

Brussels, 22 March 2010

COMMENTS AND RECOMMENDATIONS ON DRAFT REPORT OF RAPPORTEUR HOLGER KRAHMER ON THE PROPOSAL FOR AN INDUSTRIAL EMISSIONS DIRECTIVE (RECAST IPPC DIRECTIVE 1996/61/EC) 2007/0286(COD)

In view of the further proceedings in the European Parliament, Orgalime submits its initial comments and proposals on the **draft report of Rapporteur, Mr. Holger Krahmer** concerning the proposal for an Industrial Emissions Directive (Recast of Directive 1996/61/EC on Integrated Pollution Prevention and Control) with the request for your support.

Our industries fully support the environmental objectives of the existing IPPC Directive and its integrated approach to address emissions occurring from industrial installations at local level. They are committed to a proper implementation of the Directive in Member States.

In general, **Orgalime** believes that the **draft report takes into consideration the complexity of the IPPC Directive and its implementation and is built on a number of key ideas, which we support, however, at the same time Orgalime remains concerned about several elements of the draft report:**

- **Derogations from ELVs (amendment 22) and minimum requirements (amendments 16, 17, 46)**

The Common Position introduces the need for licensing authorities to justify derogations for a specific plant above the range of Best Available Techniques Associated Emission Levels (BATAELs), which we support. We welcome that the draft report generally supports the need for **granting such national derogations** under justified conditions. The draft report also clarifies the procedure for doing so and requires sound documentation on derogation requests by competent authorities, which we equally support.

We acknowledge that the two new criteria for establishing **minimum requirements** constitute a positive way forward. Nevertheless, we believe that they are not sufficient to convince our industries about the workability of the European Safety Network (ESN). We remain concerned with the content and the level on which the minimum requirements would be set. Furthermore, the introduction of an obligation to consult interested parties through the **Information Exchange Forum (IEF)** process when determining them should be added.

- **Site closure (amendments 10, 13, 29)**

While we acknowledge the improved wording of Article 22.2.1 via amendment 29, we believe that it does not address the central issue: Orgalime is concerned with what are, in our view, far-reaching obligations related to the **soil remediation and site closure**.

Orgalime, the European Engineering Industries Association, speaks for 33 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 22 European countries. The industry employs some 11.1 million people in the EU and in 2008 accounted for some €1,885 billion of annual output. The industry not only represents more than one quarter of the output of manufactured products but also a third of the manufactured exports of the European Union.

In particular, Article 22 proposes to impose on operators to submit a baseline report to the competent authority and that the Commission shall establish guidance for drafting the content of the baseline report. Similar requirements have also been proposed in the European Parliament's first reading report. Requirements on soil and groundwater are immediately linked to national law and should, in our view, remain a national competence. Therefore, we feel that site closure and the relative cessation of activity must be carried out by national competent authorities in line with Community and national legislation to ensure the site is adequate for the use concerned.

Furthermore, the request for "quantified" information in the baseline report's definition (amendment 10) will cause additional financial and administrative burdens to small and medium enterprises.

- **Environmental inspection (amendment 30) and exchange of information (amendment 31)**

We support that companies generally establish an environmental management system, which would certainly also be helpful for site remediation and control of pollutants. However, the European Community management scheme EMAS is not the only existing environment system and even if an equivalent system is used, one should first consider the size and complexity of the various installations. We feel that the timeframe of 18 months for **site visits**, even with the possibility to extend the frequency by further 6 months, is too short a period, causing administrative burden mainly to small and medium sized enterprises. As the inspection frequency is a matter for the inspecting authority to decide, it would be useful to let the inspecting authority also decide whether an EMS is good enough to allow a reduction of the inspection frequency or not. We support the Council's Common Position in that area.

We fully agree that **information** concerning environmental inspections should be transparent and be made publicly available. However, we believe that operators should be able to comment on a "**draft report**" before the finalisation and publication of the "**final report**", thus avoiding misinterpretations and/or misunderstandings related to their installations and consequently any further unnecessary workload.

- **BAT Reference documents and exchange of information (amendment 14)**

We support the proposal for making **publicly available** the opinion of the forum on the proposed content of the **BAT reference documents (BREFs)**, and therefore, we appreciate the positive steps forward in the draft report on the BREFs and the exchange of information.

In conclusion:

Orgalime kindly asks you to support amendments 14 and 22 first part (ending with "which give reason to consider proportionality anew").

We also support the changes brought by amendment 30 to item 4.c on environmental management systems. However, we request you to not support the other part of this amendment.

Finally, we kindly request you not to support amendments 10, 13, 16, 17, 31 and 46.

Orgalime looks forward to contributing to the further discussions of European regulators. We remain available for any further information that you may wish to obtain with a view to a second reading agreement that is proportionate and avoids unnecessary disturbances of the functioning of the existing, in our view, promising system.