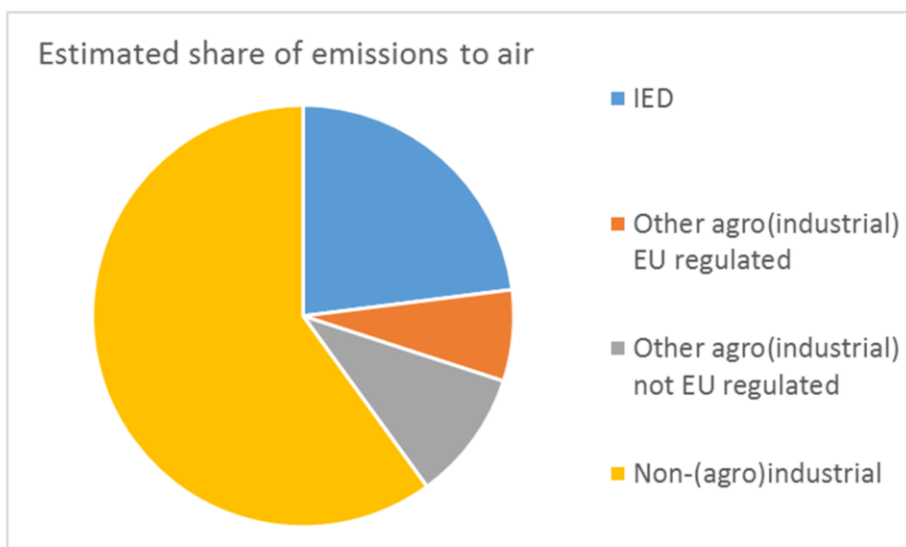
- Research activities
- Development activities
- Testing of new products and processes

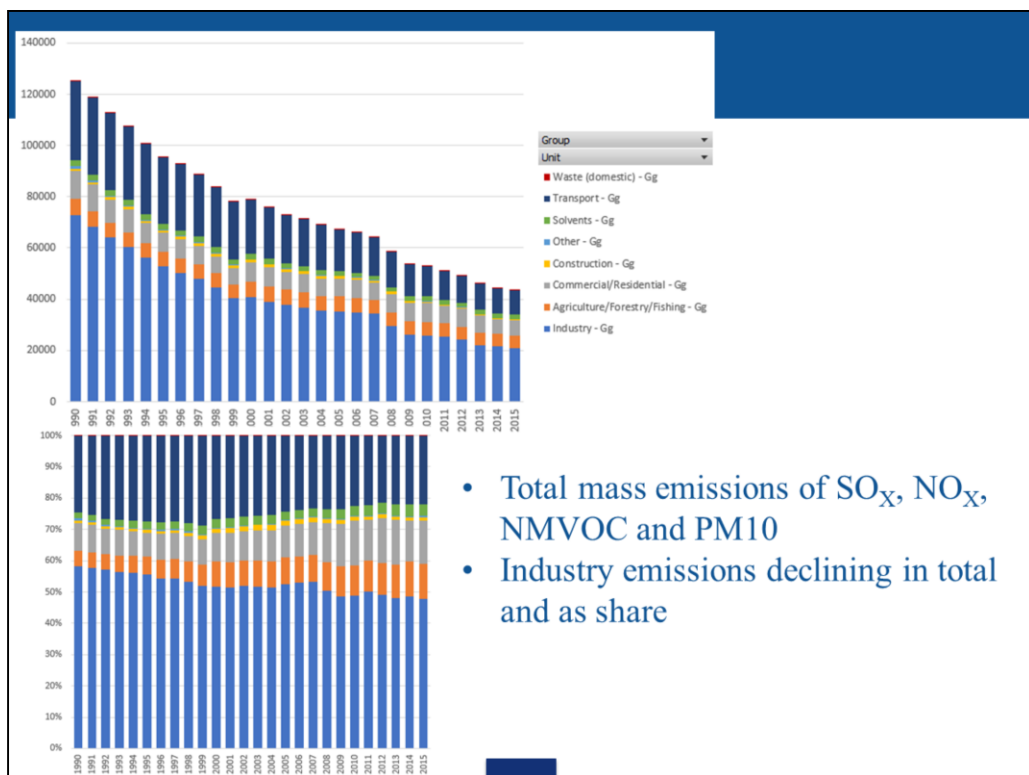
Some activities are theoretically covered by the scope of application of Annex I but are not subject to the IED. They are listed in Article 2.



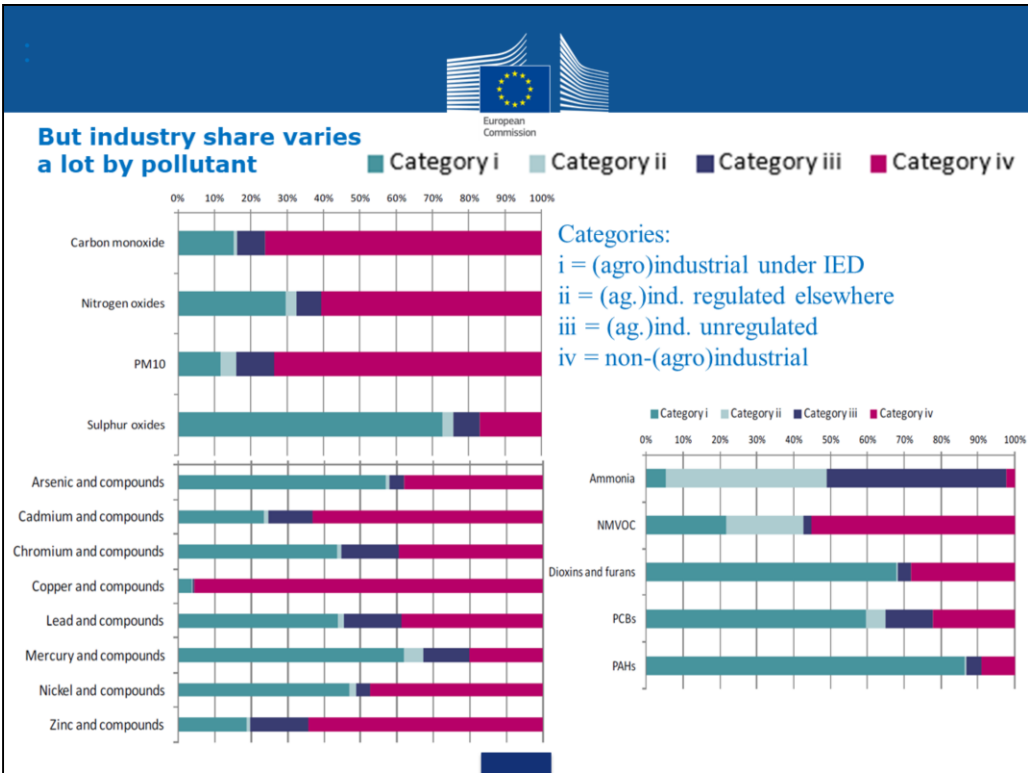
The IED has an integrated approach dealing with all types of environmental issues such as the ones listed above. All of those issues are addressed by the IED regime and the BAT conclusions, whenever relevant.

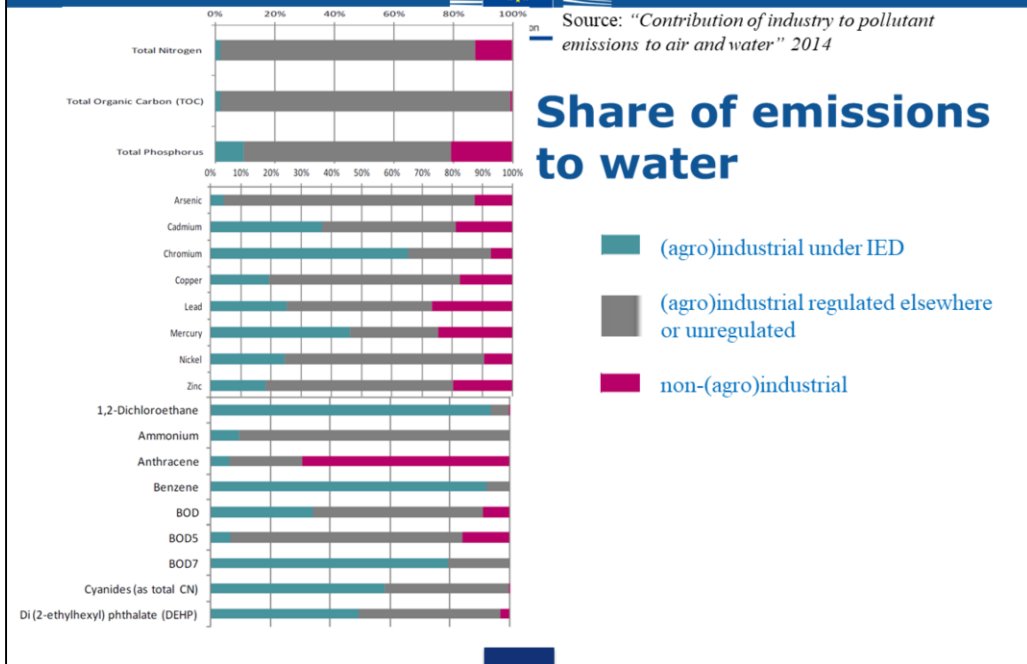






- Total mass emissions of SO_x , NO_x , NMVOC and PM10
- Industry emissions declining in total and as share





III.

LEGAL FRAMEWORK

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IED STRUCTURE AND BEYOND

(1) From 7 EU Directives to 1 EU Directive: Recast

IPPC Directive 2008/1/EC

**Large Combustion Plants
(LCP) Directive 2001/80/EC**

**Waste Incineration
Directive 2000/76/EC**

**Directive on the limitation
of emissions of VOC from
solvents 1999/13/EC**

**Directives related to the
titanium dioxide industry
78/176, 82/883 and 92/112**

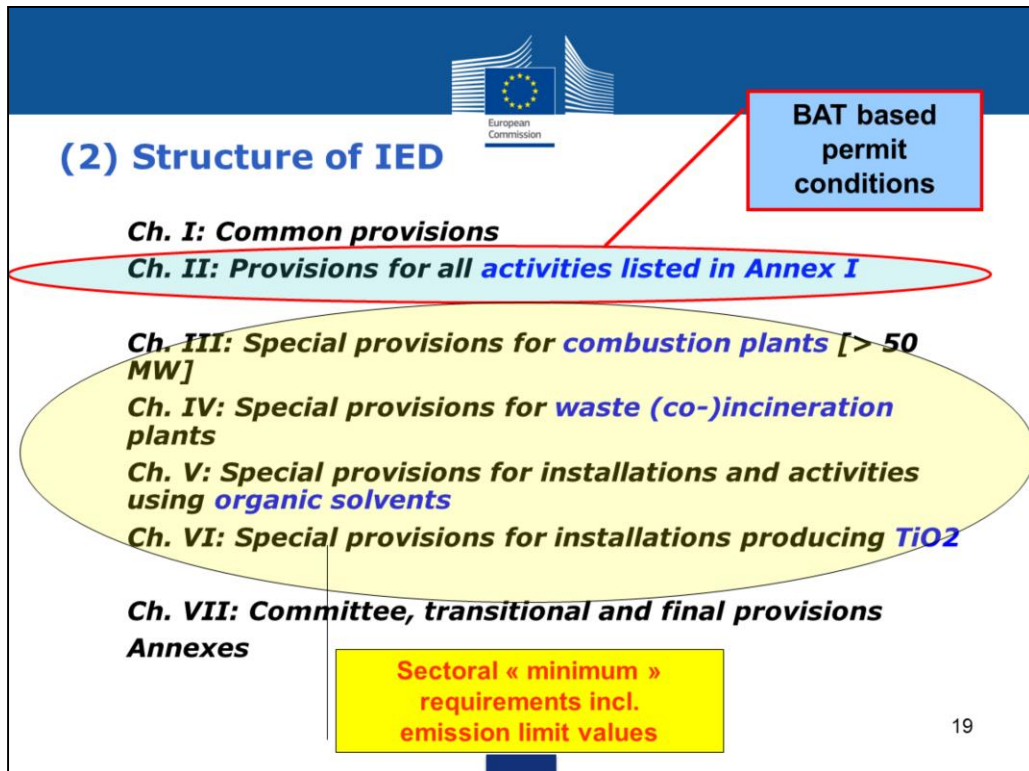


**European
Pollutant
Release and
Transfer
Register
(E-PRTR)
Regulation
166/2006**

**Industrial Emissions Directive (IED)
2010/75/EU**

The IED is the outcome of a recast exercise where 7 EU Directives have been combined into 1.

The European Pollutant Release and Transfer Register was kept separate and is operating next to the IED.



Chapters III to VI sets 'minimum requirements', which implies that they apply pending the adoption of stricter requirements by means of BAT conclusions.

IED regime = IED + 'accompanying' legal instruments setting operational standards (i)

1) BREFS and Commission implementing Decisions establishing BAT conclusions

Legal basis: Article 13(5) IED

- ❑ (EU) 2018/1147 of 10/08/2018 establishing best available techniques (BAT) conclusions for **waste treatment**
- ❑ (EU) 2017/2117 of 21/11/2017 establishing best available techniques (BAT) conclusions for the **production of large volume organic chemicals**
- ❑ (EU) 2017/1442 of 31/07/2017 establishing best available techniques (BAT) conclusions for **large combustion plants**

Reminder:

IED: Industrial Emissions Directive

BAT: best available techniques

BAT BREF reference document: Document drawn up for defined activities and describing applied techniques, present emissions and consumption levels, techniques considered for the determination of BAT

BAT conclusions: document containing the parts of a BAT BREF reference document laying down the conclusions on BAT, their description, information to assess their applicability, the BAT-AELs, associated monitoring, associated consumption levels and, where appropriate, relevant site remediation measures;

BAT-AEL: BAT associated emission levels

BAT-AEPL: BAT associated environmental performance levels

(3) IED regime = IED + 'accompanying' legal instruments on implementation (ii)

1) Commission Decisions approving national transitional plans (legal basis: Art. 32(5) IED): e.g.

- ❑ Commission Decisions 2014/25/EU and 2014/26/EU of 17/01/2014 on notifications by Slovakia and Slovenia of a transitional national plan referred to in Article 32 of (the IED)

2) Commission implementing Decisions setting implementing rules on various issues (legal basis: Art. 41 IED): e.g.

- ❑ Commission Implementing Decision 2012/249/EU of 7/5/2012 on the determination of *start-up and shut-down periods*
- ❑ Commission Implementing Decision 2012/115/EU of 10/02/2012 laying down rules concerning the *transitional national plans* referred to in (the IED)

The IED does not apply in isolation, but together with other legal acts adopted under it.

(4) IED regime = IED + 'accompanying' legal instruments on reporting (iii)

3) Commission implementing Decisions setting implementing rules on reporting:

Legal basis: Article 72(2) IED

- ❑ 2018/1135/EU of 10/08/2018 establishing the type, format and frequency of information to be made available by MS for the purposes of **reporting on the implementation of (the IED)**
- ❑ 2014/768/EU of 30/10/2014 establishing the type, format and frequency of information to be made available by MS on integrated emission management techniques applied in **mineral oil and gas refineries**, pursuant to (the IED)

Reporting requirements = Specification of what Member States have to report to the Commission etc. → for example type, format and frequency of information

(5) IED regime = IED + guidance (iv)

4) Communication and Commission implementing Decisions establishing guidance:

- ❑ (Legal basis: Art. 22(2) IED): Communication from the Commission *European Commission Guidance concerning **baseline reports** under Article 22(2) of Directive 2010/75/EU on industrial emissions* (2014/C 136/03)
- ❑ (Legal basis: Art. 13(3) IED): Commission Implementing Decision 2012/119/EU of 10/10/2012 laying down rules on guidance on the **collection of data and on the drawing up of BAT reference documents** and on their quality assurance referred to in (the IED)

Possible other guidance: No obligation for Commission / no deadline

- ❑ Assessment/further clarification of criteria under Art. 15(4) IED
- ❑ Criteria to assess installations' environmental risks to set frequency for routine environmental inspections (Art. 23(4) IED)

Guidance = non-legally binding documents to assist Member States and the Commission to implement the IED correctly

(6) IED regime = IED + Decision on organisational matter

5) Commission Decision of 16 May 2011 establishing a forum for the exchange of information pursuant to Article 13 of the (IED) (2011/C 146/03)

- ❑ Provisions and rules on the tasks, membership and operation of the IED Forum
- ❑ Commission has also adopted applicable rules of procedure:
 - for the IED Forum
 - for Art. 75 IED Committee

IED Article 13 requires that the Commission establishes a forum consisting of representatives of all Member States, concerned industries and environmental NGOs to exchange information and opinions on installations and BAT. BAT conclusions are adopted by the formal IED Committee.

(7) IED regime and other EU instruments

5) IED regime does not apply in isolation

- ❖ IED **contributes to the achievement of the objectives of EU environmental law**, in particular in terms of air and water protection and waste management.

IED Implementation = a tool to implement EU sectoral enviro. Directives.

e.g. Art. 10 Water Framework Directive (2000/60/EC):

Member States shall ensure that all discharges into surface waters are controlled according to (...) (i.a.) emission controls based on best available techniques, set out in the (96/61/EC IPPC Directive) (now IED).

e.g. Art. 13 National Emission Ceilings Directive (2016/2284/EU):

(...) the Commission shall review this Directive no later than 31 December 2025. As regards ammonia, the Commission, in its review, shall assess in particular: (c) updates of the Best Available Techniques as defined in point (10) of Article 3 of (the IED)

→ The IED does not apply alone but rather in combination with other pieces of EU legislation and contributes significantly to the achievement of the environmental objectives and requirements set out in these other pieces of EU legislation.

❖ Permit conditions must **not lead to a breach of EU environmental law** including (e.g.) :

- Waste Framework Directive (2008/98/EC)
- Ambient Air Quality Directives (2004/107/EC & 2008/50/EC)
- Nature protection Directives (92/43/EEC and 2009/147/EC)

e.g. Art. 11(e) IED: *Generated waste must in order of priority and in accordance with the Waste Framework Directive, prepared for re-use, recycling etc..*

❖ IED & other EU environmental instruments **apply in combination**: e.g.

- Environmental Impact Assessment Directive (2011/92/EU)
- Waste Framework Directive (2008/98/EC)
- Landfill Directive (1999/31/EC)
- SEVESO Directive (2012/18/EU)
- Environmental Liability Directive (2004/35/EC)

e.g. Art. 22(1) IED: *Without prejudice to Directive 2004/35/EC, the competent authority shall set permit conditions on soil decontamination*

e.g. Art. 12(2) IED on application for an IED permit: *When info supplied in accordance with the Environmental Impact Assessment Directive are relevant, that info may be included in/attached to the application*

IV.

LEGAL FRAMEWORK

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IED KEY DATES

IED (1) key dates - Transposition

- 1) Adoption:** 24 November 2010
- 2) Entry into force:** 26 January 2011
- 3) Transposition deadline:** 7 January 2013

Transposition of IED provisions listed in Art. 80(1):

- ❖ A great share of the IED must have been already transposed and implemented via the sectoral Directives abrogated in 2014 and 2016
- ❖ Art. 80(1) and Annex X: list of IED provisions that are amended provisions (e.g. Art. 11) or new provisions (e.g. Art. 14(3))
- Transposition **to be finalised by 07/01/13** irrespective of implementation dates applicable to "new" and "existing" installations

Much of the IED should have already been transposed into national law before 7 January 2013 as many IED provisions come from pre-existing 7 EU Directives (recast exercise)

IED (2) key dates - Implementation of amended/new IED provisions

4) **General applicability deadline:** 7 January 2013

but **transitional provisions** have applied (Art. 82 IED)

→ The provision of the IED did not have to apply on all installations on that date since transitional periods were provided to some existing installations or to installations that were not previously covered by the predecessor of the IED, i.e. the 2008/1/EC Integrated Pollution Prevention and control Directive (IPPC). Transitional periods of Art. 82 are now over.

IED

(3) key dates – Transitional provisions

5.1 *Transitional provisions - Implementation of amended / new features of the IED: "existing" v. "new" installations*

❖ IPPC installations – IED applicable on:

- **07/01/13 (new):** authorised and in operation after 07/01/13
- **07/01/14 (existing):** covered by IPPC Directive (2008/1/EC): (i) authorised & in operation before 07/01/13 or (ii) authorised after 07/01/13 and in operation on 07/01/14
- **07/01/15 (existing):** non-covered by IPPC Directive (2008/1/EC): authorised & in operation before 07/01/13

❖ LCP – IED applicable on:

- **07/01/13 (new):** (i) authorised after 07/01/13 or (ii) complete permit application before 07/01/13 but not in operation by 07/01/14
- **07/01/16 (existing):** (i) authorised before 07/01/13 or (ii) complete permit application before 07/01/13 and in operation on 07/01/14 or (iii) applying lifetime derogation under LCP Directive (2001/80EC) and still in operation after 01/01/16

IPPC = integrated pollution prevention and control – installations covered / non-covered by the IPPC Directive (2008/1/EC)

LCP = large combustion plants

5.2. Transitional provisions - Implementation of selected amended / new features of the IED within sectoral IED chapters: e.g.

- ❖ **LCP Chapter: Derogation to new IED ELVs for "small isolated systems"**
 - LCP authorised before 07/01/13 or complete permit application before 07/01/13 and in operation on 07/01/14 and which was part to such a system of 06/01/11: **new IED ELVs applicable only on 01/01/20**
- ❖ **VOC Chapter: Substitution of certain hazardous substances and emissions of specific VOC**
 - Duty to replace certain hazardous substances/mixtures with less harmful ones (Art. 58) **applies on 01/06/15** (Art. 82(7))
 - Duty to comply with new ELVs set in Annex VII (Part 4) IED for certain VOC (Art. 59(5)) **applies on 01/06/15** (Art. 82(8)).

IED

(4) key dates – abrogation of relevant existing EU Directives

6) Repeals (Art. 81 IED):

7 January 2014:

- Interagted Pollution Prevention and Control Directive 2008/1/EC
- Waste Incineration Directive 200/76/EC
- VOC Emission Reduction from Solvent Directive 1999/13/EC
- Titanium Dioxide Directives 78/176/EEC, 82/883/EEC, 92/112/EEC

1 January 2016:

- LCP Directive 2001/80/EC

V.

IED -

***HOW IED LAW IS MADE : PROCESS
AND PARTICIPANTS***

(1) Three groups

❖ IEEG – Industrial Emissions Expert Group

- Informal expert group with *MSs representatives* (follow-up of group set up under IPPCD)
- To facilitate exchange of experiences and good practices on IED interpretation, transposition and implementation

❖ IED Forum (Art. 13 (3-4))

- Formal expert group set up by COM Decision: *MSs, concerned industries and environmental NGOs representatives*
- Provide opinion on work programme and BREFs content
- Opinion available to public and taken into account by Cion when proposes Decisions on BAT Conclusions

❖ Art. 75 IED Committee

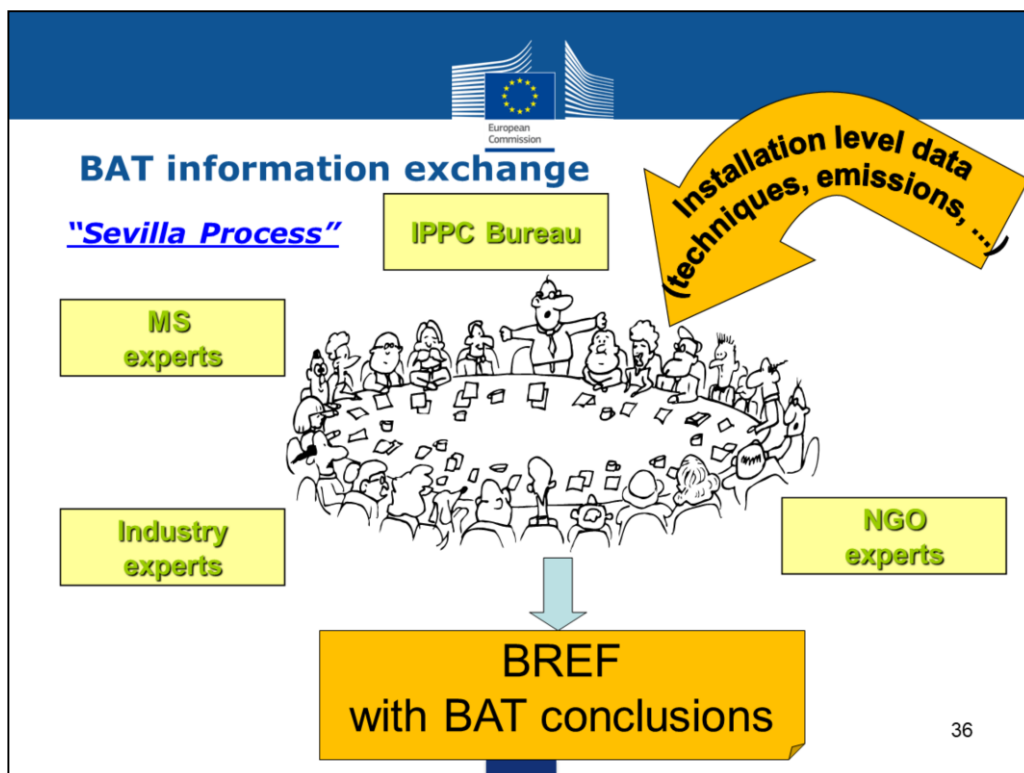
- Formal group with *MSs representatives* operating under examination procedures set out in Regulation 182/2011.
- Formal opinion (QMV) on Cion Implementing Acts, including BAT Conclusions Decisions.

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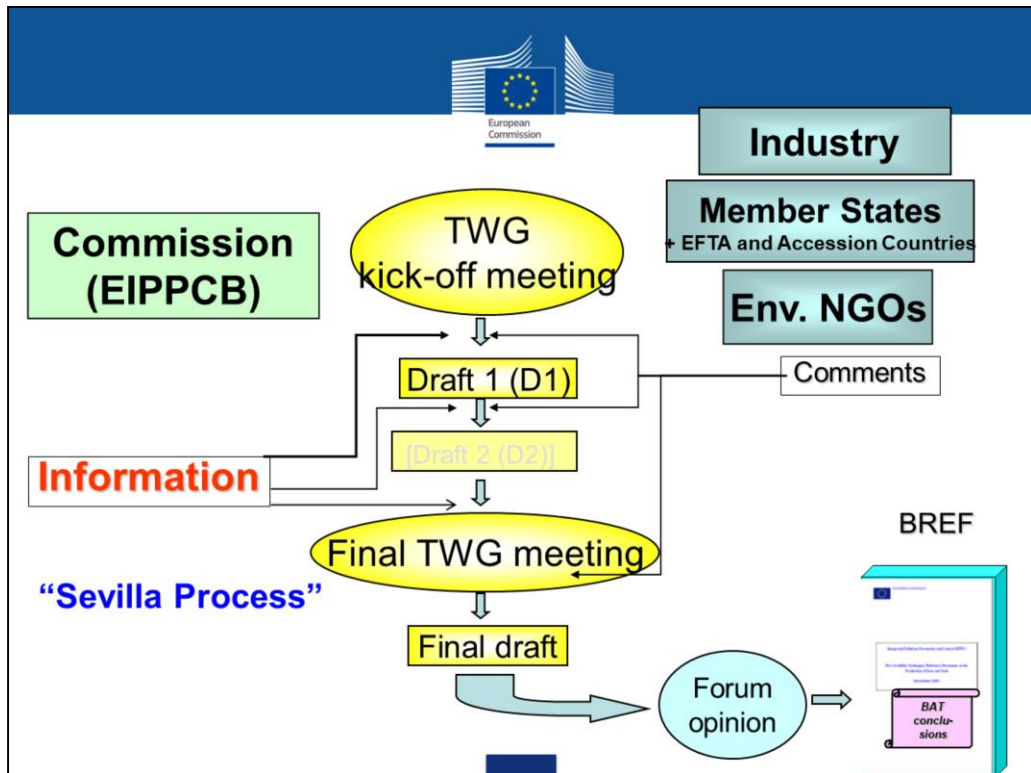
The main NGO represented in the Forum is the EEB (= European Environmental Bureau).

(2) Illustrative case of the review/elaboration /updating of a BREF

- ❖ **Cion organises an exchange of information (Art. 13 (1-2) IED)**
 - *Commission Implementing Decision 2012/119/EC* of 10/02/12 lays down on the collection of data and on the drawing up of BREFs and on their quality assurance
 - Involves MSs, concerned *industries and environmental NGOs representatives* addressing
 - (i) environmental performance of installations and techniques,
 - (ii) techniques used, associated monitoring, cross-media effects and technical viability
 - (iii) emerging techniques
 - Produces a final project of (revised) BREFs (ideally within no more than 24-39 months)
- ❖ **Art. 13 IED Forum then delivers an opinion on the content of the BREF**
- ❖ **Cion Implementing Decision on BAT Conclusions to be adopted via Art. 75 IED Committee**
- ❖ **BREFs are made publicly available (English) – Cion Implementing Decisions on BAT Conclusions published in OJ in all languages**



It is called 'the Sevilla Process' as that's where the Joint Research Centre (JRC) of the European Commission on IPPC is located. The Sevilla bureau is one of the six scientific directorates of the European Commission's JRC.



TWG = Technical Working Group

Summary of the WI BREF review process (1)

Main steps	Date
TWG reactivation	May 2014
Kick-off meeting	January 2015
Collection of bulk information	March – August 2015
Elaboration of questionnaires	April – December 2015
Data collection through questionnaires	January – April 2016
Site visits Austria (i.a. 4 WI plants)	April 2016
Site visits Sweden (i.a. 2 WI plants)	April 2016
Webinar on data compilation	November 2016

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Subgroups on

Questionnaire development and data collection

Energy

Residues

Data collection (work mainly by TWG and operators), and starting the revision of the BREF (restructuring)

Change of authors: Simon Holbrook left in Summer 2015, replaced by Frederik Neuwahl

Summary of the WI BREF review process (2)

Main steps	Date
Draft 1 of revised WI BREF	May 2017
Commenting period (~ 3 000 comments)	May – September 2017
Site visits France (i.a. 4 WI plants)	June 2017
Site visits Germany (i.a. 3 WI plants)	July 2017
Assessment of comments and revision of the draft BAT conclusions and of the BREF main text	September 2017 – March 2018
Informal TWG meeting	December 2017
Background Paper + revised draft BAT conclusions for final TWG meeting	February 2018

New author in the WI review team: Jorge Gomez, who joined in December 2016

Summary of the WI BREF review process (3)

Main steps	Date
Final WI TWG meeting	23 – 27 April 2018
Pre-final draft of the WI BREF	28 September 2018
Final draft of the WI BREF	14 December 2018
Forum meeting	27 February 2019
Art. 75 IED Committee Vote	17 June 2019
Translation into all EU official languages	On-going
OJ publication	Foreseen Q4 2019

VI.

IED KEY FEATURE

IED PERMIT

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The permit is the key „basic“ document of the IED as the document setting legally-binding operational requirements applicable to the relevant IED installation.

1. Some relevant definitions

❖ **"Installation" (Art. 2(3) IED)**

a stationary technical unit within which one or more activities listed in Annex I or in Part 1 of Annex VII are carried out, and any other directly associated activities on the same site which have a technical connection with the activities listed in those Annexes and which could have an effect on emissions and pollution;

❖ **"Permit" (Art. 2(4) IED)**

A written authorisation to operate all or part of an installation or combustion plant, waste incineration plant or waste co-incineration plant;

❖ **"General binding rules" (Art. 2(8) IED)**

emission limit values or other conditions, at least at sector level, that are adopted with the intention of being used directly to set permit conditions;

Attention:

The definitions of 'installation' and 'permit' can be found in Art. 3 (3) and (7) IED

2. A legally-binding obligation to hold a permit

- ❖ **Art. 4(1) IED & Recital (4):** IED installations can only operate if they hold a permit
- ❖ **Art. 4(2) & (3) IED:** A permit may cover (no obligation to do so):
 - Several IED installations located on the same site and operated by one operator
 - Several parts of IED installations located on the same site and operated by one operator
 - Several parts of an installation operated by several operators
- ❖ **Possible derogation Art. 4(1) IED: Registration only**
 - Member States may decide (no obligation to do so) to simply register installations/activities using organic solvents, which are not covered by an activity under Annex I IED
 - e.g.: car coating installation/activity with a consumption capacity < 150 kg/hour or 200 t/year

3. Reliance upon general binding rules (Art. 6 and 17 IED)

- Member States may include in general binding rules (no obligation to do so) requirements applicable to certain categories of installations
- General binding rules do NOT replace, but complement IED permit. If used, IED permit must refer to those rules
- To ensure an equivalent level of environmental protection achievable via individual permit conditions, general binding rules must be based on an integrated approach and on BAT

No IED installation can operate without an IED-compliant permit, save certain installations using organic solvents. The duty to hold a permit is without prejudice to the right of the Member States to set certain requirements in general binding rules set in a legislative / regulatory act and applicable to a set of installations carrying out the same activity.

4. Granting of an IED permit (Art. 5 IED) & interplay with other EU law

- **Baseline:** No permit granted if installation not foreseen in compliance with IED requirements
- IED compliance is without prejudice to other requirements to be met under other EU instruments and/or national law to be granted a permit
- No provision in EU law prevents competent authorities to combine in one single written authorisation a IED permit with a permit provided e.g. under EU waste law.

5. Content of an application for an IED permit (Art. 12 IED)

❖ ***Operators applying for an IED permit must provide at least all info listed in Art. 12 IED allowing CAs to define applicable conditions, including a description of e.g.:***

- The installation and its activities
- Proposed technology/techniques used to prevent/reduce emissions & alternatives studied
- The raw materials and energy used
- Sources and foreseeable quantities of emissions into air, water and soil
- Measures to prevent accidents/limit impacts, significant pollution &
- Measures on monitoring emissions

✓ ***Member States/competent authorities free to require more information under with national law***

✓ ***No duplication required:*** Relevant information supplied under the *Environmental Impact Assessment Directive (2011/92/EU)* and/or the *SEVESO Directive (2012/18/EU)*, when applicable, can be used for the application for an IED permit (included or attached)

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CA = competent authority

IED permit sets IED requirements and may also establish, if necessary, other requirements enabling compliance with other pieces of EU law.

6. Content of an IED permit (Art. 14 + 11 and 18 IED)

- ❖ **Must include the measures needed to comply with the general principles governing the basic obligations of the operator set in Art. 11 IED**
 - All appropriate pollution prevention measures / no significant pollution
 - Operating on the basis of best available technique (BAT)
 - Compliance with EU waste law on waste prevention and treatment
 - Efficient use of energy
 - Prevention of accidents
 - Clean-up site upon definitive closure of the installation/activity
- ❖ **Hence, IED permit must include at least conditions set in Art. 14 IED, e.g.**
 - Emission limit values for pollutants
 - Measures to protect soil and groundwater and to maintain protective measures
 - Measures on waste management
 - Measures regarding the monitoring of emissions, soil and groundwater
 - Obligation to report to competent authorities results of monitoring compliance with permit conditions, including emissions and other relevant data
 - Measures regarding "abnormal" operating conditions
 - **When BAT conclusions apply: THE reference for setting permit conditions!**
- ❖ **Must include stricter conditions than those achievable by BAT if needed to ensure compliance with an EU environmental quality standard (Art. 18 IED)**

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Art. 18 IED may require an installation to operate by going beyond BAT

7. Reconsider/ review and, if need be, update permit conditions

(1) Case of substantial change to the installation (Art. 20)

❖ "Substantial changes" (Art. 2(9) IED)

a change in the nature or functioning, or an extension, of an installation or combustion plant, waste incineration plant or waste co-incineration plant which may have significant negative effects on human health or the environment;

❖ Duty to inform *ex-ante*

- ✓ Operator must inform competent authorities of any planned change in the nature or functioning or an extension of the installation, which may have consequences for the environment.
- ✓ Competent authorities assess if planned change is 'substantial' *vis-à-vis* likely impacts on human health or the environment, ..., but any planned change meeting in itself the capacity thresholds set in Annex I is always deemed 'substantial'
- ✓ Specific additional provision on 'substantial change' for waste (co-)incineration plants (Art. 54): A waste (co-)incinerators treating only non-hazardous planning to treat also hazardous waste is always deemed 'substantial'.

❖ No planned substantial change implemented without an IED permit

- ✓ Application for the permit and the decision on permit granting cover only parts of the installation and items in Art. 12 IED affected by the 'substantial' change.

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Reconsideration / review existing IED permits, whenever necessary, is key to ensure the successful implementation of the IED

(2) The review and updating of IPPC permits (Art. 21)

❖ General duty to periodically review and, if needed, revise and updated permit conditions:

- when monitoring results and/or inspections show non-compliance with BAT-AELs set in applicable BAT conclusions permit conditions
- when need to ensure compliance with revised/new EU environmental quality standards
- When ELVs in permit need revision to halt significant pollution from the installation
- When operational safety of the installation requires other techniques to be used
- when development in BAT allows significant emission reductions

✓ **Permit conditions of "existing" IPPC installations to be reconsidered and, if needed, updated to comply with new requirements set out in IED at the date where the IED starts to be applicable (07/01/14 or 07/01/15 or 07/01/16)**

❖ Case where BAT conclusions are adopted

- Permit conditions must be revised within 4 years following publication of Cion Implementing Decision on BAT Conclusions to ensure compliance with BAT-AELs.

e.g. Decision 2012/135/EU of 28/02/12 on BAT conclusions for iron & steel:

- ✓ **Applicable immediately to "new" (authorised after 07/01/13) installations**
- ✓ **Applicable to "existing" installations by 28/02/16 at the latest**