



# **Assessment and Summary of the Member States' Implementation Reports for the IED, IPPC Directive, SED and WID**

*IPPC Directive Final Report*

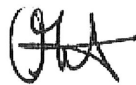
Prepared by  
Amec Foster Wheeler Environment & Infrastructure  
UK Ltd  
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Authors: Victoria Cherrier, Keith Lawton and Hetty Menadue.

Issued by: Victoria Cherrier



Authorised by: Keith Lawton



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## Executive summary

### Introduction

The purpose of this executive summary is to present the main findings from the analysis of implementation of Directive 2008/1/EC concerning integrated pollution prevention and control (IPPCD) based on the information contained in the reports submitted by Member States for the fifth and final reporting period (2012 to 2013). The focus here is on the changes reported and progress made by Member State in the implementation of the Directive. Where no developments have been reported, the response provided for the previous reporting period should be referred to.

### Background

The IPPCD is a key legislative framework for the prevention, reduction and control of pollution from industrial installations. It has now been superseded by Directive 2010/75/EU on industrial emissions. Amongst the key elements of the IPPCD are the requirements to issue integrated permits to industrial operators, to regulate the installations against defined permit conditions, set on the basis of the best available techniques (BAT), which include emission limit values (ELVs) for particular pollutants and to ensure compliance through inspections and evaluation of data on pollutant emissions and other key performance indicators.

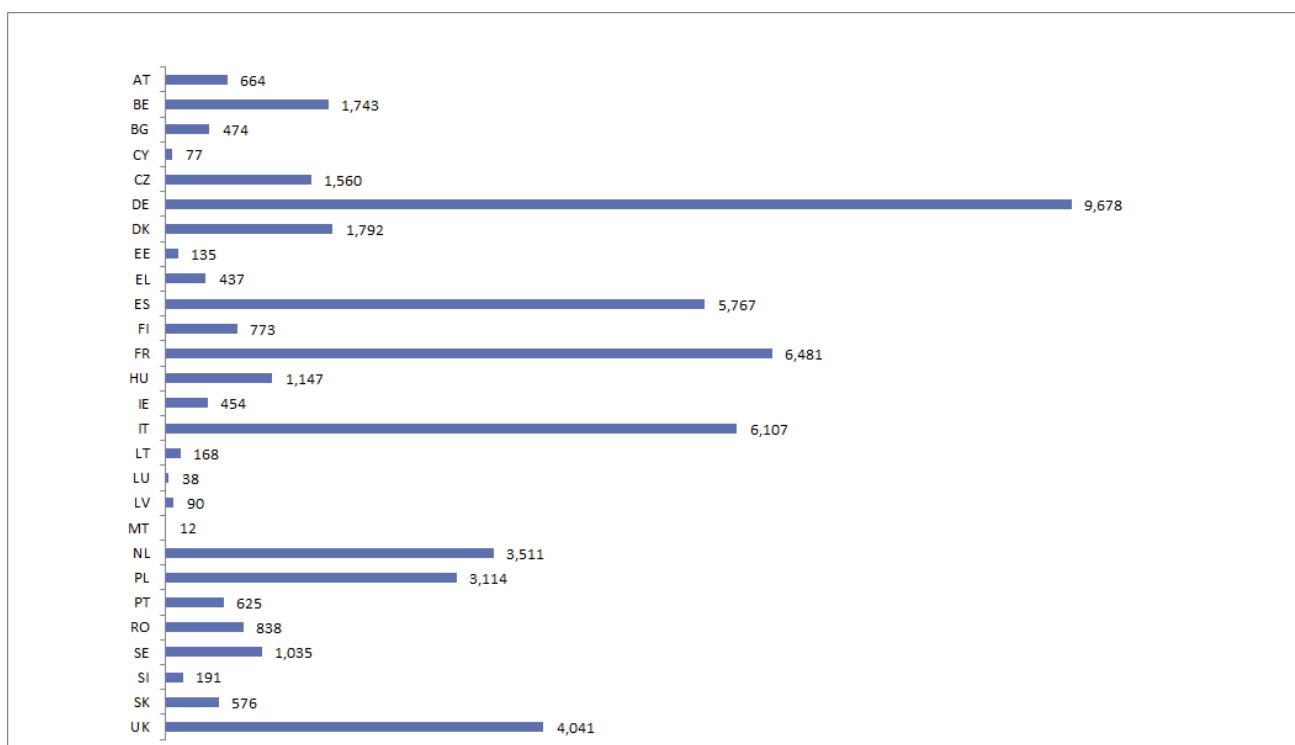
All 27 Member States provided a response to the questionnaire (Croatia was not a Member State at the start of the reporting period). In general, Member States have responded to most of the requirements of the questionnaire, providing sufficient data to assess and comment on the implementation of the Directive. However, incomplete responses to some quantitative questions were observed, in particular with respect to data on environmental inspections.

An electronic reporting tool (ERT) was used to help streamline the data gathering and reporting process and facilitate the analysis of responses. This tool was used by all Member States to submit their reports with the exception of Austria and Luxembourg.

### Number of IPPC installations

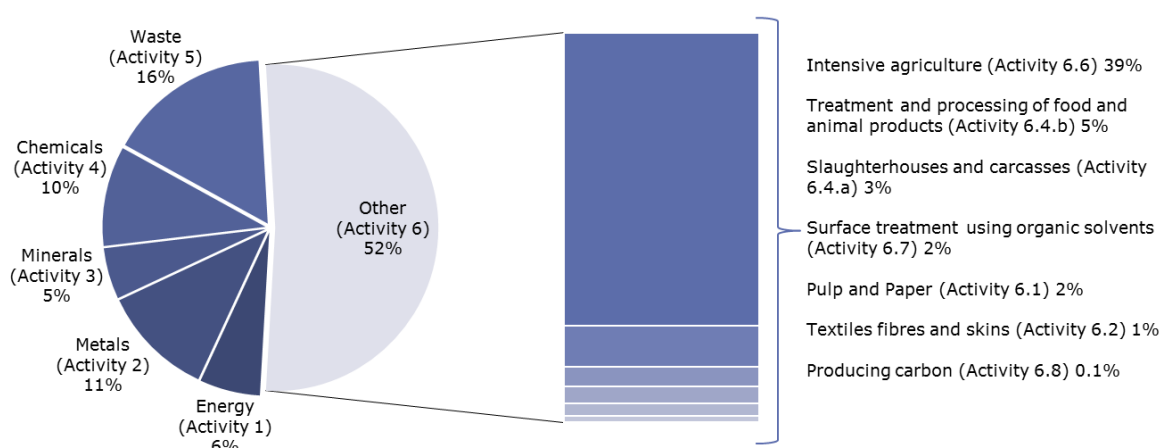
Member States reported that a total of 51,528 IPPC installations were in operation at the end of 2013. The breakdown by Member State is presented below.

Figure 1: Total number of IPPC installations by Member State (end 2013)



The information reported by Member States included details on the sector of activity of the installations. A summary is presented in the figure below, showing a split over the 6 main activity categories defined in Annex I to the IPPCD (with some further disaggregation for the "other activities" category).

Figure 2: Share of EU-27 installations according to Annex I IPPC activity codes (end 2013)



More than half of the IPPC installations are conducting "other" activities (point 6 under IPPCD Annex I), the largest proportion of which is the intensive rearing of pigs and poultry (39% of the total number of IPPC installations).

### **Developments reported by Member States in implementing the IPPCD**

The majority of Member States have reported no change since the previous reporting period. Where changes have been reported, those were mostly a result of the transposition and implementation of the IED. Fourteen Member States reported difficulties while implementing the Directive due to the limited availability or capacity of staff resources, most of which relates to the additional work caused by the transition to the IED. Additional difficulties reported concerned the coordination of the permitting procedure due to time constraints where more than one Competent Authority was involved in the permitting process (Greece, Latvia and Spain).

### **Issuing of permits**

At the end of 2013, 193 installations were reported as not holding a permit fully compliant with the IPPCD, representing 0.4% of IPPC installations, with the highest numbers in Italy (88), Ireland and Greece (18 each). This is a slight improvement compared to the previous reporting period, when 446 IPPC installations (1% of total) did not hold a compliant permit.

Seven Member States reported 'substantial changes undertaken without a permit' in relation to 119 installations. The Spanish response on this point, which provided a number of installations undergoing substantial change without a permit, has not been included as it also indicated that no substantial change can be undertaken without a prior permit change. Finally, nine Member States reported that a total of 107 permits were refused during the reporting period.

### **Permitting procedures**

Only three Member States (Austria, Greece and Ireland) indicated that changes had been made with respect to their national legislation regarding the requirements in place to guarantee that permit applications contain all the information required by Article 6. These changes were made while transposing the IED.

Three Member States reported changes to the organisational structure of the permitting procedures (Austria, Lithuania and Romania). The changes reported in Austria and Lithuania have led to more centrally run structures while Romania reported that the county environmental protection agencies are now designated as the Competent Authorities responsible for the issuing of permits.

Austria, Greece, Malta and Slovakia made changes to the legal provisions and procedures used to ensure that Competent Authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive.

### **Setting permit conditions**

All Member States indicated that in setting permit conditions, consideration must be given to the technical characteristics of the installation concerned, its geographical location and the local environmental conditions (in keeping with Article 9(4) of the Directive). These provisions remain unchanged since the previous reporting period.

Similarly, Member States reported very few changes in relation to other aspects of setting permit conditions, including:

- General binding rules and guidelines for determining permit conditions;
- BAT Reference Documents (BREFs);

- Environmental management systems;
- Site restoration upon definitive cessation of activities;
- Energy efficiency; and
- Environmental quality standards.

### **Reconsideration and updating of permits**

Two Member States (Austria and Slovakia) reported changes with respect to these provisions, but these were made for the implementation of the IED. In all Member States, the reconsideration of the permit is done by the Competent Authority, which reviews the information available on the installation, including self-monitoring information, inspection reports and any other relevant documents. The reconsideration process can be initiated due to a periodic review of the permit, an inspection of the installation or the reception of a notification for a change at the installation. In addition, change of legislation, reception of complaints, and change in BAT have been given as examples of circumstances prompting a reconsideration processes. If the Competent Authority decides that the permit must be altered, more information is requested from the operator, and in several cases (for example Belgium, Estonia and Ireland), an assessment of the environmental impact of the changes is undertaken.

### **Inspection and enforcement**

Only Austria identified changes to inspection and enforcement procedures compared to the previous reporting period, (newly adopted legislation in the province of Vienna).

All Member States responded to the question in relation to the number of site visits, installations visited and samples taken. However, in a few cases the response was to say that no information is available (Germany, Luxembourg and Sweden).

Member States reported that 25,981 installations received a site visit from environmental inspectors between 2012 and 2013 (amounting to 50% of the IPPC installations). However, this average is skewed by data from six Member States that indicated the number of installations visited is greater than the total number of installations in their respective Member State which could indicate that these Member States are reporting inspections numbers rather than installations. Four Member States reported that site visits were carried out on 100% of their IPPC installations (Estonia, Latvia, Malta and Romania).

Ireland and Slovenia reported the highest national average frequency of visits per installation<sup>1</sup> (five and six, respectively), compared to the EU-27 average, which is two, and the most common frequency which is one (as reported by 10 Member States).

The data shows that samples were taken in approximately 25% of inspection visits. However, the range of sampling taken on site visits varies considerably between Member States (between 1% of site visits in Slovenia to 89% of site visits in Austria).

While administrative sanctions are still the main way to guarantee enforcement (in the form of notices and orders), prosecution and suspension of permits have been increasingly used to address incidents of non-compliance with IPPC permit conditions (as reported by 10 and 11 Member States, respectively). Only Belgium and Poland were explicit in reporting that an installation could be closed in the case of non-compliance.

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<sup>1</sup> This frequency was calculated by Amec based on the number of visits and the number of installations reported by the Member State

### **Transboundary cooperation**

Six Member States (Belgium, Germany, Finland, France, the Netherlands, and Sweden) reported incidences where it was necessary to apply the Article 18 requirements concerning transboundary information and cooperation (compared to eight Member States in the previous reporting period). Similarly to the previous reporting period, limited detail was provided by Member States regarding the procedures in place for applying Article 18 requirements. Only Finland reported new information; providing one example of transboundary cooperation with Sweden. At the time of the permit application in Finland, the Swedish Environmental Protection Agency was notified and opinions concerning the permit application were sought from eight different Swedish authorities. These opinions were then taken into account when making the final decision concerning the permit.

### **Further developments**

The analysis has highlighted a number of issues that may warrant further investigation:

- Despite improvements, the level of information reported, in particular numerical data related to the number of inspections (e.g. total number of installations visited, number of visits including measurements) remains incomplete. This is mostly due to the wording of the question which seems to have been understood differently by Member States.
- Several Member States reported insufficient numbers of staff to deal with tasks related to the implementation of the Directive, in addition to difficulties caused by financial constraints limiting the hiring and training of staff for the Competent Authorities. However it is important to note that these difficulties can be linked to the work required to implement the IED. Therefore it is possible that the work load for the Competent Authorities would be more manageable once the implementation of the IED is more advanced.
- Difficulties in relation to definitions, in particular concerning situations where installations fall outside the scope of the Directive after either having shut down a part of the process (partial closure of the installation) or having reduced their production capacity. These difficulties are likely to remain with the implementation of the IED.

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# 1. Introduction

## 1.1 Purpose of this Report

This report has been prepared under a contract (reference 070201/2014/693416/ENV.C3) between the European Commission and Amec Foster Wheeler Environment and Infrastructure UK Limited ('Amec Foster Wheeler') related to the assessment and summary of Member States' implementation reports for the IED, IPPC Directive, SED and WID. The work is being delivered in partnership with Milieu Ltd.

This report has been produced for the purpose of understanding the status of Member States' implementation of the Integrated Pollution Prevention and Control Directive (IPPC Directive 2008/1/EC). The findings in this report are based on the information contained in the reports submitted by Member States for the fifth and last reporting period under the IPPC Directive which covered the period 2012-2013. The focus here is on the changes and progress made by Member States in the implementation of the Directive; where no developments have been reported, the response provided for the previous reporting period should be referred to.

## 1.2 Study context

### 1.2.1 IPPC Directive

The IPPC Directive was a key legislative framework for the prevention, reduction and control of pollution from industrial installations. It has now been superseded by the introduction of Directive 2010/75/EU on industrial emissions. The effectiveness of the IPPC Directive in achieving its aim of a high level of environmental protection relied on Member States transposing its requirements into national law and effectively implementing and enforcing that law. Amongst the key elements of the IPPC Directive are the requirements to issue integrated permits to industrial operators, to regulate the installations against defined permit conditions, including emission limit values (ELVs) for particular pollutants, and to ensure compliance through site inspection and evaluation of data on pollutant emissions and other key performance indicators.

The IPPC Directive required the Member States (supported by Commission Decision 2011/631/EU) to collect information and submit this to the Commission, in particular on the implementation of the Directive (covering permits, numbers of facilities, emission limits, monitoring, etc.) and on emission limits laid down within permits (for installations permitted under IPPC). For reporting required under the IPPC Directive, there have been several reporting cycles (2000-02, 2003-05, 2006-08, 2009-11 and 2012-2013), the latter of which is the focus of this study.

For this fifth and last reporting cycle, the Member States used an electronic reporting tool to submit data and text answering the different questions. The electronic tool is intended to provide a standardised platform for the collection of data and to streamline the process. The use of this tool has improved consistency between Member States' reporting, generating more comparable responses and enabling a more complete analysis of those responses.

While the use of the ERT has facilitated the analysis of the responses submitted by Member States, two categories of issues are remaining due to the varying interpretation of the information requested and the lack of available data in Member States to be able to respond to the question. Both these issues can be observed in the responses received for question 9.3 on installation inspections. Member States appear to be unclear on what data to report in particular on the distinction between the total numbers of visits (i.e. total number of inspections visits) and the total number of installation visited (i.e.

total number of installations). Responses made to question 7 on 'change to the environment' are an example of where Member States seem to not understand the information being requested. Most of the responses from Member States include descriptions of procedures and processes set up to assess changes to installations rather than providing explanation of how consequences for the environment are decided.

### **1.2.2 Reporting by Member States**

Article 17 requires Member States to collect and submit, every three years (starting in 2001), available representative data on emission limit values, and to provide information on the implementation of the Directive. Due to the entry into force of the IED and the repeal of the IPPC Directive, this reporting period is covering the last two years of implementation of the IPPC Directive.

Commission Decision 2011/631/EU sets out a questionnaire with a range of implementation questions.

As Croatia was not a Member State during the whole of the reporting period, they are not included in this assessment.

## **1.3 Structure of this report**

The report is structured as follows:

- Section 2 provides an analysis of the Member States' reports on the implementation of the IPPC Directive, including an analysis of responses to each question and by each Member State;
- Section 3 presents the conclusions of the study; and
- Appendix A includes the IPPC Member States summaries developed from responses received by Member States.

## **2. Analysis of Member States' reports on the implementation of the IPPC Directive**

### **2.1 Overview**

This section presents the analysis of the completeness of Member State reports and an overall analysis of each question across the EU-27 as reported for the period 2012-2013.

### **2.2 Approach**

The analysis of the reports submitted by Member States for the period 2012-2013 was carried out with reference to the questionnaire (Decision 2011/631/EU) and to the IPPC Directive itself. The implementation has been assessed in a series of stages:

1. An analysis of the 'completeness' of the reports (2.3).
2. An assessment of the information gaps to prioritise their criticality (2.4).
3. A detailed analysis of the status of implementation of the Directive (3).

The information included in this report is based solely on the data reported by Member States, and any subsequent clarifications. Reports were translated into English by the Commission where necessary and the analysis is based on the English translations, rather than the original language versions.

### **2.3 Evaluation of the completeness**

For each of the 11 questions analysed, an assessment was made as to the extent to which the Member State had provided an adequate answer, or provided sufficient data in relation to the reporting requirements under the Directive and the Commission's questionnaire.

The results of this completeness assessment have been presented for each Member State in Table 2.1 and Annex I contains further commentary on the nature of the gaps at a Member State level. The definitions attributed to the different colours are set out in the table below.

Table 2.1 Key to completeness analysis

	<b>Evaluation criteria for completeness</b>
Green	The information provided by the Member State fully addressed the requirements of the question and the response was sufficiently complete to understand the status of implementation.
Orange	The information provided by the Member State only partially addressed the requirements of the question, i.e. the information addressed part of the question, certain indents or provided limited detail. The response did not give sufficient information to fully understand the status of implementation.
Red	Information provided by the Member State was not relevant or no response was made. Where a response was provided, red indicates sufficient uncertainty such that it was not possible to draw a conclusion on the status of implementation of that aspect of the Directive.
No colour	When responses were made to questions, or part of the questions, that were not required by the questionnaire, for example because information submitted in earlier part of a question meant that the second part was not required (e.g. when information only had to be provided when Member State responded "yes" to the question) only green or orange is used. If no responses were provided, then no colour will be used.

In addition the following assumptions have been applied:

- Some questions, whilst not explicitly optional, were requesting information 'if available' or 'if known'. When Member States have stated that no information was available, or that particular information was not known, this has not been considered a gap.
- Considering that the questionnaire focuses on 'changes and progress made by Member States', where a Member State has commented that there has been no changes since the last reporting period and has not provided any further details, this has been considered as a complete answer and not a gap.
- Belgium has submitted three reports covering each one of the three regions. For the purpose of this report, the responses provided by Belgium have been combined into one, as such it is possible that Belgium appears in several response categories within the same question.

Where there are particular issues regarding a Member State's report, such as omission of information or incomplete provision of information, notes have been provided in the Member State specific analyses (see Annex I) to give an explanation as to why an orange or red colour has been applied. Where the question is deemed to have been answered completely, no further comments have been provided, unless further clarification was considered to be required.

## 2.4 Prioritisation of the information gaps

The approach taken for the analysis of the Member State reports started with a systematic review of the information provided by the Member States. In order to draw conclusions on the implementation status based on the information contained in the reports, criteria were used to make a judgement about the degree to which the IPPC questionnaire has been answered.

For quantitative information, provided in response to Questions 2 and 9, the criteria used to establish the status of implementation included:

- whether any data had been provided by the Member State;
- where data was not provided, whether an explanation has been given or why this information was not available or what measures were in place to ensure data is being collected; and
- whether the data included provided an understanding of the status of implementation.

For qualitative information, provided in response to Questions 1, 3, 4, 5, 6, 7, 8, 10 and 11 the evaluation required a judgement-based approach. While prescriptive criteria were not developed, the analysis of each Member State's report was undertaken with reference to both the Directive and the questionnaire. For example, for question 9.3.1, which requires a description of the main elements part of the environmental inspection, a judgement was made based on the degree of information provided by Member States and whether sufficient detail was provided in order to understand what steps were taken in order to ensure compliance with the Directive.

## **2.5 Completeness of Member States' reports**

This section provides a summary of the assessment undertaken on the completeness of Member State reports for each of the questions. This assessment has been conducted to give an overall picture on the quality of the information reported by Member States during the considered reporting period and identify if there are any significant gaps that may impact on the ability to assess implementation in accordance with the contract's terms of reference. The completeness assessment shows that all Member States have submitted complete responses to the IPPC questionnaire. After getting clarification from Member States, only one issue remains concerning the information submitted by the federal level in Belgium and the total number of site visits made by Competent Authorities (question 9.3.2)<sup>2</sup>.

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<sup>2</sup> The total number of site visits made by Competent Authorities for Belgium as a whole does not correlate to the combined total of the responses given by Brussels, Flanders and Wallonia. However, the difference is small and does not affect the analysis on the implementation of the IPPC Directive.

Table 2.2 Overview of the completeness of responses to the IPPC Directive implementation questionnaire from Member States

Questions/ MS	1			2			3	4			5							6		7	8			9					10	11				
	1.1	2.1	2.2	3.1	4.1	4.2	4.3	5.1			5.2		5.3				6.1	7.1	8.1	8.2	8.3	9.1	9.2	9.3					10.1	11.1	11.2			
								1	2	3	1	2	a	b	c	d								1	2	3	4	5						
AT																																		
BE																																		
BG																																		
CY																																		
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FR																																		
HU																																		
IE																																		
IT																																		
LT																																		
LU																																		
LV																																		

Questions/ MS	1	2		3	4			5								6	7	8			9					10	11					
	1.1	2.1	2.2	3.1	4.1	4.2	4.3	5.1			5.2		5.3			6.1	7.1	8.1	8.2	8.3	9.1	9.2	9.3					10.1	11.1	11.2		
								1	2	3	1	2	a	b	c	d								1	2	3	4	5				
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### 3. Analysis of Member States' responses per question

This section provides an overview of the status of implementation of the IPPC Directive across the EU-27 in the period 2012-2013. The overview is based on the Member State specific analyses (presented in Appendix I), which were developed from the detailed question-by-question analysis and completeness assessment.

This section follows the order of questions in the questionnaire itself. It draws conclusions on the common themes regarding the implementation status and highlights any trends across the Member States, as well as exceptions to those trends, taking into consideration completeness of the replies to the questionnaire. The text in this section also refers to the EU-27 completeness Table 2.2 and analysis of the information reported by each Member State (Annex I). The text of each question in the Decision (2011/631/EU) is presented at the start of each sub-section, in order to aid understanding.

#### 3.1 Question 1: Difficulties in implementing the Directive due to limited availability or capacity of staff resources

*Have Member States experienced any difficulties in implementing Directive 2008/1/EC due to limited availability or capacity of staff resources?*

*If yes, describe these difficulties as well as any plans to address them in view of the transition to Directive 2010/75/EU.*

##### 3.1.1 Difficulties in implementing the Directive

Fourteen Member States reported that they experienced difficulties while implementing the Directive due to the limited availability or capacity of staff resources (Austria, Germany, Greece, Ireland, Italy, Lithuania, Malta, Poland, Portugal, Romania, Slovenia, Slovakia, Spain and the UK).

The main difficulty experienced related to a lack of appropriately trained staff, which in turn has led to difficulties issuing and monitoring permits. The reasons provided by Member States for this include:

- High staff turnover (due to unattractive salaries causing staff to leave or due to inter-departmental movements where staff are moved to other teams) (Greece, Ireland, Poland and Portugal); and
- Lack of training (Romania and Italy).

In addition, a few Member States reported staff capacity problems arising from increased workloads – particularly with the additional task of transposing and implementing the IED (Portugal, Slovakia and Slovenia).

Five Member States (Germany, Greece, Portugal, Slovakia and the UK) reported limited staff resources due to financial constraints. Three Member States reported that the financial constraints have led to shortages of experienced staff. In Germany and the UK the financial difficulties were associated with the economic crisis more generally, but the responses did not provide any detail as to how this affected the staff resources.

In addition, Spain reported that capacity issues have been ongoing since 2006-2008 which affect the processing of applications and more generally the coordination of permitting between the regions. Malta reported ongoing difficulties in terms of its

capacity to deal with the administrative aspect of the implementation of the IPPCD when there has been an influx in permit applications and renewals (particularly a problem with the implementation of the IED).

### 3.1.2 Plans to address difficulties

Half of the 14 Member States that reported difficulties answered that steps were in place to address them including the following:

- Provide training to staff (Lithuania, Poland and Slovakia);
- Change the structure of the organisations in charge of implementation (e.g. integrate organisations where there are multiple environmental permitting authorities, introduce electronic reporting systems to improve coordination between stakeholders and reduce running costs) (Greece, Lithuania, Romania and Slovakia);
- Conduct financial assessments of IPPC work to raise awareness and support (Slovakia); and
- Review the implementation process (Portugal).

In Greece, as well as restructuring the organisation responsible for implementation, there are plans to pass on the cost of permit applications to the installations by applying a fee to the procedures for issuing environmental permits and performing audits.

Italy did not describe any plans to address the difficulties experienced but remarked that there is some flexibility in the implementation of the IED to address the issue of having a high turnover of staff. No further details in this regard were provided on this.

## 3.2 Question 2: Numbers of installations and permits

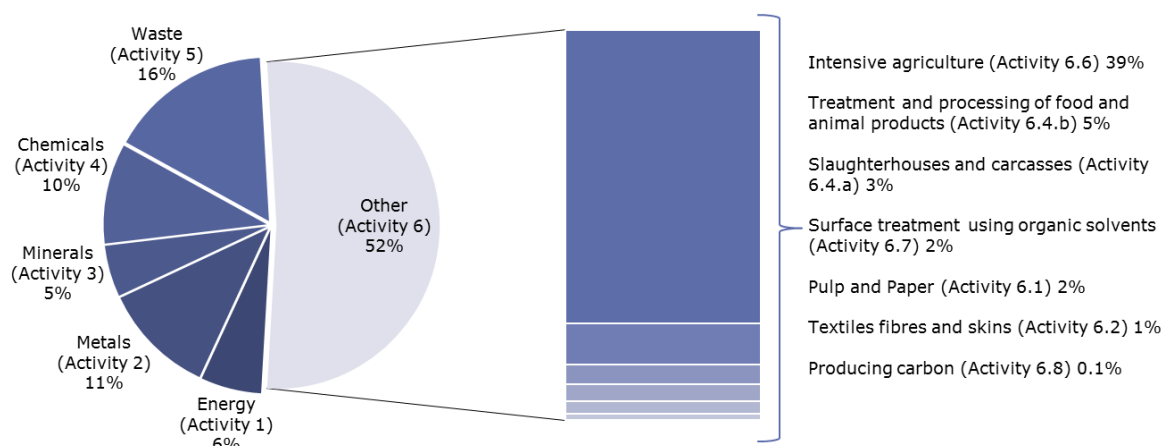
*2.1 Give details of the numbers of installations as defined by Directive 2008/1/EC and permits by type of activity at the end of the reporting period, using the template and notes laid down in Part 2.*

### 3.2.1 Number of IPPC installations

By the end of 2013, Member States reported that there were 51,528 IPPC installations across the EU-27, with the greatest number situated in Germany, followed by France and Italy (see Figure 3.2 for the number of installations in each Member State).

Member States have reported the largest number of installations for intensive rearing of poultry or pigs (20,018 installations; 39% of the total), and waste management (8,274 installations; 16% of the total). The number of IPPC installations per activity category (main categories according to IPPCD Annex I) is summarised in Figure 3.1.

Figure 3.1 Share of EU-27 installations according to Annex I IPPC activity codes (end 2013)



The distribution of IPPC installations between activities observed at EU level is similar in most of the Member States, however, there are some notable exceptions with certain activities having an exceptionally high share, including:

- 19% of Latvia's installations are in the energy sector;
- 33% of Austria's installations are in the waste management sector;
- 29% of Slovenia's installations are in the metals production sector;
- 50% of Malta's installations are conducting chemicals related activities; and
- 16% of Greece's installations are conducting activities in the minerals sector.

The detailed data for each Member States is presented in Table 3.1.

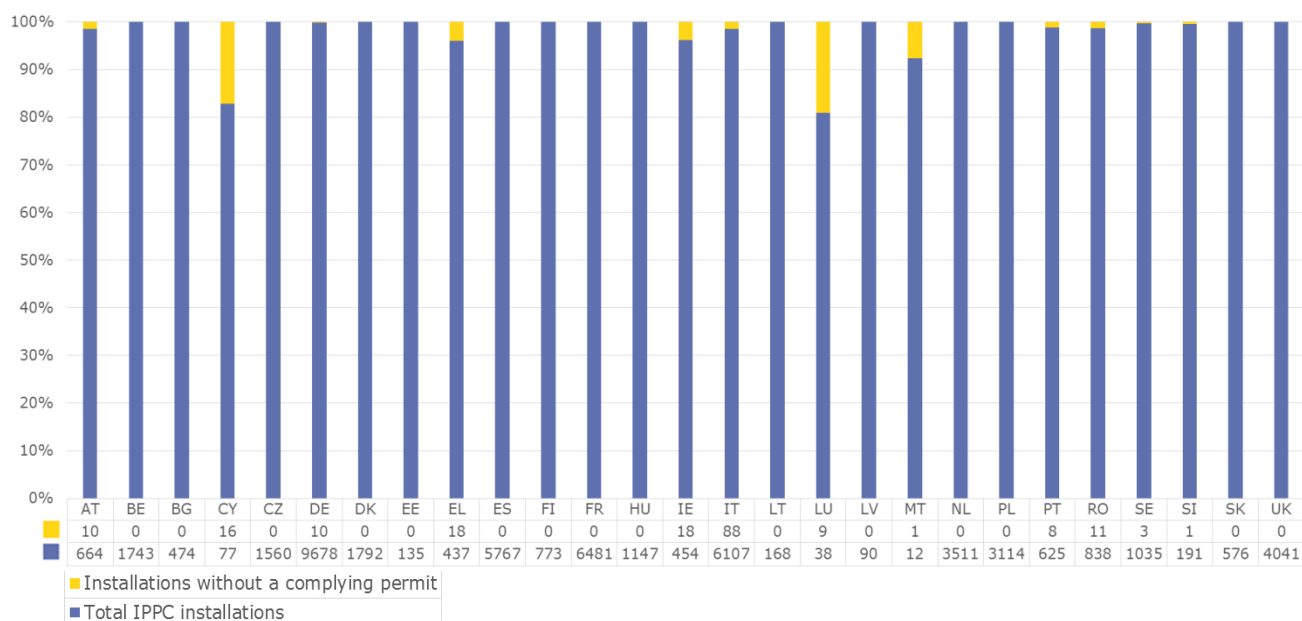
Table 3.1 Number of installations by main IPPC sectors (at the end of 2013)

Member State	Number of installations per IPPC sector					
	Energy	Metals	Minerals	Chemicals	Waste	Other
AT	45	110	48	106	217	138
BE	72	167	53	241	151	1,059
BG	43	76	50	83	98	124
CY	3	2	10	0	7	55
CZ	109	230	88	230	283	620
DE	670	1,380	369	1,706	1,761	3,792
DK	58	57	28	44	249	1,356
EE	21	10	5	10	19	70
EL	36	59	69	35	82	156
ES	192	567	549	393	425	3,641
FI	126	84	23	67	127	346
FR	255	709	167	404	615	4,331
HU	75	90	51	99	159	673
IE	24	18	8	61	44	299
IT	292	968	439	438	1,207	2,763
LT	24	1	10	6	25	102
LU	1	12	3	1	8	13
LV	17	4	5	4	16	44
MT	2	0	0	6	4	0
NL	99	135	49	149	679	2,400
PL	330	370	357	244	561	1,252
PT	34	94	62	37	80	318
RO	71	80	47	97	73	470
SE	131	152	20	79	250	403
SI	7	55	20	21	20	68
SK	64	68	43	68	143	190
UK	285	224	38	456	971	2,067
EU-27	3,086	5,722	2,611	5,085	8,274	26,750

### 3.2.2 Number of IPPC permits

Of the total IPPC installations reported, 51,335 held a complying permit (representing 99.6% of total IPPC installations). The breakdown by Member State is presented in Figure 3.2, which shows that those IPPC installations without a compliant permit are located across 12 Member States (Austria, Cyprus, Germany, Greece, Ireland, Italy, Luxembourg, Malta, Portugal, Romania, Sweden, and Slovenia).

Figure 3.2 Share of IPPC installations and share of installations without a compliant permit, by Member State (at the end of 2013)

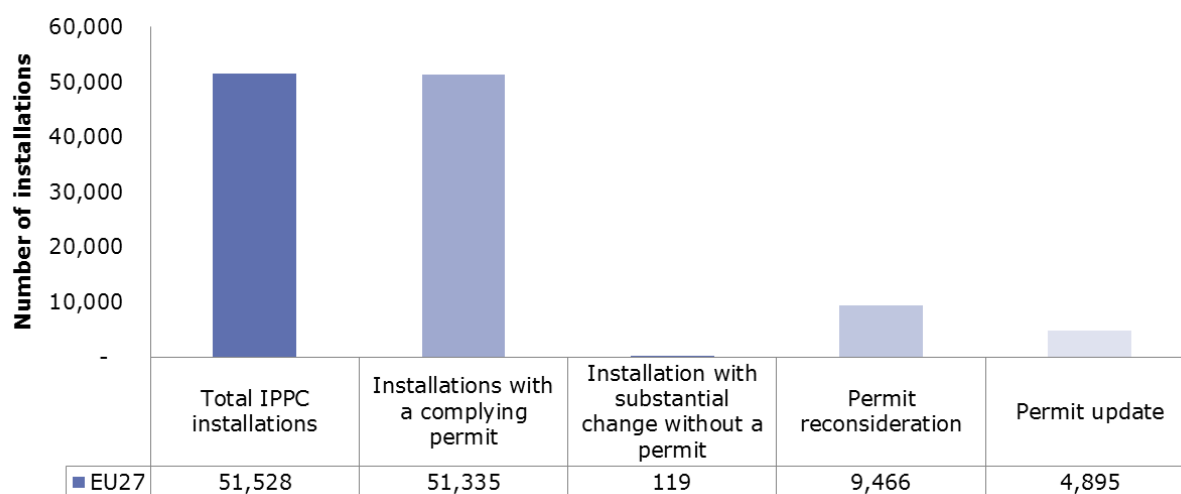


As illustrated by Figure 3.2, the Member States with the highest number of installations not covered by a permit in full compliance with the IPPC Directive are Italy (88 installations), followed by Ireland and Greece (18 each). Member States with the highest percentage of installations not covered by permits in full compliance with the IPPC Directive are Luxembourg (24 %) and Cyprus (21 %).

Cyprus indicated that the 16 installations for which permits were not issued are either facilities which have postponed their operation due to the economic crisis and are considered inactive, facilities undergoing permitting procedure or facilities that did not proceed with the implementation of specific conditions required by the Competent Authority in order to apply BAT. Cyprus added for the latter that the details of the installations have been transferred to the Attorney General to initiate the closure of the facilities. Portugal added that one installation's permit was under review when reporting.

In addition to the number of installations and permits, Member States were asked to provide information for the reporting period on the number of substantial changes undertaken without a permit issued, installations for which the IPPC permit has been reconsidered, and installations for which the IPPC permit has been updated. Figure 3.3 presents the data at EU-27 level; please refer to Appendix A to view the data at Member State level.

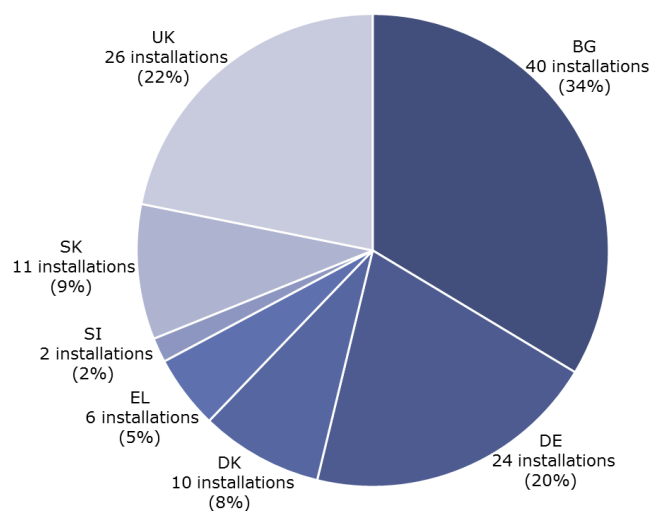
Figure 3.3 Data reported by Member States on IPPC installations and permits (2012-2013)



As demonstrated in Figure 3.3 out of the 9,466 IPPC permits that had been reconsidered during the reporting period, more than 50% were updated.

Seven Member States reported incidents of 'substantial changes undertaken without a permit according to Article 12(2)' in relation to 119 installations, as presented below in Figure 3.4. Note that the Spanish response has been excluded from this analysis as although it was reported that a number of installations underwent substantial change without a compliant permit between 2012 and 2013, the Spanish authorities also indicated that in Spain it is not possible to undertake substantial changes without a permit change. Therefore, it is understood that the Spanish data indicates the number of substantial changes undertaken with a permit. Bulgaria is the Member State with the highest number of substantial changes reported without a permit reported (40).

Figure 3.4 Installations that underwent substantial changes without a permit (as a number and as a share of the total, 119)



### 3.2.3 Identification of the IPPC installations

2.2 Identification of IPPC installations. If available, please provide a link to publicly accessible up-to-date information containing the names, location and main activity (annex I) of the IPPC installations in your Member State. If such information is not publicly available, please submit a list of all individual installations operating at the end of the reporting period (names, location and main IPPC activity). If such a list were not available, please provide an explanation on why this is the case.

All of the Member States provided a response to Question 2.2.

A total of 15 Member States (Austria, Bulgaria, Cyprus, Czech Republic, Estonia, France, Greece, Ireland, Latvia, Lithuania, Malta, Poland, Portugal, Slovenia and Spain) indicated that information on individual IPPC installations is publicly available and included a link to this information in their response. However, the link provided by Cyprus directs toward a registry of installations and emissions as per the E-PRTR and not to the number of IPPC installations.

The list is not publically available for nine Member States (Denmark, Finland, Hungary, Luxembourg, the Netherlands, Romania, Sweden, Slovakia, and the UK); and in Belgium, Germany and Italy the information is publically available for most regions, but not all.

For the 11 Member States where no link was available, the responses included a list of installations with name and main IPPC activity. Such a list was included in responses from Belgium (for two of the three regions), Denmark, Finland, Germany (for 12 of the 16 länder), Hungary, Ireland, Luxembourg, the Netherlands, Romania, Slovakia and the UK. Sweden indicated that the list provided during the previous reporting period was still up to date. It is unclear from the responses provided whether or not this information would be made publically available if requested.

The number of IPPC installations reported in response to Question 2.2 was compared to the response provided to Question 2.1 and in most cases both numbers matched

or showed some slight differences. For example, Austria and Germany indicated that the responses to question 2.1 and 2.2 did not match exactly due to some regions not being able to provide a list of installations. Belgium, Denmark, France and Slovakia indicated that the process of implementing the IED has led to changes in existing registries which can also explain some of the discrepancies. Lastly, for the Member States who included links to the online lists, most of these were up to date (i.e. in June 2015, when the websites were initially consulted), and so the information does not always correlate to the total number of installations at the end of the reporting period (i.e. up to 2013).

### **3.3 Question 3: Permit applications**

*Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues (e.g. methodology for the assessment of significant emissions from installations).*

This question was answered by all the Member States. The majority of Member States (24) reported that no changes were made to the existing processes in place to ensure that applications made for IPPC permits include all the information required by the Directive. Changes were reported by Austria, Greece and Ireland. These Member States indicated that the procedures to ensure that permit applications contain all the information required by Article 6 of the IPPC Directive are set out in national legislation, and that this was updated to transpose the IED into the national legislation.

### **3.4 Question 4: Coordination of the permitting procedure and conditions**

#### **3.4.1 Change to the organisational structure of the permitting procedures**

*4.1 Describe any changes made since the last reporting period in the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies*

Only three Member States reported changes to the organisational structure of the permitting procedures (Austria, Lithuania and Romania).

In Austria and in Lithuania this relates to the distribution of competencies. Austria adopted changes to the appeal process, which is now conducted by regional courts (as opposed to independent administrative tribunals). Lithuania modified the permit application process so that the local authority is no longer involved.

Romania reported that the county environmental protection agencies are now designated as the Competent Authorities responsible for the issuing of permits.

#### **3.4.2 Difficulties in ensuring full coordination of the permitting procedure and conditions**

*4.2 Are there any particular difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.*

The majority of Member States (24) reported that no difficulties were experienced; of which, eight Member States (Belgium, Bulgaria, Czech Republic, Estonia, France, Ireland, Malta and Slovenia) specified that no difficulties were reported as only one



competent authority is involved in the permitting procedure and as such no legislation or guidance was referred to in their responses.

Three Member States (Greece, Latvia and Spain) reported that they encountered difficulties due to time constraints. Spain provided an example where one or two of the competent authorities involved failed to respond in a timely manner causing delays in the procedure. Spain reported these difficulties as ongoing since the 2006-2008 reporting period. Latvia mentioned that the institutions involved imposed requirements on operators which were not deemed relevant for environmental protection, or where a permit application fell outside the scope of the institution that it was submitted to.

Only Austria, Greece, Spain and Lithuania reported that some changes were made to the relevant legislation. No Member States reported changes to guidance on this issue.

More details are available in the respective Member State implementation summary presented in Appendix A.

### **3.4.3 Legal provisions, procedures and guidance to ensure that permits are not granted when an installation does not comply**

*4.3 What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of Directive 2008/1/EC? If available, give information on the numbers and circumstances in which permits have been refused.*

The majority of Member States (23: Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden and the UK) reported no changes to the relevant legal provisions, procedures or guidance.

The changes reported by Austria, Greece, Malta and Slovakia were exclusively due to updated legal provisions and procedures, and no changes to available guidance were reported. Austria, Malta and Slovakia indicated that the changes made were a result of the transposition of the IED. The reported changes are as follows:

- Austria reported changes to the legal provisions in Vienna to transpose the IED but specified that the permitting procedure remains unchanged since the previous reporting period. Reference was provided to the relevant provisions.
- Greece reported that the legal provisions are set out in national legislation and added that no criteria are set in the legal provisions. Rather, the decision to grant a permit is subject to a consultation whereby the competent authority will review the environmental impact assessment submitted with the permit application (see the question 3 for more detail) and form a judgement based on this.
- Malta reported that changes to the legal provisions and procedure have been introduced as a result of the IED. The decision to grant a permit is still taken following consultation (rather than applying criteria set in national legislation), but now involves a consortium of consultants, instead of the former IPPC Committee.
- In Slovakia, the legal provisions have been updated to reflect the IED, but no changes to the procedure were reported.

The responses provided concerning the number of permits refused are presented in Figure 3.5. A total of 17 Member States (Austria, Belgium, the Czech Republic,

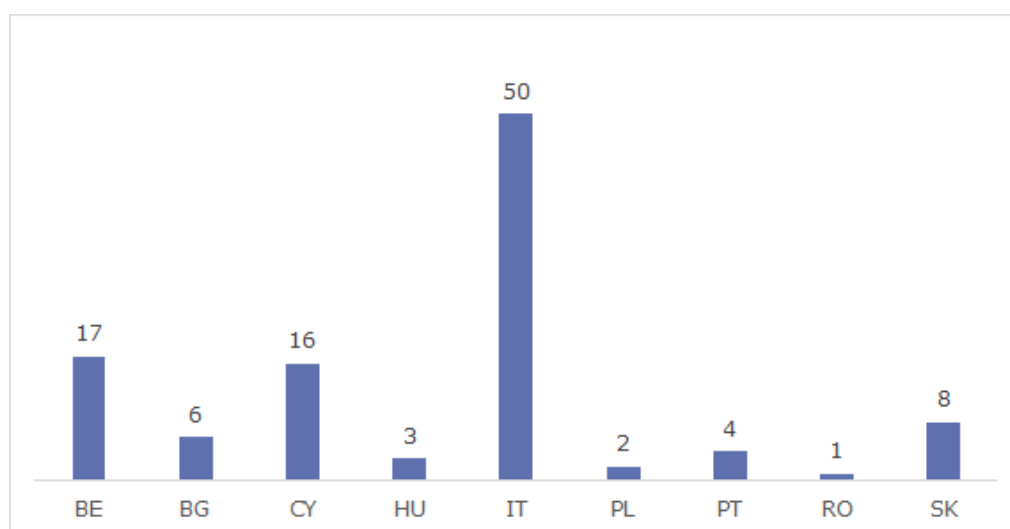
Denmark, Estonia, Finland, France, Germany, Greece, Ireland, Latvia, Lithuania, Malta, the Netherlands, Slovenia, Spain and Sweden) reported that no permits were refused during 2012-2013.

As illustrated in Figure 3.5 the greatest number of permits refused was reported by Italy. Several reasons for this were included in the Member State's response, as discussed below. Moreover, it should be noted that the number of permits refused between 2012 and 2013 has declined since the previous reporting period (Italy reported that between 2009 and 2011 78 permits were refused).

This declining trend has been ongoing and can be observed in all Member States, except Slovakia. This could be due to the fact that over time, permits have generally become more in keeping with the Directive requirements and it could be influenced by the reporting period being shorter, which could also explain why Member States have reported fewer permit refusals comparatively. A further factor in this trend is that the overall number of permit applications has reduced, alongside the number of permit refusals – as explained in the Cypriot response. Cyprus reported that installations were forced to reduce their capacity due to financial constraints following the economic crisis which led them to fall below the threshold specified in the Directive (namely installations engaged in intensive rearing of pigs). Consequently, the number of permit applications reduced, along with the number of permits refused.

There were some variations in the way Member States report the number of refused permit applications which can in part explain the differences between Member States and the number of permits refused. For example, in Slovakia, eight permits were refused and subsequently the operator withdrew its application before the permit was officially refused by the competent authority; however, the permits were still reported as having been refused. Alternatively, France mentioned that permits that are withdrawn by operators ahead of the result are not accounted for as refused permits.

*Figure 3.5 Number of permits refused by Member State during the 2012-2013 reporting period*



Notes: Member States not shown reported no permits having been refused, with the exception of Luxembourg and the UK, which responded no information was available (thus it is unclear whether the number of permits refused in these cases is zero or not).

The reasons provided by Member States for the refusal of permits are as follows:

- Failure to provide additional information when requested/ incomplete application (Bulgaria, Italy, Portugal and Slovakia).
- Environmental Statement part of the EIA information required from operator is missing (Italy and Portugal).
- The operator cannot meet the ELVs or other operating conditions set in the permit by the Competent Authorities (Bulgaria, Hungary and Romania).
- Inactivity of the installation (Cyprus).
- Installations which are being examined with a view to being granted a permit under the Industrial Emissions Act - Law No 184 (I)/2013 (Cyprus).
- Failure to demonstrate the application of BAT in the permit application (Cyprus and Poland).
- Where the application clashes with other environmental plans in the surrounding area (Italy).

The reasons for refusal were not specified in the response submitted by Belgium.

### **3.5 Question 5: Appropriateness and adequacy of permit condition**

#### **3.5.1 Setting Emission Limit Values and other permit conditions**

*5.1.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued on the procedures and criteria for setting emission limit values and other permit conditions.*

A total of 20 Member States reported no changes to the procedures and criteria since the previous reporting period (Bulgaria, Cyprus, the Czech Republic, Estonia, Finland, France, Germany, Greece, Italy, Lithuania, Luxembourg, Malta, the Netherlands, Poland, Portugal, Romania, Slovenia, Spain, Sweden and the UK). It continues to be unclear in some instances whether the Member State meant that the ELVs were included in the national legislation, or that the national legislation describes the procedure to follow in order to derive ELVs, or that 'state of the art' measures provide details on how to set ELVs in permits.

Changes were reported by seven Member States (Austria, Belgium, Denmark, Hungary, Ireland, Latvia, and Slovakia).

In three Member States (Hungary, Latvia, and Slovakia), the changes relate to sectoral legislation setting out how the ELV and technical measures should be applied in specific circumstances, but the procedures and criteria for setting ELVs had not changed.

- Hungary reported that new legislation concerning waste management measures had been adopted, but no further detail was provided.
- Latvia reported that changes to the ELVs had been made in legislation affecting plants that emit air-polluting substances; use organic solvents; or manufacture of glass and glass fibre.
- Slovakia reported changes to the air quality legislation, but no further detail was provided.

The remaining four Member States introduced new provisions as follows:

- In Austria (Vienna), new provisions were introduced concerning the criteria for setting ELVs and other permit conditions. No details of the criteria were provided.
- In Belgium (Flemish Region), new provisions were introduced (in Title I of Vlarem) stipulating that each application will now be examined on a case by case basis.
- Denmark reported that additional guidance has been made available for general binding rules setting ELVs in waste water permits and for intensive rearing of poultry and pigs.
- In Ireland, new guidance for operators based on the information contained in the BREFs has been produced by the competent authority. Ireland indicated in its response that this guidance has implications for the procedures and criteria for setting permit conditions but no details were provided.

### 3.5.2 Determination of Best Available Techniques

*5.1.2. Describe any general binding rules or specific guidelines for competent authorities that have been issued on the general principles for the determination of best available techniques.*

All Member States have responded to this question, but only Slovakia responded that there have been changes since the previous reporting period, commenting that the provisions with regard to expected costs and benefits of the planned measure are now set out under Annex 2 of Act No 39/2013 Coll. on IPPC.

The Commission's BAT Reference Documents are reported as the most common source used to determine BAT by 17 Member States (Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, France, Greece, Ireland, Lithuania, the Netherlands, Poland, Portugal, Romania, Slovenia, Slovakia, Spain, and the UK). Other sources referred to include the criteria in Annex IV of the IPPC Directive, legislation which defines BAT, guideline documents, recommendations from technical working groups, and international documents. See also the summary of responses for question 5.2.

### 3.5.3 Implementation of Article 9(4)

*5.1.3. Describe any general binding rules or specific guidelines for competent authorities that have been issued on the implementation of Article 9(4)<sup>3</sup>.*

All Member States provided a response to this question, and all except Slovakia (see question 5.1.2) responded that there has been no change since the previous reporting period.

All Member States indicated that Article 9(4) has been implemented in their national legislation and have typically provided references to those provisions without specifying specific procedures for implementing Article 9(4).

### 3.5.4 BAT Reference Documents (BREFs)

*5.2 Issues related to the BAT Reference Documents (BREFs) established pursuant to Article 17(2) of Directive 2008/1/EC:*

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<sup>3</sup> "The emission limit values and the equivalent parameters and technical measures [...] shall be based on the best available techniques, without prescribing the use of any technique or specific technology, but taking into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions. In, all circumstances, the conditions of the permit shall contain provisions on the minimisation of long-distance or transboundary pollution and ensure a high level of protection for the environment as a whole"

1. How in general terms is the information published by the Commission pursuant to Article 17(2) taken into account generally or in specific cases when determining best available techniques?

2. How are the BREFs concretely used for setting permit conditions?

All Member States have indicated that BREFs are used as a source of information to determine BAT, and all have reported no changes since the previous reporting period, except for Belgium (at a regional level). The change reported relates to the overarching legislative instrument used to transpose the Directive requirements in Flanders (Belgium), and no changes to the provisions have been made. The provisions are set out under Article 43bis of the Vlareem I.

As per the previous reporting period, several Member States (15) responded that they also use other resources for setting BAT. Table 3.2 presents an overview of the additional resources used by Member States.

Table 3.2 Additional resources used by Member States

Additional resource used for setting BAT	Member State
Technical working group	CY, CZ, DE, DK, EE, IE
Additional online resources	AT, UK
Legal recommendations	NL
Other documents	MT, SE, SK, UK
Not specified	BE, EL, FI

No changes have been reported by Member States since the previous reporting period with regards to the use of BREFs for setting permit conditions. All Member States have responded that BREFs are used for setting permit conditions, except for Sweden who responded that BREFs were not produced for the purpose of setting permit conditions and therefore have not been used as such. Sweden did not provide information about other resources used for setting permit conditions. Three Member States (Austria, the Czech Republic and Estonia) have reported that they use additional resources to the BREFs for setting permit conditions, with no details beyond this.

### 3.5.5 Other permit conditions

#### *Environmental management systems*

5.3(a) Have environmental management systems been taken into account in setting permit conditions? If so, how?

All Member States reported that there have been no changes made to the way environmental management systems have been taken into account.

The majority of Member States (18) have responded that environmental management systems are taken into account when setting permit conditions (Belgium, Bulgaria, Cyprus, the Czech Republic, Estonia, Greece, Germany, Hungary, Ireland, Italy, Latvia, Luxembourg, Malta, the Netherlands, Poland, Romania, Spain, and the UK).

Austria responded that environmental management systems are only partially taken into account and that authorities in most provinces have not made use of them when setting permit conditions. Examples where environmental management systems have been taken were provided for Upper Austria and Vienna.

As previously reported, Denmark, Finland, France, Lithuania, Portugal, Slovakia, Slovenia, and Sweden responded that environmental management systems are not taken into consideration when setting permits.

*Site restoration upon definitive cessation of activities*

*5.3 (b) What types of permit conditions or other measures have typically been applied for the purposes of Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice?*

In summary, all Member States reported that conditions requiring the operator to return the site of operation to a satisfactory state upon definitive cessation of operations are in place. These conditions have been either included in the individual IPPC permits (Cyprus, Czech Republic, Denmark, Hungary, Ireland, Lithuania, Poland, Slovakia and Slovenia) or set by the national / regional legislation (Austria, Belgium, Bulgaria, France, Germany, Greece, Latvia, Luxembourg, the Netherlands, Portugal, Romania and the UK) (more details are in the previous report).

Only three Member States (Greece, Poland and Slovakia) reported changes since the previous reporting period, which are as follows:

- Greece reported that under Law No 4014/11, conditions must be prescribed for the following activities (in addition to those listed for the previous reporting period): the use of machinery, the removal and use of raw and auxiliary materials and products, the removal and proper management of all waste, the restoration of potential damage to the environment, and the restoration of the natural environment.
- Poland reported that new provisions concerning the schedule of rehabilitation activities at the point of a landfill closure now apply; a point of note as the only installations in Poland that ceased their activities during the period under analysis were landfills. No further detail was provided concerning the changes to the conditions or measures that apply.
- Slovakia reported no changes to the conditions but responded that the legislative text has changed and the provisions are now set under section 28 of the Act No 39/2013 Coll. on IPPC.

In addition, Ireland, Hungary and Latvia provided additional details compared to the previous reporting period concerning the types of activities and measures that operators are required to carry out, along with links to relevant legislative articles and guidance where available. As per the previous reporting period, both Ireland and Hungary responded that the relevant conditions and measures are included in individual permit conditions, and provided details from example permits, as follows:

- Hungary reported that the operator will typically be required to: remove machinery; secure the soil, subsoil, structures and buildings and any equipment located in them; ensure the disposal or recovery of stored and treated waste and substances; ensure that decommissioned buildings and structures are put to new uses or that they are removed; dispose of substances and equipment which could cause air pollution; and remove all waste present on the site. Hungary also indicated that the permit conditions include monitoring and compliance measures whereby the inspectorate may conduct an on-the-spot check to verify compliance, and impose sanctions if the environmental protection requirements relating to cessation are not being met.

- Ireland provided a link to an example permit<sup>4</sup>. The permit specifies that where cessation of activities will be for a period of 6 months or greater, the operator must render safe or remove for disposal/ recovery any soil, subsoil, buildings, plant or equipment, or waste that may result in environmental pollution (as per the national legislation requirements). The operator is also required to produce a decommissioning management plan, which must include the costs of decommissioning and a detailed list of activities which will be carried out. The Member State has also provided a link to guidance that is available to operators to support with site restoration upon definitive cessation of activities<sup>5</sup>.

Also as per the previous reporting period, Latvia responded that the conditions and measures concerning site restoration upon definitive cessation of activities are set out in national legislation. Latvia specified that operators are required to take the necessary measures to ensure that the site is returned to a satisfactory state, and to submit a list of activities that will be taken along with soil and water quality assessments to the relevant regional environmental board.

### *Energy efficiency*

#### *5.3 (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))?*

In most cases Member States reported no changes since the previous reporting period in response to this question. Only Belgium and Hungary reported changes since the previous reporting period.

- Belgium (Flemish Region) responded that the legislation has changed and that special conditions regarding energy efficiency may be imposed in the permits under Article 43 bis, Title I of the Vlarem. Further, it is specified that the best available techniques concerning energy use and efficiency must be used referred to in the permit conditions.
- Hungary responded that the conditions relating to energy efficiency are now incorporated within the integrated environmental permit, specifying that permit holders must continuously aim to improve energy efficiency, and that continuous monitoring must be undertaken and assessed every 5 years.

#### *5.3 (d) Has the possibility set in Article 9(3) to choose not to impose requirements relating to energy efficiency been used and, if so, how has this been implemented?*

A total of nine Member States have opted not to impose energy efficiency requirements in respect of combustion units or other units emitting carbon dioxide on the site (Germany, Greece, Lithuania, Latvia, the Netherlands, Romania, Slovenia, Spain, and the UK – see Figure 3.6). Germany and the UK provided the following additional information:

- Germany reported that the obligations are set out in national legislation (under the Greenhouse Gas Emissions Trading Act)<sup>6</sup>. The Act specifies that IPPC

<sup>4</sup> Integrated Pollution Prevention and Control Licence for Huntstown Power Company Ltd. (P0483-04) (Condition 10, p.20)

[http://www.epa.ie/licences/lic\\_eDMS/090151b2804dd443.pdf](http://www.epa.ie/licences/lic_eDMS/090151b2804dd443.pdf)

<sup>5</sup> EPA (2012) Guidance to Licensees on Surrender, Cessation and Closure of Licenced Sites.

<http://www.epa.ie/pubs/advice/licensee/guidanceonsurrendercessationandclosureoflicensedsites.html>.

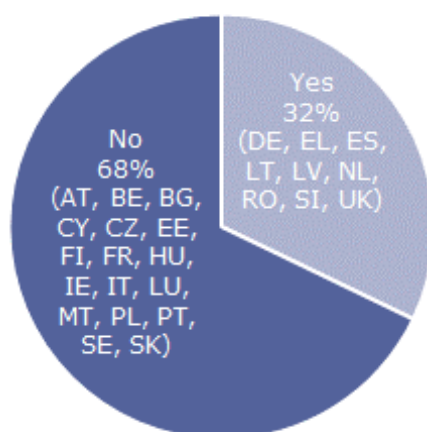
<sup>6</sup> The Greenhouse Gas Emissions Trading Act [Treibhausgas-Emissionshandelsgesetz - TEHG] (of 21 July 2011, Federal Law Gazette I, p. 1475, as last amended by Act of



installations must have high levels of energy efficiency, limited energy losses and that they must use the energy generated during the production process. In accordance with the IPPC Directive, under this Act, no installation subject to emissions trading may have requirements imposed on them which pertain to direct CO<sub>2</sub> emissions from incineration or other processes and which go beyond the obligations.

- The UK reported that installations covered by the EU Emissions Trading Scheme are only required to take into account basic energy efficiency best practice, and may overlook certain requirements relating to energy efficiency. However, all IPPC installations must participate in a Climate Change Agreement or Direct Participant Agreement in the Emissions Trading System, or comply with further permit-specific requirements as determined with the regulator.

Figure 3.6 Use of the derogation permitted within Article 9(3) when setting permit conditions



Note: Denmark responded that they were unable to respond to this question.

### 3.6 Question 6: Environmental quality standards

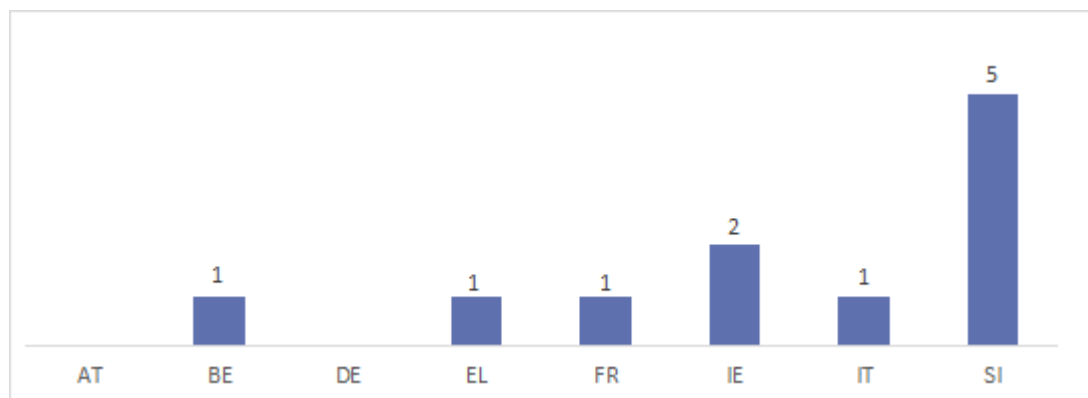
*Have cases arisen where Article 10 applies and the use of best available techniques is insufficient to satisfy an environmental quality standard (as defined in Article 2(7))? If so, give examples of such cases and the additional measures taken.*

Figure 3.7 presents the number of cases where Article 10 of the IPPC Directive was used during the reporting period.

22 December 2011, Federal Law Gazette I, p. 3044, [http://www.gesetze-im-internet.de/bundesrecht/tehg\\_2011/gesamt.pdf](http://www.gesetze-im-internet.de/bundesrecht/tehg_2011/gesamt.pdf)



Figure 3.7 Number of cases where use was made of Article 10 per Member States



Note: The case reported for Belgium occurred in the Flemish Region

The responses included the following details on specific cases and the measures taken.

- Austria indicated that in Upper Austria there were 'a few' of these cases during the reporting period and gave one example of a De-NO<sub>x</sub> installation at the Voestalpine Stahl GmbH sintering plant, which is now in operation. No information was included on the measures that were taken to ensure that the EQS was respected.
- Belgium indicated that when these cases arise there are two options: if the EQS is technically unachievable then the permit application is refused, if the EQS is technically achievable but cannot be achieved by applying BAT then special conditions are imposed. The latter cases are reported to regularly occur and the response included one example:
  - Scana Noliko NV – Bree, production of vegetable and fruit conserves. The permit includes stricter standards than the BAT values for water discharge of phosphorus. A company-specific BAT study has been conducted which identified that the EQS for the annual average level of phosphorus must be 3 mg/l (compared to the BAT-AEL for the Food, Drink and Milk Industries in relation to phosphorus emissions to waste water which is between 0.4-5mg/l). The permit indicated that after a two-year period, a limit value for phosphorus of 4 mg/l (spot sample) and 2 mg/l (annual average) is required. In addition to the stricter discharge standards for phosphorus, an improvement path is also included in order to further reduce the discharges.
- France and Germany reported that this situation arises regularly, but that no statistics are kept. No relevant examples for the current reporting period were provided in either response.
- Greece described one example that arose during the previous reporting report but was not included in the previous response. It indicated that in order to upgrade and restore the good water status of the river Asopos and its basin, additional measures had been taken for relevant installations. The measures included setting stricter emission limits in the permit and additional measures for monitoring the quality of wastewater.
- Ireland's responses included the description of two examples related to ammonia emissions to water:

- A permit for an animal slaughtering installation. The ELV for total Ammonia was set at 4 mg/l while the BAT-AEL is 10mg/l. This lower limit was set to ensure compliance with the Irish EQS of 0.14 mg/l for total ammonia levels in the receiving water. To achieve this, the operator was required to use nitrification and denitrification of the effluent using an onsite waste water treatment plant.
- A permit for a dairy farm. The ELV for Total Ammonia was set at 1.2mg/l while the BAT-AEL is 10mg/l. The operator was able to achieve this lower ELV through nitrification and denitrification of the effluent within the on-site waste water treatment plant.
- The example provided in the Italian response refers to the review of the ILVA plant in Taranto in 2012 where environmental surveys found that the benzo (a) pyrene and dust caused by the operation of the plant was harmful to the town. The Member State did not describe in detail the provisions made but did provide a link to a detailed description of the case (in Italian - EU-Pilot 3268/12 / ENVI)<sup>7</sup>.
- Slovenia's response included five examples where protection of the EQS necessitated more stringent emission limits compared to the BAT-AEL. The Member State reported that additional requirements were needed to meet the EQS. The ELVs reported are as follows:
  - ELV for dust emissions set at 10 mg/m<sup>3</sup> at a core-making installation (Talum Ulitiki d.o.o.) while the BAT-AEL is 20 mg/m<sup>3</sup>.
  - ELV for dust emissions set at 15 mg/m<sup>3</sup> at a core-making installation (OMCO Feniks Slovenija d.o.o.) while the BAT-AEL is 20 mg/m<sup>3</sup>.
  - ELV for dust emissions set at 10 mg/m<sup>3</sup> for sandblasting in three installations (Livarna Vuzenica d.o.o., Cimos TAM Ai d.o.o., and Cimos Titan d.o.o.) while the BAT-AEL for sandblasting is 20 mg/m<sup>3</sup>.

### 3.7 Question 7: Changes to installations

*How do competent authorities decide in practice, under Article 12, whether a 'change in operation' may have consequences for the environment (article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.*

This question has been responded to by all Member States with detail concerning the procedures and legal provisions. The responses provided by Member States focusses on describing the processes for deciding on change and substantial change and do not include details on how the consequences for the environment or human beings are identified and how these are taken into account to identify substantial change.

#### 3.7.1 Change in operation

Austria, Belgium, Cyprus, Finland, Germany, Hungary, Italy, Luxembourg, Malta, Netherlands, Sweden, Slovenia and Spain reported that no changes had been made since the last reporting period.

It is important to highlight that in addition to those Member States that reported no changes during the last reporting period, most of the responses include descriptions

<sup>7</sup> [http://www.isprambiente.gov.it/it/garante\\_aia\\_ilva/monitoraggio-della-commissione-europea/LarichiestadellaCommissionediinformazione supplementaredel1.3.2012.pdf](http://www.isprambiente.gov.it/it/garante_aia_ilva/monitoraggio-della-commissione-europea/LarichiestadellaCommissionediinformazione supplementaredel1.3.2012.pdf)

of procedures and processes set up to assess changes to installations rather than providing explanation of their understanding of consequences for the environment.

Five Member States (France, Germany, Greece, Ireland, and Lithuania) provided more detailed responses on the processes to follow for a change in operation, explaining that the operator of an IPPC installation must notify the competent authority of any changes made to the activities of an installation. However, the details around the specific changes were not reported in the responses.

Detailed responses from Belgium, Bulgaria, Czech Republic, Denmark, Estonia, Greece, France, Ireland, Lithuania, Latvia, Poland, Portugal, Romania, Slovakia and the UK all stated that it is the duty of the competent authority to analyse the information submitted and decide whether the permit must be altered or not. If it is the case, more information is requested from the operator, and in several cases (for example Belgium, Estonia and Ireland), an assessment of the environmental impact of the changes is conducted to assess the impact of the proposed changes.

Of those Member States providing a detailed response, all indicated that the decision on the consequences of the changes is made by the competent authorities.

- Denmark added that the public is consulted in cases of significant change or expansions with significant negative impacts, Ireland indicated that the assessment procedure may involve site visits.
- Poland and Spain explicitly reported that substantial changes to the installation cannot be carried out without prior authorisation.

### **3.7.2 Substantial change**

Austria, Belgium, Cyprus, Denmark, Estonia, Finland, France, Germany, Hungary, Italy, Luxembourg, Malta, Netherlands, Poland, Portugal, Slovenia, Spain, Sweden and the UK reported no changes to the way substantial change is defined in their legislation. These Member States indicated that the competent authorities can assess the changes proposed by the operator and decide whether these constitute a substantial change or not. While the responses for this reporting period did not include details for how substantial change is determined in these Member States, some were included in the previous reporting period and are presented in the previous implementation report (section 2.4.8).

Greece, Ireland and Romania indicated that an environmental impact assessment can be undertaken as part of this assessment. In the Czech Republic, the decision of whether a change is substantial takes into account reviews and local investigation. Lithuania, Romania and Slovakia reported that each change to the economic activities of an installation is deemed to be substantial if after the change or the extension, the economic activities fall under the scope of Annex 1 of the Directive. This is also the case for a non-hazardous waste incineration plant broadening its activities to include the incineration of hazardous waste.

Bulgaria indicated that criteria have been introduced to evaluate the impacts of changes in operation. Operators are required to submit information on the expected changes and their impacts on the installation's capacity, consumption of substances and materials, emissions, waste, effects on human. The response refers to annex 5 of the Bulgarian national legislation for detail and provided no further information.

Similarly, in Latvia, the legislation defines what is considered as substantial change and define the principles for issuing a permit in the event of a substantial change, but no further information was provided in the response given.

### **3.8 Question 8: Reconsideration and updating of permit conditions**

*8.1 Is the frequency of reconsideration and, where necessary, updating of permit conditions (Article 13) specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to relevant legislation, guidance or procedures.*

*8.2 What is the representative frequency for the reconsideration of permit conditions? In cases of differences between installations or sectors, provide illustrative information if available.*

*8.3 What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the best available techniques implemented? Give reference to relevant legislation, guidance or procedures.*

#### **3.8.1 Frequency of reconsideration**

Cyprus, the Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Poland, Portugal, Romania, Slovakia, Slovenia and Spain have adopted national legislation which states the frequency at which IPPC permits must be reviewed.

Belgium and Austria reported that the provisions are included in their regional legislation (sub-national law).

Cyprus provided multiple responses indicating that in addition to national legislation, other means are used to set a frequency of reconsideration of IPPC permits. No further information on these additional means was included in the response.

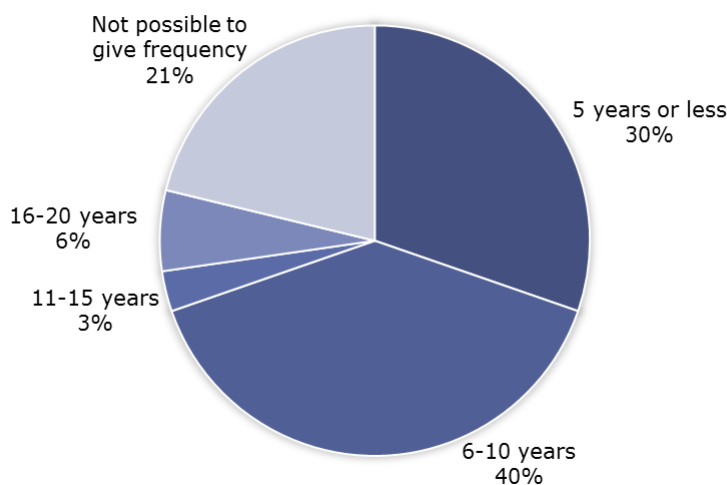
In Bulgaria, Ireland, Netherlands, Sweden and the UK, the frequency for the reconsideration of IPPC permits is not stated in the national legislation, but led by external events such as a sectoral review or change made to related legislation.

Finally, Finland and Malta reported that 'other means' are used to set a frequency of reconsideration of IPPC permits. These means are for example the addition of a reconsideration obligation and a frequency for carrying it out in the permit (Finland and Malta).

The questionnaire required Member States to indicate the representative frequency for reconsidering permits conditions (six categories listed).

The responses reported by Member States are presented in Figure 3.8. Austria provided multiple responses to this question, as the representative frequency varies according to its Bundesländer. No Member State reported a frequency of over 20 years.

Figure 3.8 Representative frequency for revision of IPPC permits



In 23 Member States the IPPC permits are reconsidered at least every 10 years (30% with 5 years or less and 40% every 6-10 years).

For 10 Member States, the frequency is every 5 years or less: Austria (some Bundesländer), Belgium, Cyprus, Czech Republic, Germany, Hungary, Lithuania, Malta and Poland.

Bulgaria, Estonia, Ireland, Lithuania, Luxembourg, Romania, Slovakia and Sweden indicated it was not possible to provide a representative frequency. Some of these Member States explained that the decision to reconsider a permit was taken having regard to the specific circumstances of the installation (Sweden and Estonia). However, Estonia also added that permits were generally reviewed every 12 months.

Austria and Ireland reported differences in the reconsideration frequency depending on the sector. Austria reported that permits for installations in the waste management sector are reviewed at least every 5 years; while there is not a similar requirement for other sectors. Ireland indicated that permits including discharges to water and groundwater had been reconsidered and updated systematically during the reporting period due to environmental quality standards requirements. Bulgaria, Estonia, Lithuania, Poland, Romania and Slovakia mentioned that there is no difference in timescales for permit reconsideration between sectors.

In Italy and Latvia, the frequency of review of permits is linked to the environmental management systems applied in the installation. As a result, for installations where EMAS is used, the review is less frequent than for other installations (every 10 years vs 3 years).

### 3.8.2 Process for reconsidering and updating permits

For thirteen Member States, there have been no changes made to the process of reconsidering and updating IPPC permits compared to the previous reporting period. This includes: Austria, Belgium, Cyprus, Finland, Germany, Hungary, Italy, Luxembourg, Malta, Netherlands, Slovenia, Spain and Sweden.

In all Member States the reconsideration of the permit is done by the competent authority, which reviews all the information available on the installation, including self-monitoring information, inspection reports and any other relevant documents. The reconsideration process can be initiated due to a periodic review of the permit,

an inspection of the installation or the reception of a notification for a change at the installation. In addition, change of legislation, receipt of complaints and a change in BAT have been given as examples of circumstances prompting a reconsideration processes.

An additional comment was made by the UK which indicated that the reconsideration of IPPC permits helps in gathering feedback for the technical representation at the Technical Working Groups for reviewing the BREFs under the IED.

An overview of the elements that are reviewed during the reconsideration process is summarised as follows (including changes as well as aspects that have not changed since the previous reporting period):

- Verification of a new installation upon completion of the building work, a review of the installation's certificates, monitoring and measurements reports (Austria).
- The installation's techniques and emissions levels compared with the legislative requirements and other sectoral documents (Belgium).
- Evidence that best available technique are being implemented in the installation (Bulgaria).
- Site visit and inspection of material submitted by the operator (Czech Republic).
- Review of the environmental study to renew or alter the conditions that the operator is required to submit to the Competent Authority, a formal compliance check and publication of the decision (Greece).
- A review of: the impact of the installation on the environment, the measures available to prevent and reduce pollution and an analysis of the functioning of the installation over the past 10 years (France).
- A review of the information submitted by the operator including a site visit, and documentation produced by the Technical Analysis Committee (Portugal).
- Several Member States reported that the reconsideration process involves a site visit (Belgium, the Czech Republic, Romania and Portugal).

During the reconsideration process, the competent authority may decide that the existing permit needs to be updated to reflect any changes at the installation; if that is the case the operator will be required to submit an application for the revision of the permit.

All Member States except Lithuania and the Netherlands (who did not include information on this point), reported that where substantial changes in the best available techniques make it possible to reduce emissions significantly without imposing excessive costs, this prompts the reconsideration of the IPPC permits. Portugal added that the competent authorities ensure that the installations are informed by sending the operators individual alerts in case of changes to the BREFs.

Estonia reported that substantial changes in the best available techniques have not arisen yet.

### **3.9 Question 9: Compliance with permit conditions**

#### **3.9.1 Monitoring report**

*9.1 How is the requirement of Article 14 that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to any specific regulations, procedures or guidelines for competent authorities on this subject.*

Four possible responses were provided in the questionnaire, and the replies were as follows:

- The results of the monitoring report are sent electronically via e-mail;
- The results of the monitoring report are submitted electronically via the update of an online database;
- The results of the monitoring report are sent on paper;
- Operators use other ways to report information on release monitoring.

The most common method of reporting available to operators is by paper (22), followed closely by email (19). In most cases responses indicated that multiple methods are available to operators for informing the authorities of the results of release monitoring (see Table 3.3).

Austria and Spain also reported that other methods of reporting are available to operators. Austria reported that in addition to reporting by email or electronic database, operators may report on a more regular basis via a face-to-face exchange with the authorities. The purpose of this alternative method of reporting is to enable a rapid flow of information when needed. Spain reported that the method available to operators varies according to the permit conditions.

*Table 3.3 Overview of the methods used to submit the results of the monitoring report*

	Electronically email	Electronically online database	Information on paper	Other
AT	✓	✓		✓
BE	✓	✓	✓	
BG			✓	
CY		✓	✓	
CZ	✓		✓	
DE	✓	✓	✓	
DK	✓	✓	✓	
EE	✓	✓	✓	
EL			✓	
ES	✓	✓	✓	✓
FI	✓	✓	✓	
FR	✓	✓	✓	
HU			✓	
IE	✓			
IT		✓	✓	
LT	✓			
LU			✓	
LV		✓		
MT	✓	✓	✓	
NL	✓		✓	
PL		✓	✓	
PT	✓	✓	✓	

	Electronically email	Electronically online database	Information on paper	Other
RO	✓	✓	✓	
SE	✓			
SI	✓		✓	
SK	✓		✓	
UK	✓	✓	✓	
EU-27	19	15	22	2

9.2 *Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.*

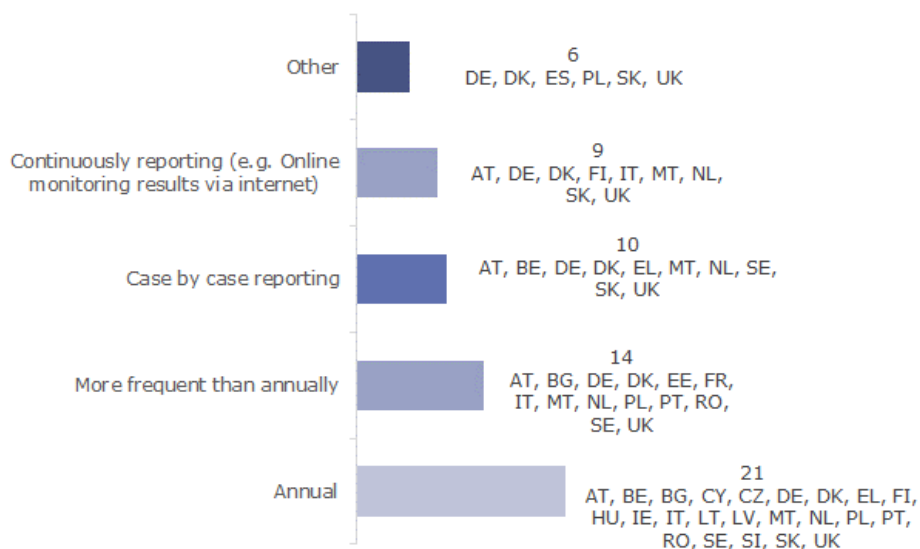
Member States were asked to indicate the frequency of reporting according to the different options set out in the questionnaire as follows:

- Annual submission;
- More frequent than annual;
- Case by case reporting;
- Continuous reporting (e.g. online monitoring via internet); and
- Other frequency.

All Member States responded that a periodic monitoring report is submitted by all operators and, apart from Luxembourg, provided information concerning the frequency of submission, as summarised in Figure 3.9. A total of 23 Member States reported that periodic monitoring reports are submitted annually (Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Finland, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden and the UK). However, many Member States mentioned several reporting frequencies with six cases Member States (Austria, Denmark, Germany, Malta, the Netherlands, and the UK), responding that all four frequencies are applicable to operators in their respective Member States.



Figure 3.9 Frequency for submission of periodic monitoring report



Six Member States reported that different frequencies for submitting periodic monitoring reports apply for different sectors, as follows:

- Austria reported that different frequencies exist in Upper Austria for boiler plants, waste incineration plants, VOC plants and any others. The frequency for each sector was not specified in the Member State response.
- Denmark reported that periodic monitoring reports are due monthly from waste incineration plants, and annually from intensive pig and poultry installations.
- France and Hungary responded that differences between sectors do apply, but did not provide any further detail.
- Ireland responded that the frequency is determined on a case-by-case basis but no examples were provided.
- Poland responded that the frequency is determined on a case-by-case basis. Numerous examples were provided by Poland, e.g. emissions to air from fuel combustion installations are twice yearly. Other examples were provided for monitoring of waste water discharges, noise emissions, among others – see the Member State summary for more detail. However, the response provided appears to also include different frequencies for monitoring, rather than for submitting the monitoring reports. Of note, Poland also specified a frequency for the production or treatment of products containing asbestos, which requires the submission of periodic monitoring reports on an annual basis if the quantity of raw asbestos used in those processes exceeds 100 kg/year. In light of the prohibitions that apply to the production of asbestos in the EU, it is thought that this example relates to chrysotile (a type of asbestos used for diaphragms in electrolysis installations), which was used in Poland until December 2012<sup>8</sup>.

### 3.9.2 Inspection

9.3 If not already submitted in the reporting under Recommendation 2001/331/EC of the European Parliament and of the Council of 4 April 2001 providing for minimum

<sup>8</sup> European Chemicals Agency (ECHA) (2014) Annex XV restriction report: Amendment to a restriction concerning chrysotile.

[http://echa.europa.eu/documents/10162/13641/annex\\_xvi\\_chrysotile\\_en.pdf](http://echa.europa.eu/documents/10162/13641/annex_xvi_chrysotile_en.pdf).

*criteria for environmental inspections in the Member States, please provide the available information as regards installations falling under the scope of Directive 2008/1/EC on the following issues:*

- 1. the main features of an environmental inspection performed by Competent Authorities;*
- 2. the total number of site visits by competent authorities during the reporting period;*
- 3. the total number of installations where such site visits took place during the reporting period; and*
- 4. the total number of site visits during which emission measurements and/or sampling of waste by or on behalf of the competent authorities took place during the reporting period.*

#### *Main features of environmental inspection*

Germany and the Netherlands responded that this information has already been submitted under the reporting for the Recommendation providing for minimum criteria for environmental inspections, and therefore no information was given.

Only Austria indicated that there have been changes with regards to the recently adopted legislation in the province of Vienna concerning new provisions relating to environmental inspection. Inspections now include on-site monitoring by technical experts and checks for non-compliances which should be written up in a report and accompanied by a summary that are available online no later than 4 months after the inspection. Where an installation is found to be non-compliant, sanctions may be imposed.

Also in comparison to the previous reporting period, additional information was provided by ten Member States (Belgium, Bulgaria, Denmark, Finland, Hungary, Ireland, Latvia, Portugal, Slovakia and Spain). This information is reflected in the discussion below.

The most commonly reported element of environmental inspections are compliance checks with the permit conditions. This typically involves document and equipment checks, on site management checks, as well as an assessment of self-monitoring. In many cases compliance checks involve sampling of emissions (11: Belgium, Finland, Greece, Hungary, Ireland, Latvia, Poland, Portugal, Slovakia, Spain and the UK), or spot-checks (7: Austria, Belgium, the Czech Republic, Denmark, Greece, Hungary and Portugal).

A number of Member States indicated that the results of environmental inspections are published in reports (8: Austria, Finland, Greece, Ireland, Latvia, Lithuania, Poland and Portugal) – which, in the case of Austria (Vienna) and Bulgaria, are made publically available.

Belgium, Bulgaria, Poland and Portugal also indicated that follow-up checks are conducted as part of the environmental inspections. An overview of these elements is presented in Figure 3.10.

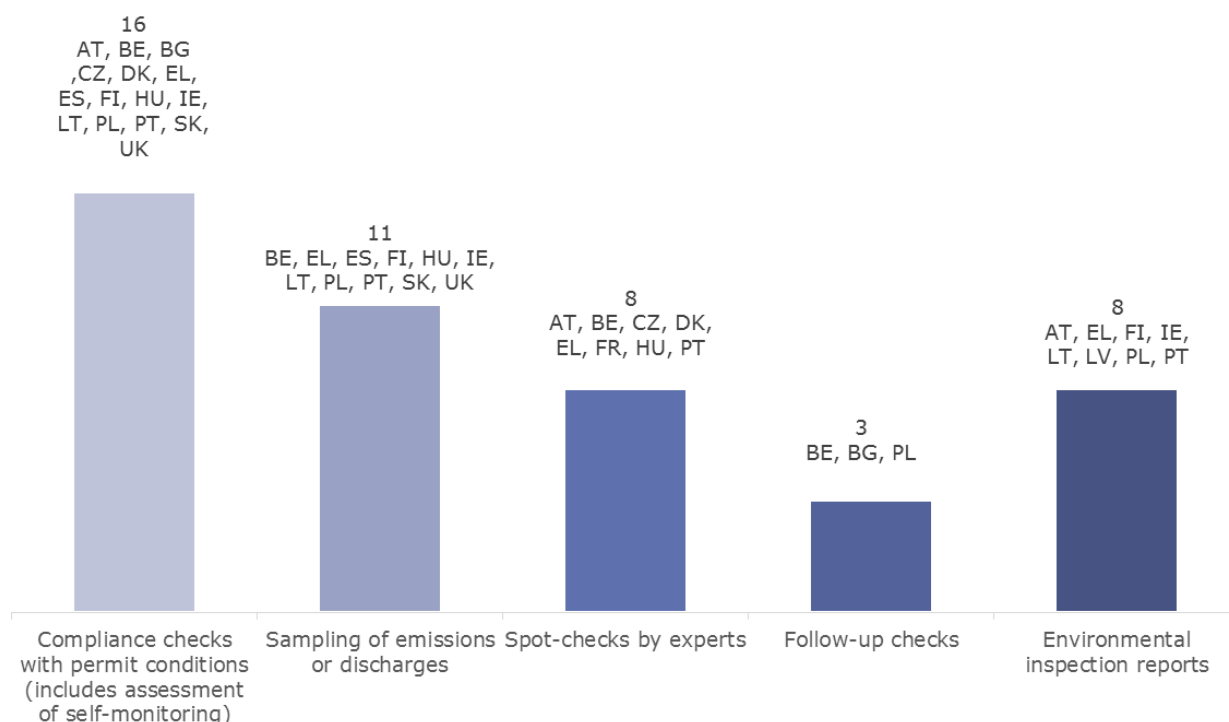
Member States were not requested to report the frequency of environmental inspections, although a handful did nonetheless. France, Ireland, Lithuania, and the UK indicated that inspections have to be carried out as a minimum on an annual basis, while Poland responded that inspections are either annual or quarterly (depending on installations types, however no further details were included) and Portugal responded that the frequency is determined on a site-by-site basis. Whether these installations are conducted in practice is a compliance issue which is not

addressed by the responses from Member States. No other Member State referred to the frequency of environmental inspections in response to this question.

Latvia, Poland and Portugal reported that the main elements within environmental inspections are determined on a site-by-site basis.

Figure 3.10 presents the most commonly reported elements of environmental inspections.

*Figure 3.10 Main elements of environmental inspections*



Note: The information provided for Austria relates only to Vienna as the Member State has only provided information where there have been changes. Cyprus, Italy, Luxembourg, Malta, Romania, Slovenia and Sweden all referred back to the previous report in their response but this information has not been incorporated in the analysis here.

#### *Number of site visits and sampling tests conducted*

In relation to the number of site visits, installations visited and samples taken, Germany, Luxembourg and Sweden stated that no information was available, and the Netherlands provided no information on the basis that the data had already been submitted under the minimum criteria for environmental inspections.

The data reported by Member States is presented in Table 3.4.

Note that in certain instances, the data provided by the Member State indicated that the number of installations visited is greater than the total number of installations (Belgium, Bulgaria, Cyprus, Hungary, Lithuania, and Poland – as highlighted in red in Table 3.4). No explanation was provided by the Member States to explain this discrepancy.

Ireland and Slovenia reported the highest average frequency of visits per installation over the two year reporting period (five and six, respectively), compared to the

average which is two, and the most common frequency which is one (as reported by ten Member States, including Bulgaria, Denmark, Estonia, Finland, Greece, Hungary, Poland, Portugal, Slovakia and Spain) (see Table 3.4 for detail by Member State).

The data shows that the samples were on average taken in approximately 25% of inspection visits. However, this figure varies considerably between Member States (1% in Slovenia to 89% in Austria).

*Table 3.4 Data reported on inspection of installations (2012-2013)*

<b>MS</b>	<b>Total site visits for 2012-2013</b>	<b>Average frequency of visits per installation (= total site visits / total installations visited)</b>	<b>Share of installation visited (= total installations visited / total installations)</b>	<b>Share of visits where sampling was taken (= total site visits with sampling / total site visits)</b>
AT	141	3	8%	89%
BE	7,227	4	107%	42%
BG	598	1	114%	73%
CY	227	3	105%	4%
CZ	1,519	2	43%	3%
DE	<i>No information was provided.</i>			
DK	2,031	1	95%	0%
EE	135	1	100%	23%
EL	138	1	26%	46%
ES	2,543	1	33%	60%
FI	665	1	69%	5%
FR	8,304	2	66%	40%
HU	2,302	1	187%	3%
IE	1,708	5	76%	57%
IT	3,463	2	34%	36%
LT	709	3	156%	50%
LU	<i>No information provided.</i>			
LV	353	4	100%	0%
MT	56	5	100%	4%
NL	<i>This information was reported under the recommendation for minimum criteria for environmental inspections. No link to corroborate this was provided.</i>			

MS	Total site visits for 2012-2013	Average frequency of visits per installation (= total site visits / total installations visited)	Share of installation visited (= total installations visited / total installations)	Share of visits where sampling was taken (= total site visits with sampling / total site visits)
PL	3,280	1	105%	11%
PT	396	1	61%	13%
RO	2,324	3	100%	0%
SE	<i>No information provided.</i>			
SI	888	6	80%	1%
SK	615	1	87%	4%
UK	12,474	3	99%	9%

Table notes: The data highlighted in red indicates where the share of installations visited is greater than the total number of IPPC installations reported (Belgium, Bulgaria, Cyprus, Hungary, Lithuania, and Poland).

### 3.9.3 Sanctions

9.3 If not already submitted in the reporting under Recommendation 2001/331/EC of the European Parliament and of the Council of 4 April 2001 providing for minimum criteria for environmental inspections in the Member States, please provide the available information as regards installations falling under the scope of Directive 2008/1/EC on the following issues:

5. the types of actions (sanctions or other measures) taken as a result of accidents, incidents and non-compliance with permit conditions during the reporting period.

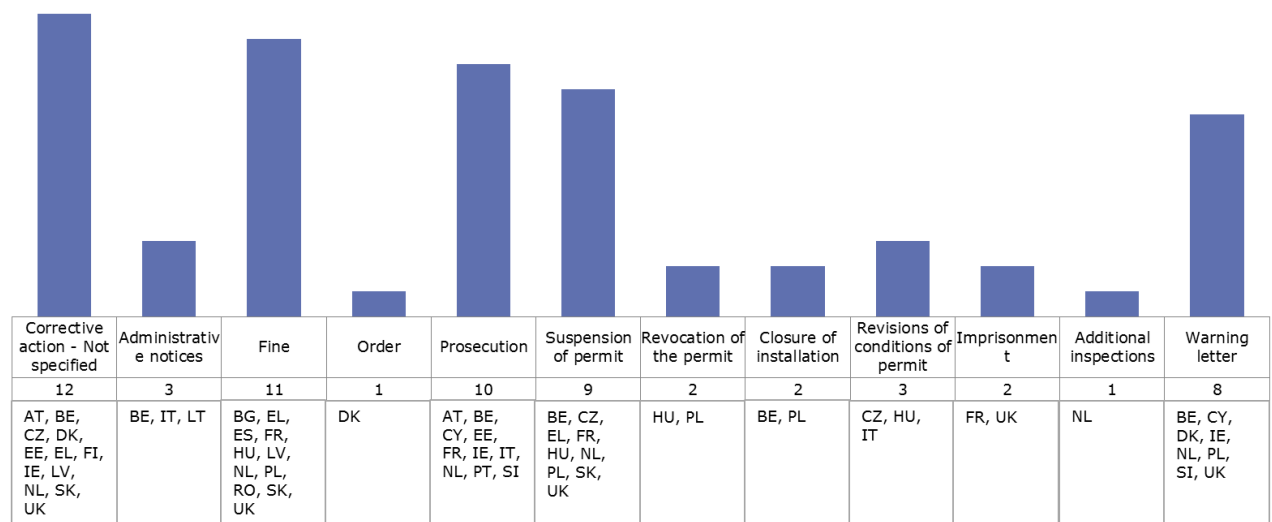
The types of sanctions and measures that can be taken as a result of accidents, incidents and non-compliance have been categorised as follows:

- Corrective actions (the operator must adopt actions specified by the competent authorities);
- Administrative fines (the operator is charged for administrative costs caused by the infringement proceedings);
- Fine (the operator is charged with a penalty fine);
- Order (a legal notice is presented to the operator);
- Prosecution (court proceedings are initiated against the operator);
- Suspension of permit (installation activity is suspended until accident, incident and non-compliance has been addressed);
- Revocation of permit (installation activity is revoked and a new permit must be applied for);
- Closure of installation (the operator must cease activity);
- Revisions of conditions of permit (the operator must comply with additional or revised conditions as part of the permit agreement);
- Imprisonment;
- Additional inspection (the operator must agree to additional inspections); and

- Warning letter (the operator receives an official warning in writing).

The most common type of sanction that Member States reported was corrective actions, whereby the operator must temporarily adopt specified actions until such a time as the issue has been resolved. As presented in Figure 3.11, this was reported by 12 Member States (Austria, Belgium, the Czech Republic, Denmark, Estonia, Finland, Greece, Ireland, Latvia, the Netherlands, Slovakia and the UK).

Figure 3.11 Sanctions reported by the different Member States



Other common sanctions that Member States have reported include fines, prosecution, the suspension of permits, and warning letters (see Figure 3.11). Germany, Luxembourg, Malta and Sweden referred to the previous reporting period without providing any further details and so the types of sanctions and measures in these Member States have not been incorporated in the analysis here.

In addition to the types of sanctions that can be applied, eight Member States have specified the number of sanctions imposed in the 2012-2013 reporting period, as follows:

- **Corrective actions:** Austria reported 51 incidents where operators were required to take corrective actions.
- **Fines:** Bulgaria, Romania and Spain reported that 51, 174 and 76 fines were administered to operators in their respective Member States (amounting to BGN 896,000 in Bulgaria and RON 1,956,800 in Romania – no amount was provided by Spain).
- **Court proceedings:** were reported by Austria (26 cases), Italy (approximately 20% of compliance checks resulted in criminal proceedings), Portugal (133 cases), and Slovenia (52 cases).
- **Administrative notices:** Lithuania reported that 151 administrative notices were issued.
- **Warning letters:** Slovenia also reported that 340 warning letters were issued to operators.

Other Member States did not provide any indication as to the number of sanctions applied although this information was not formally requested and as such, its absence does not indicate that no sanctions were applied in this period or that the information is not readily available.

### **3.10 Question 10: Transboundary cooperation**

*10. Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.*

Six Member States reported incidences where it was necessary to apply the Article 18 requirements in 2012-2013 (Belgium, Germany, Finland, France, the Netherlands and Sweden), compared to eight Member States in the previous reporting period (see the previous report for details of the cases).

The following detail was provided by Member States pertaining to the procedure in place for applying Article 18 requirements:

- Finland provided one example of transboundary cooperation with Sweden. At the time of the permit application in Finland, the Swedish Environmental Protection Agency was notified and opinions concerning the permit application were sought from eight different Swedish authorities. These opinions were then factored into the final decision concerning the permit.
- Belgium referred to an installation for which cross-border cooperation was required, without specifying the procedure.

### **3.11 Question 11: General observations**

*11.1. Are there any particular implementation issues that give rise to concerns in your Member State?*

Only five Member States highlighted particular implementation issues (Greece, Lithuania, Poland, Portugal and Spain), as follows:

- Capacity thresholds – Greece indicated that the capacity threshold for an activity should be specified on an hourly basis (e.g. in t/h) or as a daily average annual value so that plants with low charges would not be subject to the IPPC Directive (to reflect the operating hours of installations). Furthermore, Greece added that a capacity threshold should be introduced for chemical production installations as there are very small capacity plants, even below 5 t/y for whom the burden of complying with the IPPC Directive could be important.
- Lengthy permit application processes – as reported by Lithuania (due to the poor quality of some permit applications requiring resubmission), and Poland (due to capacity issues among staff granting the permits).
- Definitions – Poland reported problems with the interpretation of Annex I to IPPC regarding the application of terms used (no further details provided), and Spain reported difficulties arising from the lack of a definition for decommissioning an installation.
- Member State flexibility - Portugal commented that greater flexibility should be provided by the Directive to enable Member States to factor in site specific conditions. An example given is where, due to the lack of fresh water, it is sometimes better to incentivise the reduction of water consumption at the cost of more polluted wastewater especially if it will be discharged to big water bodies.

- Poland highlighted difficulties in defining BAT requirements – but no further detail was provided.

Other comments provided by Member States do not relate to implementation issues and as such were incorporated in this analysis where best suited.

*11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?*

Relevant additional information regarding the implementation of Directive 2010/75/EU that was regarded as useful for interpreting the information provided under this questionnaire, was provided by four Member States, as follows:

- Austria reported that the definition of certain large industrial plants has changed in the region of Styria following the implementation of the Industrial Emissions Directive (2010/75/EU). This explains why the total number of IPPC installations listed on the Competent Authority's website (i.e.728) is higher than the number submitted by the Member State's response for question 2.
- France highlighted that although the legislative response included in the implementation report were correct for the reporting period, several of these have since been modified and consolidated with the transposition of the Directive 2010/75/EU.
- Germany added that in some federal states, the regulatory change from the IPPC Directive to the IED, in May 2013, also entailed the conversion of the corresponding state laws, orders, guidance and other provisions. For this reason, some information in the report is no longer provided in accordance with the IPPC Directive, but on the basis of the IED.
- Slovakia added that the Act on IPPC (No 39/2013) also transposes the requirements of the Industrial Emissions Directive. Of particular relevance to the implementation of the IPPC Directive, the frequency of reconsideration is no longer stated in the national law, rather a list of conditions is provided specifying when a permit should be reconsidered (section 33, Act No 39/2013 Coll. on IPPC). E.g. in cases of non-compliance with the permit conditions, where the ELVs have been exceeded by the facility, or where there have been changes to ELVs in either national legislation or BAT conclusions.

Other comments provided by Member States either do not relate to the implementation of the Directive 2010/75/EU (and as such been incorporated elsewhere in the analysis), or do not provide any additional insight to what has already been reported (and as such have not been included here).



## 4. Conclusions

### 4.1 Overview

This section provides an overall analysis and description of the implementation of the IPPC Directive in the EU for the reporting period 2012-2013, highlighting key issues and relevant conclusions.

These conclusions are based solely on the information provided by Member States in their responses to the questionnaire. The accuracy of the assessment and conclusions is therefore fully reliant on the correctness of information submitted by Member States.

### 4.2 General conclusions on the implementation of the IPPC Directive

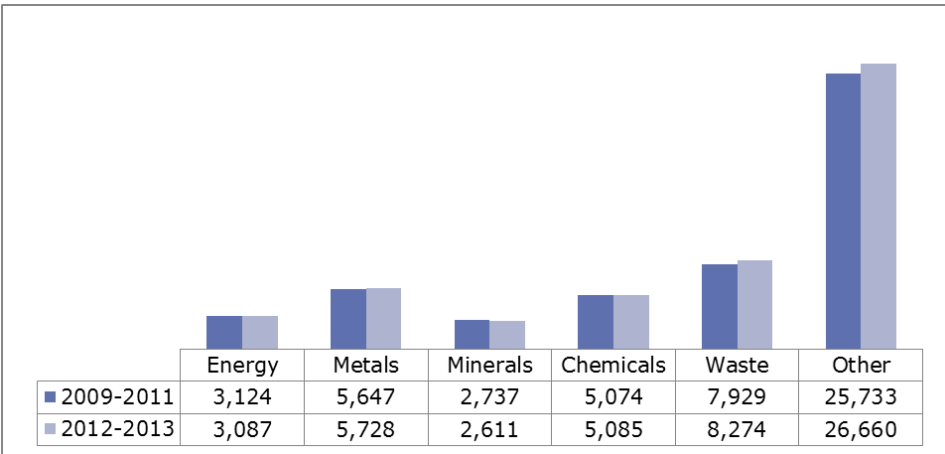
The report on the period 2012-2013 is the last reporting by Member States on their implementation of the IPPC Directive<sup>9</sup>. The main aspects of the implementation of the IPPC Directive have been summarised in Table 4.1. Each aspect is compared to the main conclusions on similar aspects from the 2009-2011 reporting period, based on the 2014 report on the status of the implementation of the IPPC Directive within the EU-27 for the period 2009-2011<sup>10</sup>. Where possible and relevant, charts provide a graphic comparison against the previous reporting period to highlight trends in the implementation of the IPPC Directive.

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<sup>9</sup> Member States were required to bring Directive 2010/75/EU on industrial emissions into force with enabling legislation no later than 7th January 2013.

<sup>10</sup> AMEC (2014) Assessment and Summary of Member States' Implementation Reports for the IPPC Directive (2008/1/EC) covering the period 2009-11.

Table 4.1 Summary status of implementation (2012-2013)

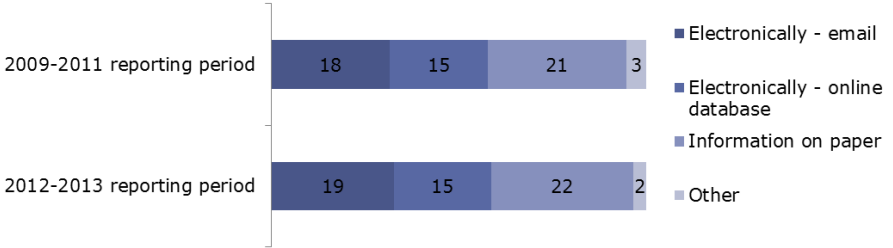
Aspect	Implementation status 2012-2013	Comparison with the previous reporting period (2009-2011)																					
<b>General description</b>																							
<b>Number of installations</b>	<p>A total of 51,528 IPPC installations were reported as being operated at the end of 2013.</p> <p>More than half of the installations (26,660) reported are operating 'other' activities, listed under point 6 of Annex I to the Directive. Of these, 20,018 (comprising 39% of total IPPC installations) were installations for the intensive rearing of pigs or poultry.</p> <p>A total of 9,466 IPPC permits were reconsidered during the reporting period, which represents almost 20% of the existing IPPC permits. Permit reconsideration was reported by 20 Member States Ireland has indicated that around 80% of the IPPC permits were reconsidered during the reporting period, whilst Estonia has reconsidered all of them.</p>	<p>The figure below presents a comparison of the number of installations reported in previous reporting periods (2006-2008 and 2009-2011) and the latest reporting period.</p>  <table border="1"> <thead> <tr> <th></th> <th>Energy</th> <th>Metals</th> <th>Minerals</th> <th>Chemicals</th> <th>Waste</th> <th>Other</th> </tr> </thead> <tbody> <tr> <td>■ 2009-2011</td> <td>3,124</td> <td>5,647</td> <td>2,737</td> <td>5,074</td> <td>7,929</td> <td>25,733</td> </tr> <tr> <td>■ 2012-2013</td> <td>3,087</td> <td>5,728</td> <td>2,611</td> <td>5,085</td> <td>8,274</td> <td>26,660</td> </tr> </tbody> </table> <p>In the 2009-2011 period, the Member States reported a total of 50,603 installations. The comparison of the reporting periods shows that whilst there have been changes in the total number of reported installations, the distribution of these installations amongst activity categories remain similar. The largest proportionate increase has been in the "other activities" sector, where an additional 927 installations were reported in the 2012-2013 reporting period in comparison to the 2009-2011 period.</p>		Energy	Metals	Minerals	Chemicals	Waste	Other	■ 2009-2011	3,124	5,647	2,737	5,074	7,929	25,733	■ 2012-2013	3,087	5,728	2,611	5,085	8,274	26,660
	Energy	Metals	Minerals	Chemicals	Waste	Other																	
■ 2009-2011	3,124	5,647	2,737	5,074	7,929	25,733																	
■ 2012-2013	3,087	5,728	2,611	5,085	8,274	26,660																	
<b>Number of compliant installations</b>	<p>At the end of 2013, 193 installations (in Austria, Cyprus, Germany, Greece, Italy, Ireland, Luxembourg, Malta, Portugal, Romania, Slovenia and Sweden) were reported as not having a permit that fully complies with the IPPC Directive.</p> <p>The Member States with the highest number of such installations were Italy, Greece and Ireland, while Cyprus (21%)</p>	<p>In the previous reporting period, a total of 446 installations were not covered by a complying IPPC permit (accounting for ~1% of total IPPC installations). Thus, fewer installations held non-compliant permits in the 2012-2013 reporting period, 193, accounting for 0.4% of total IPPC installations.</p> <p>During the previous reporting period, Italy and Romania reported the highest number of installations not covered by a complying IPPC permit, but in both cases the situation significantly improved in 2012-2013 (Italy from 158 to 88 installations and Romania from 125 to 11 installations).</p>																					

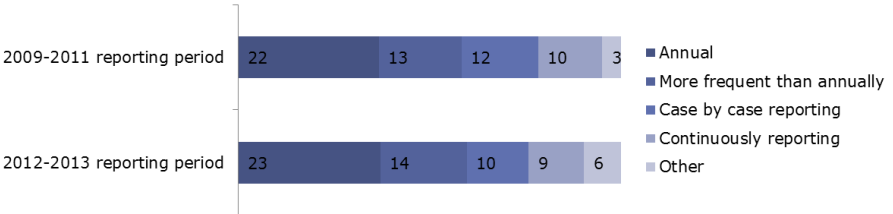
Aspect	Implementation status 2012-2013	Comparison with the previous reporting period (2009-2011)
<b>General description</b>		
	and Luxembourg (24%), had the highest percentage of installations not covered by complying IPPC permits. However note that both these Member States have a little number of total installations explaining the relatively high percentages.	In general, it could be concluded that the issue of compliant permits has been addressed successfully by most of the Member States, but remains an issue in some smaller Member States such as Cyprus and Luxembourg. It is unclear why this is the case, however it is worth noting that none of these Member States reported difficulties in implementing the Directive due to lack of staff.
<b>Difficulties with the implementation</b>	<p>A total of 14 Member States (reported difficulties in implementing the Directive due to financial constraints (5 MS); and/or difficulties in hiring staff or the high turnover of staff.</p> <p>Plans to address difficulties in view of the transition to Directive 2010/75/EU have been reported by 7 MS and include additional training for staff, changing the structure of the organisations in charge of implementation to increase efficiencies and identifying cost saving opportunities in implementation.</p>	<p>In the 2009-2011 reporting period a total of 14 Member States reported difficulties in implementing the IPPC Directive, representing a net no-change status. Austria, Germany and the UK have reported difficulties in 2012-2013, but not for 2009-2011 while the opposite applied for Bulgaria, Latvia and Luxembourg. Although generally the difficulties reported have not changed between the reporting periods, a few Member States reported staff capacity problems arising from increased workloads from the additional task of transposing and implementing the IED (Portugal, Slovakia and Slovenia).</p> <p>The persistent difficulties reported may require further attention to ensure that more synergies in the permitting process are created and that this situation is not repeated for the implementation of the IED.</p>
<b>Coordination of permitting procedure and conditions</b>	Limited changes in the competences of authorities involved in permitting or appeals were reported by three Member States (Austria, Lithuania and Romania). Only three Member States (Greece, Spain and Latvia) reported difficulties in ensuring full coordination of the permitting procedure.	In the previous reporting period only two Member States (Latvia and Spain) reported difficulties in ensuring full coordination of the permitting procedure. These difficulties were reported to persist in 2012-2013, with Greece also reporting difficulties.
<b>Permit application and conditions</b>		
<b>Conditions to ensure that a permit is not granted if an installation is not operated in compliance with IPPC</b>	<p>All Member States referred to the transposition in their national legislation.</p> <p>Nine Member States reported refusing a total of 107 permits during the reporting period (Belgium, Bulgaria, Cyprus, Hungary, Italy, Poland, Portugal, Romania and Slovakia).</p>	<p>During the 2009-2011 period all Member States reported having adopted legal provisions, procedures or guidance to ensure that the Competent Authorities can refuse to issue a permit. There has been no change on this point.</p> <p>During the same period, 16 Member States reported refusing a total of 251 permit during the reporting period. The figure below compares the number of permits refused in 2009-2011 and 2012-2013 and indicates that the trend is one of a declining number. It should be noted that the 2012-2013 reporting period is shorter than the previous one. This was</p>

Aspect	Implementation status 2012-2013	Comparison with the previous reporting period (2009-2011)																																																			
<b>General description</b>																																																					
		<p>taken into account when comparing. Nine Member States reported permit refusals in both reporting periods.</p> <table border="1"> <caption>Permit Refusals by Member State</caption> <thead> <tr> <th>Member State</th> <th>Permits refused 2009-2011</th> <th>Permits refused 2012-2013</th> </tr> </thead> <tbody> <tr><td>BE</td><td>31</td><td>17</td></tr> <tr><td>BG</td><td>17</td><td>6</td></tr> <tr><td>CY</td><td>28</td><td>16</td></tr> <tr><td>CZ</td><td>1</td><td>0</td></tr> <tr><td>DE</td><td>6</td><td>0</td></tr> <tr><td>EE</td><td>3</td><td>0</td></tr> <tr><td>HU</td><td>7</td><td>3</td></tr> <tr><td>IE</td><td>1</td><td>0</td></tr> <tr><td>IT</td><td>78</td><td>50</td></tr> <tr><td>LV</td><td>1</td><td>0</td></tr> <tr><td>PL</td><td>7</td><td>2</td></tr> <tr><td>PT</td><td>37</td><td>4</td></tr> <tr><td>RO</td><td>14</td><td>1</td></tr> <tr><td>SI</td><td>12</td><td>0</td></tr> <tr><td>SK</td><td>1</td><td>8</td></tr> <tr><td>UK</td><td>7</td><td>0</td></tr> </tbody> </table>	Member State	Permits refused 2009-2011	Permits refused 2012-2013	BE	31	17	BG	17	6	CY	28	16	CZ	1	0	DE	6	0	EE	3	0	HU	7	3	IE	1	0	IT	78	50	LV	1	0	PL	7	2	PT	37	4	RO	14	1	SI	12	0	SK	1	8	UK	7	0
Member State	Permits refused 2009-2011	Permits refused 2012-2013																																																			
BE	31	17																																																			
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HU	7	3																																																			
IE	1	0																																																			
IT	78	50																																																			
LV	1	0																																																			
PL	7	2																																																			
PT	37	4																																																			
RO	14	1																																																			
SI	12	0																																																			
SK	1	8																																																			
UK	7	0																																																			
<b>Setting Emissions Limit Values (ELVs)</b>	<p>All Member States referred to the BAT-associated emission levels as the source used for setting ELVs. All Member States have adopted provisions in their national legislation on setting emission limit values.</p> <p>The majority of Member States (21) indicated that no changes had been made to their procedures and criteria for setting ELVs.</p>	<p>The analysis of the responses submitted during the 2009-2011 period found that the procedure for setting ELVs was set in all Member States in their national legislation.</p> <p>Changes during 2012-2013 were only described by Austria, Belgium, Denmark, Hungary, Ireland, Latvia and Slovakia.</p>																																																			
<b>Determining BAT</b>	<p>The responses provided details on sources used to determine BAT. The most relied upon sources are the BREFs and the criteria listed in Annex IV of the IPPC Directive.</p>	<p>In the 2009-2011 reporting period, the majority of Member States reported a methodology for determining BAT and no issues with determining BAT were highlighted.</p> <p>During the last reporting period, only Slovakia described changes to the determination of BAT.</p>																																																			
<b>Permit conditions: Implementation of Article 9(4)</b>	<p>All Member States have indicated that Article 9(4) has been implemented in their respective national legislation.</p>	<p>In the 2009-2011 implementation report the same observation was made and no issues were highlighted.</p>																																																			

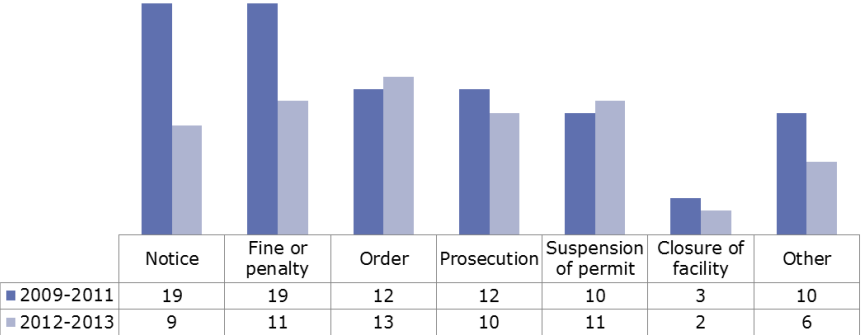
Aspect	Implementation status 2012-2013	Comparison with the previous reporting period (2009-2011)
<b>General description</b>		
<b>Use of the BREFs in setting permit conditions</b>	<p>Member States typically responded positively on their use of BREFs for setting permit conditions, as a reference source on BAT and for case-by-case determination of BAT for specific installations during the permitting process. Most Member States indicated that BREFs are used but not exclusively and are consulted alongside other technical documents and technical working groups.</p> <p>Sweden however responded that BREFs were not produced for the purpose of setting permit conditions and therefore have not been used as such. It did not provide information about other resources used for setting permit conditions.</p>	<p>For the 2009-2011 reporting period, very similar responses were made by Member States.</p>
<b>EMS and energy efficiency of installations</b>	<p>The majority (19) of Member States indicated that the implementation of an EMS is not compulsory. Member States indicated that where the installation is applying an EMS it can be taken into account when setting permit conditions, in particular regarding monitoring and reporting of emissions.</p> <p>All Member States have indicated that energy efficiency measures were included in IPPC permits.</p> <p>A total of nine Member States have opted to not impose energy efficiency requirements for installations already covered by the EU-ETS in respect of combustion units or other units emitting carbon dioxide on the site (Germany, Greece, Lithuania, Latvia, the Netherlands, Romania, Slovenia, Spain, and the UK).</p>	<p>For the 2009-2011 period 17 Member States reported that an EMS was taken into account when setting permit conditions. Bulgaria indicated that it is a compulsory part of IPPC permitting.</p> <p>On energy efficiency, no major changes were found between the two periods regarding the application of the EMS or energy efficiency requirements.</p>
<b>BAT not sufficient to meet an EQS</b>	<p>Eight Member States reported that the situation described in Article 10 has applied</p>	<p>During the 2009-2011 period the same number of Member States reported the need to invoke Article 10. However, the list of Member States was not identical; the UK reported</p>

Aspect	Implementation status 2012-2013	Comparison with the previous reporting period (2009-2011)
<b>General description</b>		
	<p>during the reporting period (Austria, Belgium, Czech Republic, Germany, Greece, France, Ireland, Italy and Slovenia).</p> <p>In most of the cases described, tighter emissions limits and permit conditions were introduced.</p>	<p>having encountered the situation described in Article 10 previously and Slovenia did not report this issue before.</p>
<b>Changes to the installation</b>	<p>The responses provided by Member States focus on describing the processes for deciding on change and substantial change but it does not include details on how the consequences for the environment or human beings are identified and how these are taken into account to identify substantial change.</p> <p>All Member States indicated that it is the duty of the competent authority to analyse the information submitted and decide whether the permit must be altered or not. If amendment is required, more information is requested from the operator, and in several cases an assessment of the environmental impacts of the proposed changes is conducted.</p> <p>Several Member States (Poland and Spain) explicitly reported that changes to the installation cannot be carried out without prior authorisation.</p> <p>Between 2012 and 2013, Member States reported a total of 119 substantial changes were undertaken without a permit issued in accordance with Article 12(2) of Directive 2008/1/EC. This total excludes the response provided by Spain, which indicated that changes were undertaken in 59 installations, with the appropriate changes to the permits.</p>	<p>The responses reported in the 2012-2013 period are very similar to those reported in the previous period.</p> <p>During the 2009-2011 period, a total of 364 installations had substantial changes made to without a change to the permit. The information reported during the latest reporting period shows an improvement in relation to this as more than 30% less installations underwent substantial changes without a permit sanctioning the change. It should also be noted that the reporting period is shorter, so to allow direct comparison, the average number of permit refusal per year was calculated (i.e. total number of permits refused / total number of years in the reporting period). When averaging the number of permit refused per year, in the 2009-2011 reporting period 121 permits were refused each year whereas only 60 permits were refused per year during the latest reporting period.</p>

Aspect	Implementation status 2012-2013	Comparison with the previous reporting period (2009-2011)															
<b>General description</b>																	
<b>Reconsideration and update of permits</b>	<p>The majority of Member States (20) have adopted (sub-)national legislation which states the frequency at which IPPC permits must be reviewed.</p> <p>In 23 Member States, IPPC permits are reconsidered at least every 10 years. Some Member States explained that the decision to reconsider a permit was taken in agreement with the specific circumstances of the installation (e.g. Estonia).</p> <p>25 Member States reported that substantial changes in the best available techniques, prompt the reconsideration of IPPC permits.</p>	<p>The responses reported in the 2012-2013 reports are similar to those from the previous reporting period. No Member State has highlighted that the reconsideration and frequency of reviewing IPPC permits was a source of implementation issues.</p>															
<b>Inspection and enforcement</b>																	
<b>Compliance with permit conditions</b>	<p>The most common method of reporting available to operators is by paper (22), followed closely by email (19). In most cases the Member States responded that multiple methods are available to operators for informing the authorities of the results of release monitoring.</p>	<p>On the submission of the monitoring release reporting, the figure below presents the information reported by Member States in both reporting period:</p>  <table border="1" data-bbox="1003 901 1892 1149"> <thead> <tr> <th>Reporting Period</th> <th>Electronically - email</th> <th>Electronically - online database</th> <th>Information on paper</th> <th>Other</th> </tr> </thead> <tbody> <tr> <td>2009-2011 reporting period</td> <td>18</td> <td>15</td> <td>21</td> <td>3</td> </tr> <tr> <td>2012-2013 reporting period</td> <td>19</td> <td>15</td> <td>22</td> <td>2</td> </tr> </tbody> </table> <p>From the comparison of these sets of data it can be concluded that there has been little change between the two reporting periods.</p> <p>On the frequency of submission of monitored data, the Member States reported in 2009-2011 and 2012-2013 the following data:</p>	Reporting Period	Electronically - email	Electronically - online database	Information on paper	Other	2009-2011 reporting period	18	15	21	3	2012-2013 reporting period	19	15	22	2
Reporting Period	Electronically - email	Electronically - online database	Information on paper	Other													
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2012-2013 reporting period	19	15	22	2													

Aspect	Implementation status 2012-2013	Comparison with the previous reporting period (2009-2011)
<b>General description</b>		 <p>From the comparison of these sets of data it can be concluded that there has been little change between the two reporting periods, and annual reporting remains the main reported frequency.</p>
<b>Environmental inspections</b>	<p>26 Member States indicated that no changes were applicable since the previous reporting period in relation to the types of inspections and processes. This seems to indicate that the transition to IED has not yet started with regards to environmental inspections.</p> <p>The data suggests a lot of variation in the frequency of site visits. Some Member States (Belgium, Bulgaria, Cyprus, Ireland, Lithuania, Latvia, Malta, Romania, Slovenia and the UK) reported data that suggests all the IPPC installations were nearly inspected annually.</p>	<p>In both reporting periods the content of Member States responses on environmental inspection was variable with some providing detailed descriptions and others only stating the relevant legislation and article numbers.</p> <p>Comparison of data between the reporting periods was not possible as different Member States reported data in the different periods. There are some uncertainties about the data reported by Member States in both the 2009-2011 and 2012-2013 reporting periods (e.g. total number of installations visits higher than the total number of existing installations). In addition, there are still some gaps (e.g. Germany, Luxembourg and Sweden could not provide information on number of inspections) and more efforts are needed from Member States to gather these data in a more systematic and centralised way.</p>
<b>Enforcement and non-compliance</b>	<p>All Member States reported several tools available to the Competent Authorities to ensure conditions of the IPPC are enforced in case of non-compliance, the application of which depends on the seriousness of the non-compliance and whether it is a first offence or a repeated offence.</p> <p>Some Member States have additionally provided data on the number of times these means have been used.</p>	<p>In the previous period, data was reported on use of enforcement measures and sanctions in case of non-compliance, which is presented together with that for 2012-2013 in the chart below. It shows the total number of Member States that reported the use of the respective enforcement measures and sanctions.</p>



Aspect	Implementation status 2012-2013	Comparison with the previous reporting period (2009-2011)																								
<b>General description</b>																										
		 <table border="1" data-bbox="1025 587 1883 691"> <thead> <tr> <th></th> <th>Notice</th> <th>Fine or penalty</th> <th>Order</th> <th>Prosecution</th> <th>Suspension of permit</th> <th>Closure of facility</th> <th>Other</th> </tr> </thead> <tbody> <tr> <td>■ 2009-2011</td> <td>19</td> <td>19</td> <td>12</td> <td>12</td> <td>10</td> <td>3</td> <td>10</td> </tr> <tr> <td>■ 2012-2013</td> <td>9</td> <td>11</td> <td>13</td> <td>10</td> <td>11</td> <td>2</td> <td>6</td> </tr> </tbody> </table> <p data-bbox="992 715 1944 818">While administrative sanctions are still the main way to guarantee enforcement, prosecution and suspension of permits have been used progressively more frequently to address non-compliance with IPPC permit conditions. There were fewer closures reported in the 2012-2013 period than ever before.</p>		Notice	Fine or penalty	Order	Prosecution	Suspension of permit	Closure of facility	Other	■ 2009-2011	19	19	12	12	10	3	10	■ 2012-2013	9	11	13	10	11	2	6
	Notice	Fine or penalty	Order	Prosecution	Suspension of permit	Closure of facility	Other																			
■ 2009-2011	19	19	12	12	10	3	10																			
■ 2012-2013	9	11	13	10	11	2	6																			
<b>Transboundary cooperation</b>																										
<b>Transboundary cooperation</b>	A total of six Member States reported transboundary cooperation under Article 18 requirements (Belgium, Germany, Finland, France, the Netherlands and Sweden).	For 2009-2011 eight Member States reported the use of Article 18 (Belgium, France, Germany, Ireland, the Netherlands, Romania, Slovenia and the UK). Different Member States have reported that cases of transboundary cooperation arose during the reporting period. No issue was reported by any Member States in relation to the implementation of this Article.																								

### 4.3 Main conclusions

For the 2012-2013 reporting period all Member States provided a response to the Commission's questionnaire. The responses were complete and allowed the analysis of the implementation of the IPPC Directive. As could be expected in view of the advanced stage of implementation, for the majority of the responses Member States reported no changes compared to the previous reporting period (2009-2011).

The information submitted does not reveal any major implementation issues.

As regards the reporting itself, some weaknesses were identified, in particular with regard to the reporting of numerical data. The responses provided to question 2.1 by some Member States did not indicate the IPPCD Annex I activity for some installations.

While the use of the ERT has facilitated the analysis of the responses submitted by Member States, remaining issues are mostly due to the varying interpretation of the information requested and a lack of data in Member States. This can be observed in the responses received for question 9.3 on inspections. Member States appear to be unclear on the distinction between the total number of visits and the total number of installations visited. Responses made to question 7 on 'substantial change' are an example of where Member States seem to not understand the information being requested. Most of the responses from Member States include descriptions of procedures and processes set up to assess changes to installations rather than providing explanation of how consequences for the environment are decided.

The numerical data related to inspections (e.g. total number of installations visited, number of visits including measurements) remains incomplete, and this is an issue that will remain highly relevant under the IED. As the weaknesses of reporting these numerical data were already noted in the past two reporting cycles, it is clear that further efforts are needed within Member States on this point. In addition the content of responses on environmental inspections was variable with some Member States providing detailed descriptions and others only stating the relevant legislation and article numbers. Moreover, the lack of changes reported in relation to the types of inspections and processes indicates that the transition to IED has not yet started with regards to environmental inspections.

Despite improvements in comparison to previous reporting periods, several Member States were still reporting difficulties with the implementation of the IPPC Directive in 2013. In this respect, 14 Member States reported that not enough staff were available to deal with all tasks related to the implementation; in most cases the reasons provided by Member States relate to financial constraints.

Of note, this report finds that a number of IPPC installations underwent a substantial change and were not covered by a compliant permit (119, accounting for 0.23% of total IPPC installations). IPPC installations without a compliant permit are located across 12 Member States (Austria, Cyprus, Germany, Greece, Ireland, Italy, Luxembourg, Malta, Portugal, Romania, Sweden, and Slovenia).

Seven Member States reported the occurrence of 'substantial changes undertaken without a permit' in relation to 119 installations. In addition the Spanish response on this point has not been included as while it provided a number of installations undergoing substantial change without a permit it also indicated that no substantial change can be undertaken without a prior permit change. Finally, nine Member States reported that a total of 107 permits were refused during the reporting period.

In order to gain a better understanding of the reasons for such situations, it would be useful to specifically require information from the Member States.

## Appendix A

### Member State summary

#### 1.1 Introduction

This report presents the analysis of the responses made by each Member State to the questionnaire on the implementation of the IPPC Directive. The analysis focuses on the changes observed since the last implementation period. Where no change was reported in the questionnaire response or where the information reported was the same than for the previous implementation period, the analysis notes that no specific change in the implementation of the IPPC Directive. Member State summaries are presented for each Member State as follows:

- Analysis of Completeness table: colour coded completeness assessment, together with relevant comments and reasoning for the use of the colour coding that is adopted. The following coding has been used to classify the responses received:
  - Green: responses which fully answer the question or sub-question;
  - Amber: responses which only partially meet the needs of the question; and
  - Red: responses have not been provided;
- Analysis table: question-by-question breakdown of the Member State response, including graphs and any notes relating to particular issues or concerns that have been identified; and
- Text summarising the changes that have occurred since the previous reporting period.

## 1.2 Austria

### 1.2.1 Analysis of the completeness

Table 1: Completeness assessment of responses reported by Austria – IPPC Directive

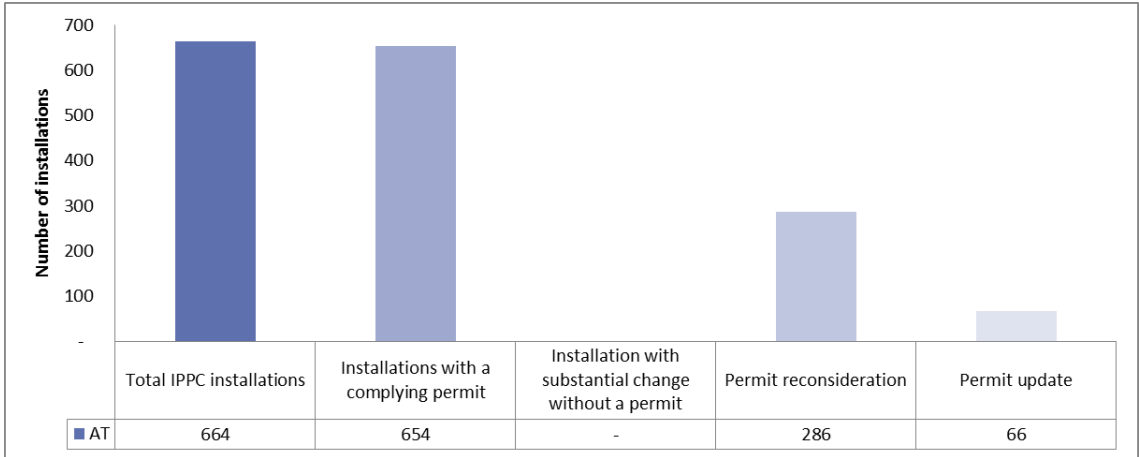
Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
		b	
		c	
	d		
Environmental Quality Standards	6		
Changes to installations	7		
Reconsideration and updating of permit conditions	8	8.1	
		8.2	
		8.3	
Compliance with permit conditions	9	9.1	
		9.2	
	9.3	1	
		2	
		3	
		4	
	5		
Transboundary cooperation	10		
General observations	11	11.1	
		11.2	

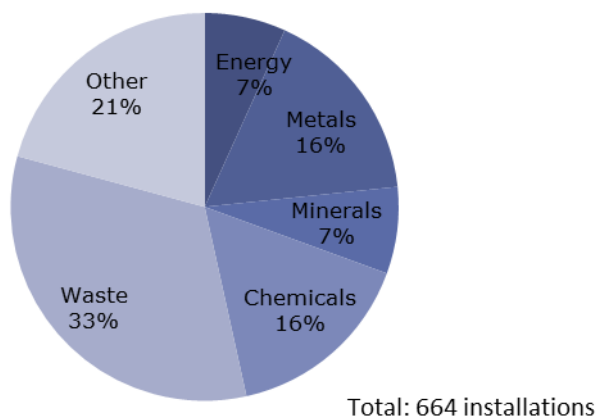
Austria submitted a complete response to the IPPC questionnaire.

### 1.2.2 Analysis of the Austrian responses

The table below contains the detailed analysis of the responses provided by Austria to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

Table 2: Austrian response – analysis table

Austria													
<b>QUESTION 1 – GENERAL DESCRIPTION</b>													
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.													
Austria reported that for most provinces there has been no difficulty in implementing the IPPC Directive. One province noted a shortfall concerning the human resources needed to complete the reporting requirements while another remarked that the human resources needed to carry out the reporting requirements is excessive. Similarly, a few provinces raised concerns over the more formal reporting requirements under the IED and shorter inspection intervals, and the subsequent consequences for human resources and potential capacity.													
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>													
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.													
By the end of the reporting period, Austria reported a total of <b>664 IPPC installations</b> , of which all but ten held a complying permit. No explanation was provided by the Member State as to why these installations do not hold a complying permit (this information was not requested by the questionnaire); however, given that no permits were refused during the reporting period it is likely that these installations no longer require permits (see question 4.3). No cases of installations with substantial change without valid permits were reported by the Member State. 286 permits were reconsidered, and 66 were updated.													
 <table border="1"> <thead> <tr> <th>Category</th> <th>Number of installations</th> </tr> </thead> <tbody> <tr> <td>Total IPPC installations</td> <td>664</td> </tr> <tr> <td>Installations with a complying permit</td> <td>654</td> </tr> <tr> <td>Installation with substantial change without a permit</td> <td>-</td> </tr> <tr> <td>Permit reconsideration</td> <td>286</td> </tr> <tr> <td>Permit update</td> <td>66</td> </tr> </tbody> </table>		Category	Number of installations	Total IPPC installations	664	Installations with a complying permit	654	Installation with substantial change without a permit	-	Permit reconsideration	286	Permit update	66
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Total IPPC installations	664												
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The sectoral break-down of IPPC installations is presented in the chart below.													

**Austria****Share of installations per activity**

2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.

The list of installations in Austria is publically available by province here: [https://secure.umweltbundesamt.at/edm\\_portal/cms.do?get=/portal/informationen/ie-richtlinie-und-ippc-anlagen/Programme-L-nder.main](https://secure.umweltbundesamt.at/edm_portal/cms.do?get=/portal/informationen/ie-richtlinie-und-ippc-anlagen/Programme-L-nder.main).

The total number of IPPC installations listed on the Competent Authority's website is 728 which is more than the number submitted by the Member State's response (i.e. 664). As indicated by the Member State in its response, this can be explained by the fact that the information provided here is based on the list of installations as it stood before the Industrial Emissions Directive was enacted in the relevant national legislation (mid-2013). Austria stresses that this should be taken into consideration in any comparison with or linking to the current list of installations (IPPC-Anlagenliste-Steiermark) as it appears in the EDP system.

The number of IPPC installations according to the province is set out below:

- Burgenland: 25
- Kärnten: 57
- Niederösterreich: 180
- Oberösterreich: 184
- Salzburg: 39
- Steiermark: 131
- Tirol: 54
- Vorarlberg: 20
- Wien: 38

**QUESTION 3 – PERMIT APPLICATIONS**

Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.

Austria indicated that in most provinces there has been no change to the permit application procedure during the reporting period, except in the province of Vienna, where new legislation entitled the Vienna IPPC Installation Act 2013 (WIAG 2013), Official Gazette No 32/2013, entered into force on 2 August 2013. Section 4(1) of WIAG 2013 sets out the requirements applicable to applications for permits and notifications of changes.

<b>Austria</b>
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>
4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.
Austria commented that since the previous reporting period, the Regional Administrative Courts (Landesverwaltungsgerichte) now assume responsibility for processing appeals against the public authorities (previously these were conducted by independent administrative tribunals named Verwaltungssenate).
4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.
No difficulty has been reported by Austria. For the most part there has been no change to the legislation or guidance documents produced on this issue. Austria reported that at a federal level an official is appointed as 'coordinating technical expert' to ensure the necessary coordination with regard to the experts and meetings involved. Austria also indicated that new legislation applies in the case of Vienna under the Section 14 of WIAG 2013 which stipulates that if additional permits are required, they must be coordinated with the federal procedures; note that no additional permits have yet been applied for.
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
In most provinces there have been no changes made to the provisions to ensure that non-complying installations are not granted permits. However, Austria reported that new provisions were introduced in the province of Vienna under section 6(1) of WIAG 2013. This legislation stipulates that a permit application must be refused if the requirements laid down in Section 6(1) points 1-8 are not met, or if the conditions or time limits cannot be complied with. Austria added that to date no permit applications have been submitted under WIAG 2013, or the preceding legislation.
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
In most provinces there has been no change to the procedures and criteria for setting ELV and other permit conditions, as well as the general principle for determining BAT and the implementation of Article 9(4). The exception is that of the province of Vienna, where new provisions were introduced under section 6(1)(7) of WIAG 2013 concerning the criteria for setting ELV and other permit conditions. No details of the criteria are provided by Austria in their response.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
There has been no change reported by Austria to the use made of BREFs for determining BAT and setting permit conditions..
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u>
In most provinces the authorities did not use environmental management systems when setting permit conditions, except in Oberösterreich (Upper Austria) and Vienna. In Upper Austria for example the environmental impact assessment is sometimes used to set the permit conditions, while in Vienna, certified

<p><b>Austria</b></p> <p>schemes and such like (e.g. ISO, 14001, EMAS) are declared in the project documentation, although not used to set conditions.</p> <p><u>Restoration upon definitive cessation of activities</u></p> <p>There has been no change to the provisions on restoration upon definitive cessation of activities in the last reporting period.</p> <p>During the reporting period there has been one site closure; a power station in Vienna. Requirements upon definitive cessation of activities included the dismantling of oil reservoirs and pipelines – no further action was required and the remainder of the installation has not yet been removed.</p> <p><u>Energy efficiency</u></p> <p>There has been no change reported by Austria to the provisions on energy efficiency in the last reporting period.</p> <p><u>Article 9(3) application</u></p> <p>No use of the derogation permitted within this article has been reported by Austria.</p>
<p><b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b></p>
<p>Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.</p>
<p>A few cases are reported in Oberösterreich (Upper Austria) and the response included the example of the installation Voestalpine Stahl GmbH which was required to set up a deNOx installation at its sinter plant (which is now in operation).</p>
<p><b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b></p>
<p>How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.</p>
<p>There has been no amendment made to the definition of change in operation and substantial change and how it is decided whether these may have consequences for the environment.</p>
<p><b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b></p>
<p>8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.</p>
<p>In most provinces there have been no changes to the frequency of reconsideration and updating permit conditions since the previous reporting period, with the exception of Vienna and Vorarlberg.</p> <p>The changes reported during this reporting period reflect changes that have been made for the implementation of the IED and are as follows:</p> <ul style="list-style-type: none"> <li>▪ In Vienna, under section 10 of WIAG 2013, the review and update of a permit is subject to the publication of BAT conclusions relevant to the main activity of an installation to ensure that 'state of the art' technology is in place. Permits must be reconsidered and revised within 4 years of the published BAT conclusions, unless the time limit has been extended by the authority. Austria added that in certain cases, the competent authority is required to review permits irrespective of the publication of a new BAT conclusions. No further information is provided on what these cases are.</li> <li>▪ In Vorarlberg, section 7 of the Act on Operator Responsibilities with regard to Environmental Protection (LGBl. No 20/2001) has been amended by LGBl. No 18/2014. No detail concerning the changes made nor their relationship to the IPPC Directive were provided by the Member State. Austria added that the changes adopted have not been applied in practice as no IPPC installations is currently covered by this Act.</li> </ul>
<p>8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.</p>
<p>The representative frequency for reconsideration of permit conditions varies by province. While no changes were reported in the representative frequency for the Kärnten, Salzburg, Steiermark, Tirol, and Wien provinces, some changes in the following provinces are reported:</p> <ul style="list-style-type: none"> <li>▪ Burgenland: 6-10 years;</li> </ul>

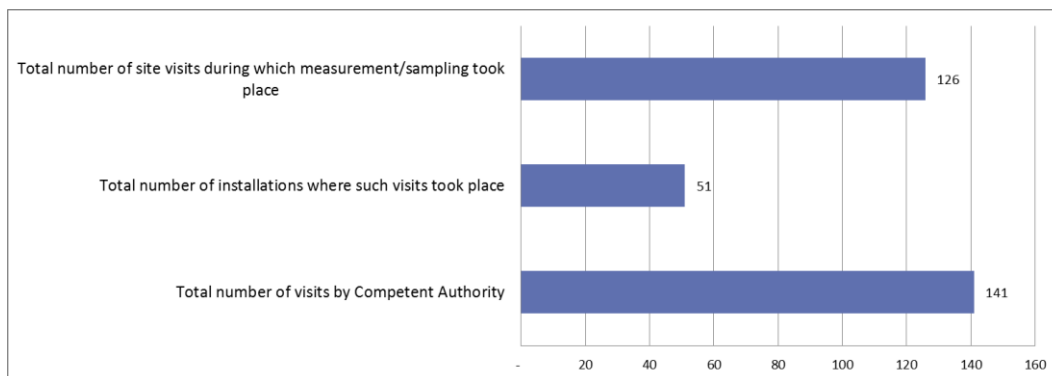


<b>Austria</b>
<ul style="list-style-type: none"> <li>▪ Niederösterreich: 1-3 years;</li> <li>▪ Vienna: No change over the previous reporting period, except for landfills for which a review must be carried out every 5 years;</li> <li>▪ Oberösterreich (Upper Austria): waste treatment plants permits are reviewed every 5 years;</li> <li>▪ Vorarlberg: 6-10 years, although since there are no IPPC installations covered by the provincial act at the time of reporting, no practical conclusions can be drawn from its implementation.</li> </ul>
<p>8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.</p>
<p>In most provinces there have been no changes to the process of reconsidering and updating the permits with or without substantial changes in BAT with the exceptions of Vienna, Vorarlberg and Upper Austria for which the changes are as follows:</p> <ul style="list-style-type: none"> <li>▪ In Vienna, under section 10(1)-(5) of WIAG 2013, changes have been made concerning the process of reconsidering and updating permit conditions for combustion plants. The decision is informed by the level of emissions, as measured by external experts as well as reporting from continuous monitoring of the installation as a whole by the responsible authority, and reporting from periodic monitoring by the landfill supervisory body.</li> <li>▪ In Vorarlberg, a final review is conducted by the competent authority through a committee of technical experts once the operator submits its permit application, or in response to a neighbour's complaint. The permit conditions may be updated if it is deemed necessary and if certain criteria are met. Where the process has been instigated by a neighbour's complaint an on-site inspection is sometimes arranged to establish the facts concerning breaches of the permit, and to determine any additional conditions needed to re-establish compliance with the law.</li> <li>▪ In Oberösterreich (Upper Austria), if new BAT conclusions are published, the procedure established by law (e.g. Section 81b GewO 1994) must be followed. The need for an update is, in general, established in a process of consultation between the installation, the authority and the technical experts.</li> </ul>
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
<p>9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.</p>
<p>Austria indicated that its operators inform authorities of the results of release monitoring via e-mail and updating of an on-line database. In addition to reporting by email or electronic database, operators may report on a more regular basis via a face-to-face exchange with the authorities. The purpose of this alternative method of reporting is to enable a rapid flow of information when needed.</p>
<p>9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.</p>
<p>Periodic monitoring reports are submitted by all operators, the frequency varies and can be: annual, more frequent than annual or continuous (via update of an online database). Austria reports that for some permits, the submission frequency for periodic monitoring reports is defined on a case-by-case basis.</p>
<p>9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.</p>
<p><u>Inspection components</u></p> <p>The response by Austria indicates that the minimum criteria for environmental inspections is set out in provincial legislation. Vienna is the only province to report changes relating to environmental inspection under the adoption of new legislation (WIAG, 2013). In addition to the components which have previously been reported (on-site monitoring of emissions and of compliance with the corresponding permit conditions, involving technical experts from each relevant field as well as checks for any minor, significant or serious shortcomings), the main components comprise:</p> <ul style="list-style-type: none"> <li>▪ If necessary, imposition by the authority of corrective measures to address shortcomings;</li> </ul>

**Austria**

- Drawing up of a full report on the environmental inspection as well as a summary thereof, to be sent to the plant operator for comments within two months of the on-site inspection;
- Publication of the summary inspection report on the EDP portal within four months of the on-site inspection.

The numerical data reported on visits made by competent authorities and samples taken are set out below. Note that only 8% of the total IPPC installations reported in question 2.1 were visited. No reason was provided by Austria to explain this although one possibility is that the Member State prioritises inspections at installations with a higher environmental risk.



Accidents, incidents and non-compliance

There has been no change to the type of sanctions available for non-compliance in any of the provinces. Data concerning the number of sanctions issued during the reporting period is only available for Vorarlberg and Vienna. In Vorarlberg no action was reported for 51 cases (67%) and corrective or legal action was reported for 25 cases (33%). In Vienna no accidents or incidents requiring action by the authority were reported.

**QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)**

Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.

Austria reported no instance of the use of Article 18 during the reporting period.

**QUESTION 11 – GENERAL OBSERVATIONS**

11.1. Are there any particular implementation issues that give rise to concerns in your Member State?

No implementation issues were raised by the Member State.

11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?

In the region of Styria, the definition of certain large industrial plants changed following the implementation of the Industrial Emissions Directive (2010/75/EU), and subsequently the list of installations has been amended accordingly.

**SUMMARY OF CHANGES**

By the end of the reporting period, Austria reported **664 IPPC installations**, of which all but ten held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. 286 permits were reconsidered, and 66 were updated. In this time, a few provinces have noted capacity issues to meet reporting requirements due to limited human resources.

General description and legislation

In most provinces there have been no changes since the previous reporting period to the reporting requirements or the legislative provisions.

New legislation was introduced for the province of Vienna entitled the Vienna IPPC Installation Act 2013 (WIAG 2013), Official Gazette No 32/2013, which entered into force on 2 August 2013. This legislation includes new provisions pertaining to the process for permit applications, reconsideration and renewal, the procedures regarding non-compliance, the criteria for setting ELV and other permit conditions, as well as the frequency of reconsideration and updating permit conditions.

<b>Austria</b>
<p>Austria also commented that since the previous reporting period, the Regional Administrative Courts (Landesverwaltungsgerichte) now assume responsibility for processing appeals against the public authorities (previously these were conducted by independent administrative tribunals named Verwaltungssenate).</p> <p><u>Reconsideration and update of permits</u></p> <p>The representative frequency for reconsideration of permit conditions varies by province. No changes were reported for Kärnten, Salzburg, Steiermark, Tirol, and Wien, however changes in the following provinces are reported:</p> <ul style="list-style-type: none"> <li>▪ Burgenland: 6-10 years;</li> <li>▪ Niederösterreich: 1-3 years;</li> <li>▪ Vienna: No change over the previous reporting period, except for landfills for which a review must be carried out every 5 years;</li> <li>▪ Oberösterreich (Upper Austria): Inspection on completion, and waste treatment plants are reviewed every 5 years;</li> <li>▪ Vorarlberg: 6-10 years, although since there are no IPPC installations covered by the provincial act at the time of reporting, no practical conclusions can be drawn from its implementation.</li> </ul> <p><u>Inspection and enforcement</u></p> <p>The response by Austria indicates that the minimum criteria for environmental inspections is set out in provincial legislation. Vienna is the only province to report changes relating to environmental inspection under the adoption of new legislation (WIAG, 2013). In addition to the components which have previously been reported, inspections now include the drawing up of a report on the environmental inspection which should be made public, and may include the imposition of corrective measures if deemed necessary.</p> <p>Data for installations and sites visited for Austria are as follows:</p> <ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 126;</li> <li>▪ Total number of installations where such visits took place: 51;</li> <li>▪ Total number of visits by Competent Authorities: 141.</li> </ul>

### 1.3 Belgium

Belgium submitted three responses to the questionnaire for reporting on the implementation of the Directive 2008/1/EC according to its three regions, Brussels, Flanders and Wallonia. The analysis here combines the three responses.

#### 1.3.1 Analysis of the completeness: Belgium

*Table 3: Completeness assessment of responses reported by Belgium – IPPC Directive*

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
b			

			c			
			d			
Environmental Quality Standards	6					
Changes to installations	7					
Reconsideration and updating of permit conditions	8		8.1			
			8.2			
			8.3			
Compliance with permit conditions	9		9.1			
			9.2			
		9.3		1		
				2		
				3		
				4		
	5					
Transboundary cooperation	10					
General observations	11		11.1			
			11.2			

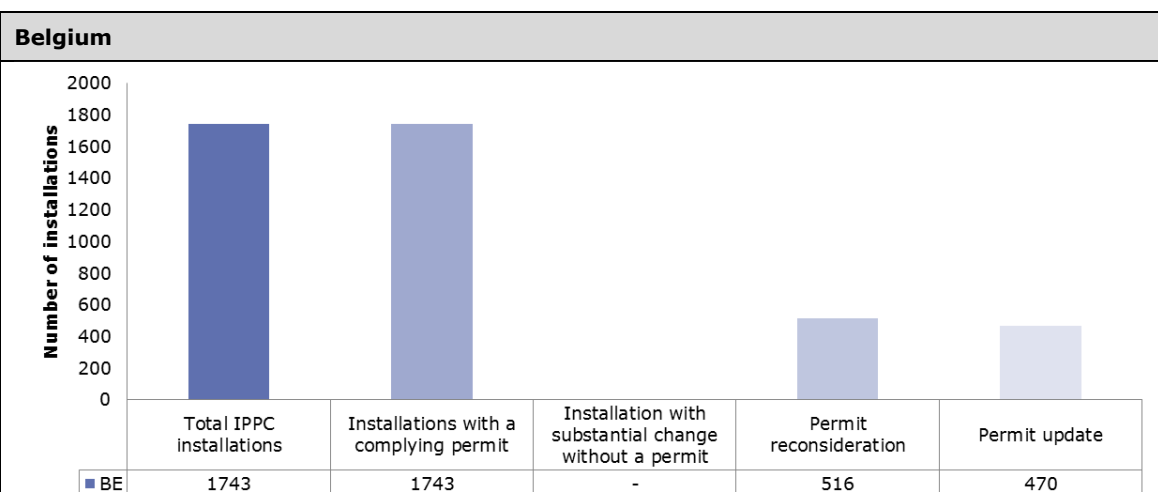
A complete response to the questionnaire was submitted by the Member State although one issue was identified at federal level relating to the total number of site visits made by Competent Authorities (question 9.3.2). Belgium has submitted a Member State response to the total number of site visits made by Competent Authorities along with responses for each region. The Belgium total (7,227) does not correlate to the combined total of the responses given by Brussels, Flanders and Wallonia (7,238). This difference of 11 site visits is small compared to the total and does not affect the analysis on the implementation of the IPPCD.

### 1.3.2 Analysis of Belgium's response

The table below contains the detailed analysis of the responses provided by Belgium to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

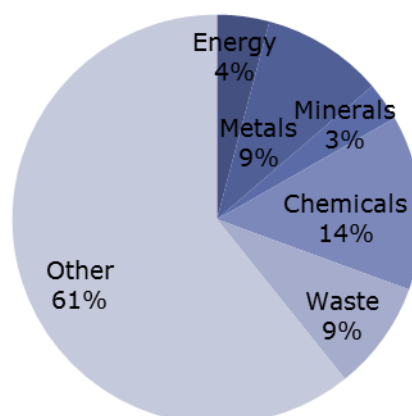
Table 4: Belgium's response – analysis table

<b>Belgium</b>
<b>QUESTION 1 – GENERAL DESCRIPTION</b>
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.
Belgium reported no difficulties in implementing the IPPC Directive.
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.
By the end of the reporting period, Belgium reported <b>1,743 IPPC installations</b> , of which all held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. A total of 516 permits were reconsidered in this period, and 470 were updated.



The sectoral break-down of IPPC installations is presented in the chart below.

### Share of installations per activity



Total: 1,743 installations

2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.

The list of installations in Belgium is publicly available on the Ministry of Environment's website for Brussels and Flanders:

- <http://www.environnement.brussels/thematiques/sante-securite/grandes-installations-industrielles/entreprises-ied>; and
- <http://www.lne.be/themas/vergunningen/gpbv-ippc/lijst-van-gpbv-installaties/gpbv-Directive>.

Wallonia reported that the list is not publicly available and submitted it along with their response to the questionnaire. It included the requested details for all 275 installations (including, the names, location and main activity). Further, Flanders indicated that the publicly available list is outdated and so submitted an up-to-date one with the questionnaire response and includes details for the 1,458 installations referred to in question 2.1.

### QUESTION 3 – PERMIT APPLICATIONS

Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.

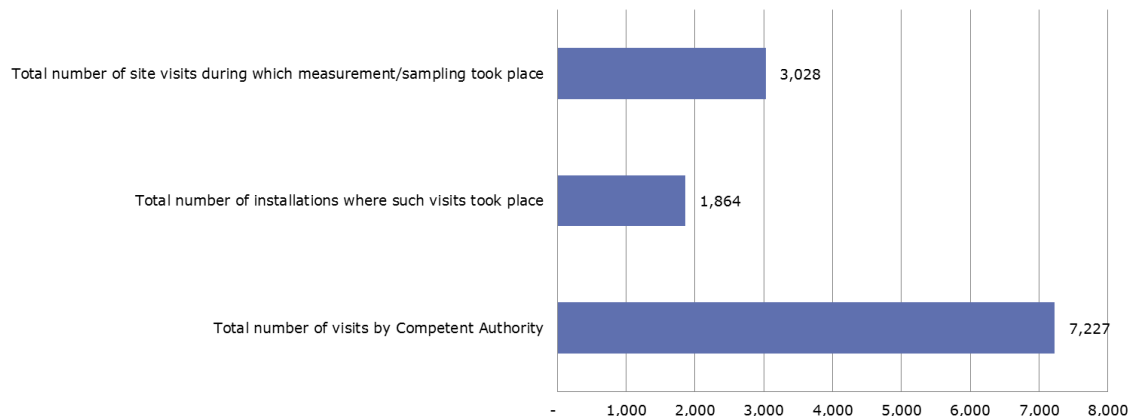
<b>Belgium</b>
No changes were reported.
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>
4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.
No changes were reported.
4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.
No difficulties have been reported by Belgium. The coordination process is carried out at a regional level and the level of coordination needed varies by region. Wallonia indicated that only one organisation is competent to issue permits and thus no coordination is necessary, whereas Flanders reported that the process to ensure coordination involves all installations or sectors of installations, and the relevant government departments and agencies – working groups are established to discuss the permit conditions, following which the permit proposals are submitted to the Flemish Minister for the Environment for approval. No details were provided by Brussels, but no difficulties were reported.
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
No changes were reported in relation to legal provisions, procedures or guidance. Flanders also reported that in the reporting period 17 permits were refused for failure to comply with the legal provisions. No further detail was provided by the Member State concerning the grounds for refusal.
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
No changes were reported by Brussels and Wallonia, however Flanders reported that there have been changes to the legislative text outlining the criteria for setting ELV and other permit conditions, as well as the general principle for determining BAT. No changes were reported concerning the implementation of Article 9(4). The changes are as follows: <ul style="list-style-type: none"> <li>▪ The criteria setting ELV is now set under Article 30bis §2 9° of Title I of the Vlarem 20/09/2013, although it should be noted that the preceding legislation already contained limit values for air, noise and water. Each application is examined on a case by case basis so that, if the permit is granted, any special conditions can be imposed, making the emission limit values more stringent and taking account of local circumstances and environmental quality standards.</li> <li>▪ The general principle for determining BAT was first established under by Vlarem II, Article 4.1.2.1 from 01/08/1995. These requirements have subsequently been transferred to Vlarem I, Article 43bis since 20/09/2013. The Flemish Institute for Technological Research (VITO), set up in 1995, remains the leading authority in Flanders responsible for determining BAT and ensuring that relevant information and data can be accessed.</li> </ul> <p>Note that all environmental legislation in Flanders is coordinated within one environmental decree entitled Vlaams Reglement betreffende de Milieuvergunning (Vlarem), which is subject to continuous updates.</p>
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
Belgium indicated that BREFs are used for setting BAT and permit conditions. While there have been no changes reported by Brussels and Wallonia since the previous reporting period, Flanders indicated that for determining BAT, the previous provisions (under Title I of the Vlarem of 01/05/1999 – 19/09/2013 under Article 43) have been amended (under Annex 18 since 20/09/2013). The provisions stipulate that if new BAT becomes available, there are two options. First, if the BAT is for all installations - even the smaller ones - a general or sectoral approach can be taken in keeping with the Vlarem I. However, if the BAT can

<b>Belgium</b>
only be used in IPPC installations, a case-by-case approach is used for applying the BAT and the deadlines for compliance are determined following an individual assessment of the installation. In certain cases a transitional period is identified to facilitate the application of the BAT.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<p><u>Environmental Management System</u></p> <p>No changes were reported since the previous reporting period – environmental management systems are taken into account when setting permit conditions.</p> <p><u>Restoration upon definitive cessation of activities</u></p> <p>No changes were reported.</p> <p><u>Energy efficiency</u></p> <p>Wallonia reported no changes. Brussels and Flanders reported that new provisions have been introduced concerning energy efficiency requirements for IPPC installations, as follows:</p> <ul style="list-style-type: none"> <li>▪ Brussels-Capital region indicated that new legislation on energy was introduced (Order of the Government of the Region of Brussels of 15/12/2011) which includes provisions on energy audits for establishments with high energy consumption.</li> <li>▪ Where necessary, special conditions regarding energy efficiency can be imposed in the environmental licence for IPPC installations (as stipulated by Title I of the Vlarem (from 1/5/1999 to 19/9/2013 under Article 30 bis §2 4° with reference to Article 43 bis 9°, and from 19/9/2013 Article 43 bis).</li> </ul> <p><u>Article 9(3) application</u></p> <p>No use of the derogation permitted within this article has been made in Belgium as each environmental licence contains energy efficiency requirements (no change since the previous reporting period).</p>
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
<p>Brussels and Wallonia reported that no case has arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.</p> <p>Flanders responded however that this can occur where the environmental quality standard is technically unachievable, or where the ELV is not achieved by applying BAT. In such cases, special licencing conditions are applied under article 3.3.0.1 of Vlarem II (no change since the previous reporting period). Flanders indicated that there are regular examples of where BAT were not sufficient to satisfy an environmental quality standard during the reporting period, particularly in relation to the drainage of wastewater. An example provided is Scana Noliko NV – Bree which produces vegetable and fruit conserves. To achieve the environmental quality targets this company's licence includes stricter discharge standards for total phosphorus than the BAT values and the standards limits are based on a company-specific BAT study (EPAS, 2005). According to this BAT study, an annual average standard for total phosphorus is 3 mg/l BAT. After a two year interim, a standard for total phosphorus of 4 mg/l (spot sample) and 2 mg/l (annual average) is required.</p>
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change in Belgium
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.



<b>Belgium</b>
No changes were reported by any of the regions since the previous reporting period and the frequency for reconsideration and updating of permit conditions continues to be covered under sub-national legislation.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
There has been no change to the representative frequency for reconsideration of permit conditions, and is reported as follows for the respective regions: <ul style="list-style-type: none"> <li>▪ Belgium: every 5 years or less;</li> <li>▪ Flanders: every 8 years or less; and</li> <li>▪ Wallonia: every 20 years or less.</li> </ul>
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.
No changes were reported by the Member State.
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.
There have been no changes made since the previous reporting period and the requirements are established at regional level. The Member State has reported that operators must inform their respective authorities as follows: <ul style="list-style-type: none"> <li>▪ Brussels: via e-mail or by paper;</li> <li>▪ Flanders: via e-mail, electronic database, or by paper – as set out in sections 4.1.4 and 4.1.5 of Title II of the Vlarem (previously set out in section 4.1.8). Regardless of whether or not the threshold values are exceeding, all operators running installations with major emissions or with a total primary energy consumption of at least 0.1 PJ/year must submit an integral environment report (IER) annually.</li> <li>▪ Wallonia: via e-mail, electronic database online, or by paper.</li> </ul>
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.
There have been no changes made since the previous reporting period and the frequency with which periodic monitoring reports are submitted by all operators is established at regional level, as follows: <ul style="list-style-type: none"> <li>▪ Case-by-case basis in Brussels; and</li> <li>▪ Annually in Flanders and Wallonia.</li> </ul>
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.
<u>Inspection components</u>
The Member State responded that there have been no changes to the main components of inspections since the previous reporting period.
The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that the number of installations visited (1,864) is higher than the total number of IPPC installations (1,743) reported by Belgium in response to question 2.1. One explanation could be that the permitted IPPC installation includes multiple facilities and that each facility is reported as one installation. On average the installations which were visited received four site visits per annum. The reported frequency was highest in Brussels (five site visits per annum), followed by Flanders (four p.a.) and Wallonia (two p.a.).



**Belgium**Accidents, incidents and non-compliance

There has been no change to the type of sanctions available for non-compliance since the previous reporting period. The types of sanctions are determined by region and vary according to the nature and seriousness of the offence.

**QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)**

Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.

Belgium reported instances of the use of Article 18 during the reporting period in Flanders and Wallonia. Both regions reported that there have been no changes to the provisions since the previous reporting period; although in Flanders, the general procedures have been transposed under Article 19bis of Title I of the Vlareem.

**QUESTION 11 – GENERAL OBSERVATIONS**

11.1. Are there any particular implementation issues that give rise to concerns in your Member State?

No implementation issues were raised in the questionnaire response.

11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?

No further observations related to the implementation of Directive 2010/75/EU were made.

**SUMMARY OF CHANGES**

By the end of the reporting period, Belgium reported **1,743 IPPC installations**, of which all held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. A total of 516 permits were reconsidered in this period, and 470 were updated. No difficulties implementing the IPPC Directive were reported.

General description and legislation

The legislative provisions are set under regional legislation. While there have been no changes to the reporting requirements or the legislative provisions reported by Brussels and Wallonia, Flanders reported the following amendments to the legislative texts in terms of article numbering (the reporting requirements have not changed):

- The criteria setting ELV is set out in Article 30bis §2 9° of Title I of the Vlareem 20/09/2013
- The general principle for determining BAT is set out in Vlareem I, Article 43bis, 20/09/2013
- Provisions outlining the use of BREFs for setting BAT are now set out in Annex 18 of the Vlareem I, 20/09/2013
- Provisions to include special conditions regarding energy efficiency in the environmental licence for IPPC installations are now set out in Article 43 bis of the Vlareem I, 19/9/2013

In addition, Brussels commented that new legislation on energy was introduced entitled the Order of the Government of the Region of Brussels (of 15/12/2011). The Order includes provisions on energy audits for establishments with high energy consumption which can affect permit conditions.

Reconsideration and update of permits

<b>Belgium</b>
<p>The frequency for reconsideration and updating of permit conditions has changed in Flanders and is now every 8 years (previously every 6 years). No changes were reported by Brussels and Wallonia.</p> <p><u>Inspection and enforcement</u></p> <p>There has been no change to the provisions on inspection and enforcement. Data for installations and sites visited for Belgium are as follows:</p> <ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 3,028.</li> <li>▪ Total number of installations where such visits took place: 1,864.</li> <li>▪ Total number of visits by Competent Authorities: 7,227.</li> </ul> <p><u>Transboundary cooperation</u></p> <p>Belgium has continued to make use of Article 18 but remarks no change in the application procedure.</p>

## 1.4 Bulgaria

### 1.4.1 Analysis of the completeness

*Table 5: Completeness assessment of responses reported by Bulgaria – IPPC Directive*

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
		b	
c			
d			
Environmental Quality Standards	6		
Changes to installations	7		
Reconsideration and updating of permit conditions	8	8.1	
		8.2	
		8.3	
Compliance with permit conditions	9	9.1	
		9.2	
	9.3	1	
		2	
		3	
4			
5			
Transboundary cooperation	10		
General observations	11	11.1	
		11.2	

Bulgaria has submitted a complete response to the questionnaire.

#### **1.4.2 Analysis of Bulgaria's response**

The table below contains the detailed analysis of the responses provided by Bulgaria to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

Table 6: Bulgaria response – analysis table

<b>Bulgaria</b>															
<b>QUESTION 1 – GENERAL DESCRIPTION</b>															
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.															
Bulgaria reported no difficulties in implementing the IPPC Directive.															
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>															
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.															
By the end of the reporting period, Bulgaria reported <b>474 IPPC installations</b> , of which all held a complying permit. 137 permits were reconsidered (accounting for 29% of total IPPC installations), and 124 were updated. The Member State reported 40 installations with substantial change without a permit in this period.															
<table border="1"> <thead> <tr> <th>Category</th> <th>Number of installations</th> </tr> </thead> <tbody> <tr> <td>Total IPPC installations</td> <td>474</td> </tr> <tr> <td>Installations with a complying permit</td> <td>474</td> </tr> <tr> <td>Installation with substantial change without a permit</td> <td>40</td> </tr> <tr> <td>Permit reconsideration</td> <td>137</td> </tr> <tr> <td>Permit update</td> <td>124</td> </tr> </tbody> </table>		Category	Number of installations	Total IPPC installations	474	Installations with a complying permit	474	Installation with substantial change without a permit	40	Permit reconsideration	137	Permit update	124		
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Permit reconsideration	137														
Permit update	124														
The sectoral break-down of IPPC installations is presented in the chart below.															
<table border="1"> <thead> <tr> <th>Activity</th> <th>Share (%)</th> </tr> </thead> <tbody> <tr> <td>Other</td> <td>26%</td> </tr> <tr> <td>Waste</td> <td>21%</td> </tr> <tr> <td>Chemicals</td> <td>17%</td> </tr> <tr> <td>Metals</td> <td>16%</td> </tr> <tr> <td>Minerals</td> <td>11%</td> </tr> <tr> <td>Energy</td> <td>9%</td> </tr> </tbody> </table> <p>Total: 474 installations</p>		Activity	Share (%)	Other	26%	Waste	21%	Chemicals	17%	Metals	16%	Minerals	11%	Energy	9%
Activity	Share (%)														
Other	26%														
Waste	21%														
Chemicals	17%														
Metals	16%														
Minerals	11%														
Energy	9%														
2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.															

<b>Bulgaria</b>
The list of installations in Bulgaria is publically available via this web link, <a href="http://registers.moew.government.bg/kr/?offset=10&amp;limit=10">http://registers.moew.government.bg/kr/?offset=10&amp;limit=10</a> .
<b>QUESTION 3 – PERMIT APPLICATIONS</b>
Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.
The requirements relating to the content of the applications for integrated permits are laid down in Article 122 of the Environmental Protection Act. A detailed application content list is provided for in Article 4(3) of the Ordinance on the Conditions and Procedure for the Issuance of Integrated Permits - Annex 1 to the Ordinance. Bulgaria indicated that in order to facilitate the task for operators, the Ministry of Environment and Water has also approved a Methodology for Completing of an Application for an Integrated Permit.
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>
4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.
No changes were reported.
4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.
No difficulty has been reported by Bulgaria.
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
In the reporting period, six installations were refused permits. The procedure for ensuring that non-complying installations are not granted permits remains unchanged since the previous reporting period; however, the provisions under one of the relevant articles have been revised as follows: <ul style="list-style-type: none"> <li>▪ Article 122a (4) of the Environmental Protection Act (ZOOS): Permits will be suspended where the applicant fails to provide additional information to a previously submitted application or fails to meet the submission deadline. The amendment no longer allows a permit to be refused, rather the decision is suspended.</li> </ul>
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
No changes were reported.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes were reported since the previous reporting period – BREFs are used for assessing BAT and for setting permit conditions.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u>

<b>Bulgaria</b>
No changes were reported since the previous reporting period – environmental management systems are taken into account when setting permit conditions. <u>Restoration upon definitive cessation of activities</u> No changes were reported. <u>Energy efficiency</u> No changes were reported. <u>Article 9(3) application</u> No use of the derogation permitted within this article has been made in Bulgaria.
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.  No case has arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.  Criteria have been introduced to evaluate the changes in operation for the presence of consequences for the environment and their degree of severity. Operators are required to submit information on changes, for example in relation to the capacity, consumption of substances and materials, emissions, waste, effects on human beings and water basins according to annex 5 of Ordinance on the Conditions and Procedure for the Issuance of Integrated Permits.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.  No changes were reported since the previous reporting period and the frequency for reconsideration and updating of permit conditions is determined by the national legislation.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.  Bulgaria indicated that it has not been possible to provide a representative frequency as the permits are reconsidered on a case by case basis depending on whether or not there is one or more of the issues described in article 124(2) of Environmental Protection Act.
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.  No changes were reported.
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.  The Member State responded that operators must either inform authorities of the results of release monitoring via paper. The requirements are laid down in Ordinance 6/1999 on methods and procedures for measurement of harmful substance point-source emissions discharged to the atmosphere, Ordinance 6/2013 on the Conditions and Requirements for Building and Operation of Landfills and other Facilities and Installations for Waste Recovery and Disposal, Ordinance 1/2007 on the exploration, use and protection of groundwater, and Ordinance 1/2011 on the monitoring of the waters.

**Bulgaria**

9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.

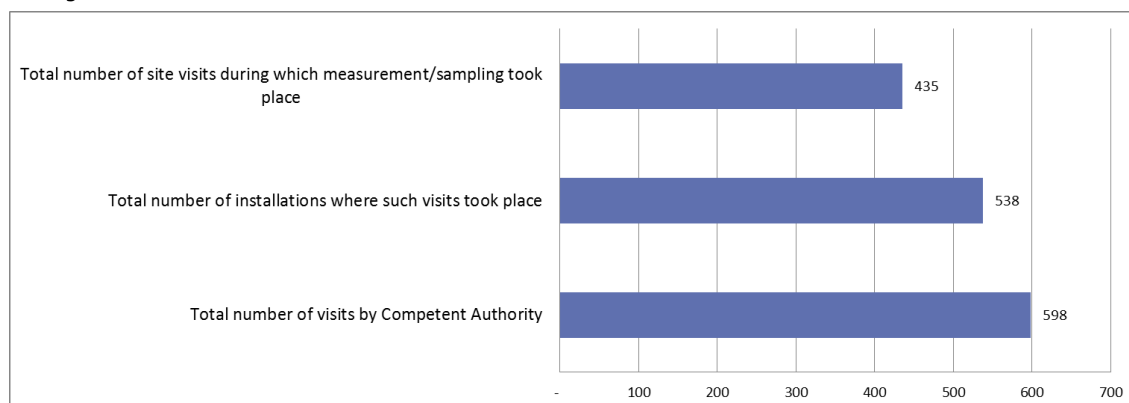
Periodic monitoring reports must be submitted annually or more frequently by all operators (previously submissions were made only on annual basis).

9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.

Inspection components

Bulgaria indicated that an environmental inspection 'cycle' includes planning, implementation, reporting and evaluation. The main functions of environmental inspections pertain to 'monitoring' and 'information'. 'Monitoring' includes the exercise of preventive, current and follow-up checks. Among other things, 'information' relates to the collation of information with regard to compliance of monitored installations with environmental legislation (for the purposes of planning in carrying out a systematic risk assessment of an installation).

The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that the number of installations visited (538) is higher than the total number of IPPC installations (474) reported by Bulgaria in response to question 2.1. One explanation could be that the permitted IPPC installation includes multiple facilities and that each facility is reported as one installation. On average the IPPC installations were visited once a year and sampling/ measurements were taken during 73% of these visits.

Accidents, incidents and non-compliance

During the reporting period, the control body (RIOSV) issued 58 notices establishing non-compliance with integrated permit conditions along with 51 penalty notices issued to impose fines amounting to BGN 896,000 (~€458,000).

**QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)**

Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.

Bulgaria reported no instance of the use of Article 18 during the reporting period.

**QUESTION 11 – GENERAL OBSERVATIONS**

11.1. Are there any particular implementation issues that give rise to concerns in your Member State?

No implementation issues were reported by Bulgaria.

11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?

<b>Bulgaria</b>
No further observations were made in the questionnaire response.
<b>SUMMARY OF CHANGES</b>
<p>By the end of the reporting period, Bulgaria reported <b>474 IPPC installations</b>, of which all held a complying permit. 137 permits were reconsidered (accounting for 29% of total IPPC installations), and 124 were updated. The Member State reported 40 installations with a substantial change without a permit in this period. No difficulties implementing the IPPC Directive were reported.</p> <p><u>General description and legislation</u></p> <p>There have mostly been no changes to the reporting requirements or the legislative provisions since the previous reporting period with the exception of new guidance to support operators with their integrated permit applications.</p> <p><u>Permit applications</u></p> <p>In the reporting period, six installations were refused permits. The procedure for ensuring that non-complying installations are not granted permits remains unchanged since the previous reporting period; however, the provisions have been revised slightly – mainly that the decision as to whether or not a permit is issued can no longer be refused, only suspended.</p> <p><u>Inspection and enforcement</u></p> <p>Inspection includes preventive, current and follow-up checks while ensuring that information regarding compliance of monitored installations is available for the purposes conducting systematic risk assessments.</p> <p>Data for installations and sites visited for Bulgaria are as follows:</p> <ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 435</li> <li>▪ Total number of installations where such visits took place: 538</li> <li>▪ Total number of visits by Competent Authorities: 598</li> </ul> <p>During the reporting period, the control body (RIOSV) issued 58 notices establishing non-compliance with integrated permit conditions along with 51 penalty notices issued to impose fines amounting to BGN 896,000 (~€458,000).</p>

## 1.5 Cyprus

### 1.5.1 Analysis of the completeness

*Table 7: Completeness assessment of responses reported by Cyprus – IPPC Directive*

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
		b	
c			
d			
Environmental Quality Standards	6		



Changes to installations	7				
Reconsideration and updating of permit conditions	8	8.1			
		8.2			
		8.3			
Compliance with permit conditions	9	9.1			
		9.2			
		9.3	1		
			2		
			3		
4					
5					
Transboundary cooperation	10				
General observations	11	11.1			
		11.2			

Cyprus has submitted a complete response to the questionnaire.

### 1.5.2 Analysis of Cyprus' response

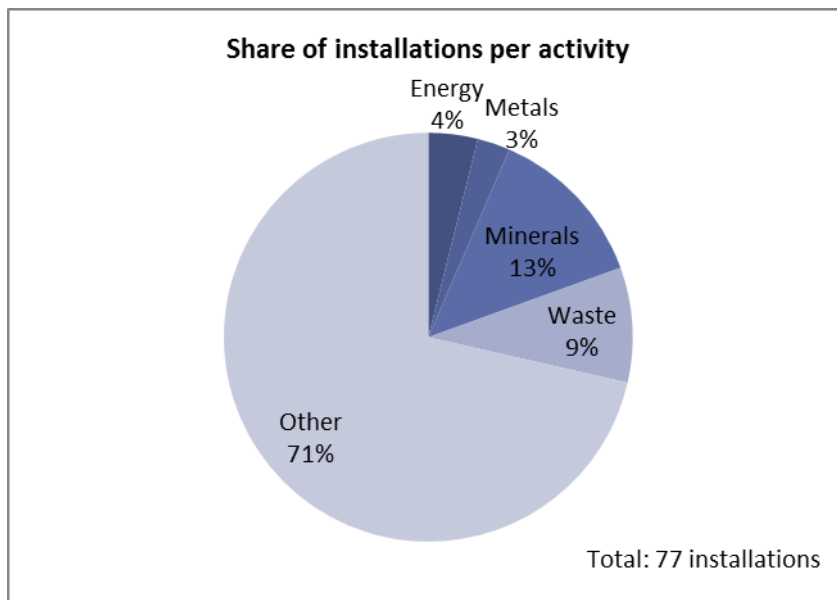
The table below contains the detailed analysis of the responses provided by Cyprus to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

Table 8: Cyprus' response – analysis table

Cyprus																
QUESTION 1 – GENERAL DESCRIPTION																
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.																
Cyprus reported no difficulties in implementing the IPPC Directive.																
QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)																
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.																
By the end of the reporting period, Cyprus reported <b>77 IPPC installations</b> , of which 61 held a complying permit (79%) during the reporting period. The reasons for these installations not holding a complying permit are set out below in response to question 4.3. No cases of installations with substantial change without valid permits were reported by the Member State, and no permits were under reconsideration or updated in this period.																
<table border="1"> <thead> <tr> <th>Category</th> <th>Number of installations</th> </tr> </thead> <tbody> <tr> <td>Total IPPC installations</td> <td>77</td> </tr> <tr> <td>Installations with a complying permit</td> <td>61</td> </tr> <tr> <td>Installation with substantial change without a permit</td> <td>-</td> </tr> <tr> <td>Permit reconsideration</td> <td>-</td> </tr> <tr> <td>Permit update</td> <td>-</td> </tr> </tbody> </table>					Category	Number of installations	Total IPPC installations	77	Installations with a complying permit	61	Installation with substantial change without a permit	-	Permit reconsideration	-	Permit update	-
Category	Number of installations															
Total IPPC installations	77															
Installations with a complying permit	61															
Installation with substantial change without a permit	-															
Permit reconsideration	-															
Permit update	-															

**Cyprus**

The sectoral break-down of IPPC installations is presented in the chart below.



2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.

No changes were reported. The link provided by Cyprus directs toward a registry of installations and emissions as per the E-PRTR, rather than a list of IPPC installations.

**QUESTION 3 – PERMIT APPLICATIONS**

Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.

No changes to the permit application process were reported. However, changes to the legislative text have been made and the Integrated Pollution Prevention and Control Acts of 2003 to 2008 were repealed following the adoption of the 2013 Industrial Emissions Act (Law 184 (I)/2013) on 27 December 2013.

In addition, the following amending laws were adopted on 27 December 2013, together with the Industrial Emissions Act:

- the 2013 Water Pollution Control (Amending) Act (Law 181(I)/2013);
- the 2013 Air Pollution Control (Amending) (No 2) Act (Law 180(I)/2013).

Together, these amendments incorporate all the provisions concerning integrated pollution prevention and control in keeping with the new Industrial Emissions Directive.

**QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)**

4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.

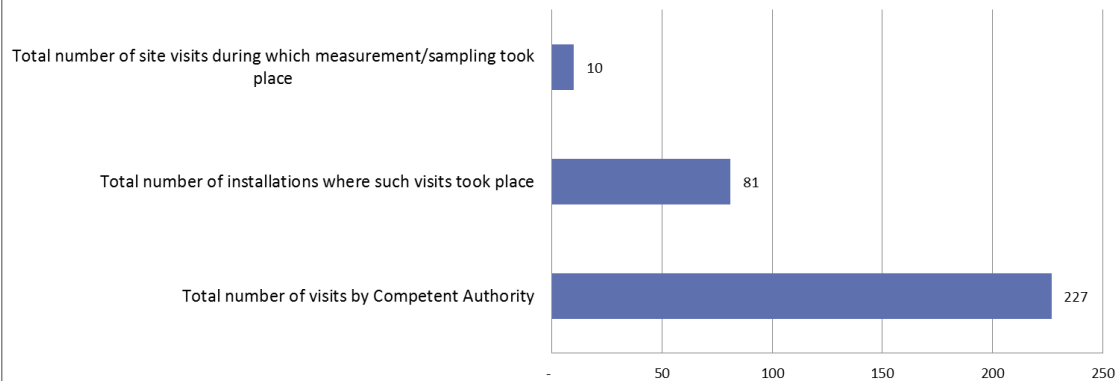
No changes were reported.

4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.

No difficulty was reported by Cyprus.

<b>Cyprus</b>
<p>4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.</p>
<p>Permits were not granted to 16 installations for the following reasons:</p> <ul style="list-style-type: none"> <li>▪ Installations which, because of the economic crisis, have suspended their activities and so were considered as inactive.</li> <li>▪ Installations which, when Cyprus reported, were being examined, with a view to being granted a permit under the Industrial Emissions Act - Law No 184 (I)/2013.</li> <li>▪ Installations which used to hold permits but failed to apply specific conditions relating to the implementation of best available techniques and Directive 2008/1/EC. Cyprus added that reports on such installations have been submitted to the Attorney General for termination of their operation.</li> </ul> <p>The number of installations engaged in intensive rearing of pigs has decreased in comparison with the previous reporting period since, due to the economic crisis, which in turn has meant that six installations have reduced their capacity below the specified threshold.</p> <p>Furthermore Cyprus indicated that there have been no changes since the previous reporting period to the procedure for ensuring that non-complying installations are not granted permits.</p>
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
<p>5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).</p>
<p>No changes were reported.</p>
<p>5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?</p>
<p>No changes were reported since the previous reporting period – BREFs are used for setting BAT and permit conditions. As well as using BREFs, the Member State has reported that a Technical Committee for the Protection of the Environment is involved in the process of determining BAT.</p>
<p>5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?</p>
<p><u>Environmental Management System</u></p> <p>No changes were reported since the previous reporting period – environmental management systems are taken into account when setting permit conditions.</p> <p><u>Restoration upon definitive cessation of activities</u></p> <p>No changes were reported.</p> <p><u>Energy efficiency</u></p> <p>No changes were reported.</p> <p><u>Article 9(3) application</u></p> <p>All installations in Cyprus which fall under the EU Emissions Trading System (EU-ETS) are subject to energy efficiency requirements (no change since the previous reporting period).</p>
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
<p>Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.</p>
<p>No case has arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.</p>

<b>Cyprus</b>
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No changes were reported since the previous reporting period and the frequency for reconsideration and updating of permit conditions continues to be covered under national legislation.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
The representative frequency for reconsideration of permit conditions is every 5 years or less (unchanged since the previous reporting period).
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.
No changes were reported.
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.
Operators in Cyprus must inform authorities of the results of release monitoring either via electronic database or by paper (no change since the previous reporting period).
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.
Periodic monitoring reports are submitted by all operators annually (no change since the previous reporting period).
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.
<u>Inspection components</u>
No changes were reported to the main environmental inspection components.
The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that the number of installations visited (81) is higher than the total number of IPPC installations (77) reported by Cyprus in response to question 2.1. One explanation could be that the permitted IPPC installation includes multiple facilities and that each facility is reported as one installation. On average each IPPC installation visited received three site visits per annum, and measurements/ sampling were taken at just 4% of these visits.

**Cyprus****Accidents, incidents and non-compliance**

The type of sanctions which can be imposed include: compliance letters, warning letters, out-of-court arrangements, and reports requesting penal measures.

**QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)**

Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.

Cyprus reported no instance of the use of Article 18 during the reporting period.

**QUESTION 11 – GENERAL OBSERVATIONS**

11.1. Are there any particular implementation issues that give rise to concerns in your Member State?

No implementation issues were raised by the Member State.

11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?

As outlined in response to question 3, the Industrial Emissions Act (Law 184 (I)/2013), the 2013 Water Pollution Control (Amending) Act (Law 181(I)/2013), and the 2013 Air Pollution Control (Amending) (No 2) Act (Law 180(I)/2013) were adopted to transpose the provisions concerning integrated pollution prevention and control in keeping with the new Industrial Emissions Directive. The Ministry of Agriculture, Natural Resources and Environment and the Ministry of Labour, Welfare and Social Security share joint responsibility for this legislation.

**SUMMARY OF CHANGES**

By the end of the reporting period, Cyprus reported **77 IPPC installations**, of which 61 held a complying permit. The reasons for the 16 non-compliant permits are set out below. No cases of installations with substantial change without valid permits were reported by the Member State. No difficulties implementing the IPPC Directive were reported.

**General description and legislation**

There have been no changes to the reporting requirements.

However, the legislative text, the Integrated Pollution Prevention and Control Acts of 2003 to 2008, were repealed by the Repealing Law 179 (I)/2013 following the adoption of the 2013 Industrial Emissions Act (Law 184 (I)/2013) on 27 December 2013. In addition, the following amending laws were adopted on 27 December 2013, together with the Industrial Emissions Act:

- the 2013 Water Pollution Control (Amending) Act (Law 181(I)/2013);
- the 2013 Air Pollution Control (Amending) (No 2) Act (Law 180(I)/2013).

Together, these amendments incorporate all the provisions concerning integrated pollution prevention and control in keeping with the new Industrial Emissions Directive.

**Refusing permit applications**

Permits were not granted to 16 installations due to inactivity (resulting from the economic crisis), crossover with permit applications under the Industrial Emissions Act (Law No 184 (I)/2013), or where BAT were not implemented appropriately.

Cyprus
<p>The number of installations engaged in intensive rearing of pigs has decreased in comparison with the previous reporting period since, due to the economic crisis, which in turn has meant that six installations have reduced their capacity below the specified threshold.</p> <p><u>Inspection and enforcement</u></p> <p>Data for installations and sites visited for Cyprus are as follows:</p> <ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 10;</li> <li>▪ Total number of installations where such visits took place: 81;</li> <li>▪ Total number of visits by Competent Authorities: 227.</li> </ul>

## 1.6 Czech Republic

### 1.6.1 Analysis of the completeness

*Table 9: Completeness assessment of responses reported by the Czech Republic – IPPC Directive*

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
		b	
c			
d			
Environmental Quality Standards	6		
Changes to installations	7		
Reconsideration and updating of permit conditions	8	8.1	
		8.2	
		8.3	
Compliance with permit conditions	9	9.1	
		9.2	
	9.3	1	
		2	
		3	
		4	
		5	
Transboundary cooperation	10		
General observations	11	11.1	
		11.2	

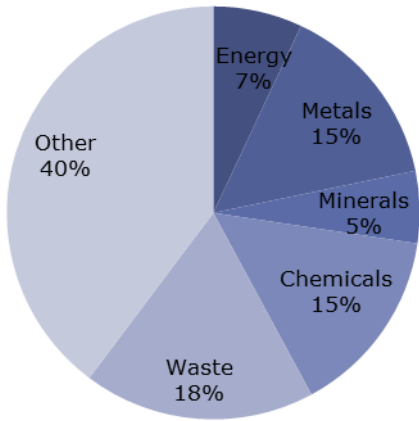
The Czech Republic has submitted a complete response to the questionnaire.

### 1.6.2 Analysis of the Czech Republic's response

The table below contains the detailed analysis of the responses provided by the Czech Republic to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

Table 10: Czech Republic's response – analysis table

Czech Republic																	
<b>QUESTION 1 – GENERAL DESCRIPTION</b>																	
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.																	
The Czech Republic reported no difficulties in implementing the IPPC Directive.																	
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>																	
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.																	
By the end of the reporting period, the Czech Republic reported <b>1,560 IPPC installations</b> , of which all held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. 471 permits were reconsidered (30% of total installations), and 273 were updated.																	
<table border="1"> <thead> <tr> <th>Category</th> <th>Number of installations</th> </tr> </thead> <tbody> <tr> <td>Total IPPC installations</td> <td>1,560</td> </tr> <tr> <td>Installations with a complying permit</td> <td>1,560</td> </tr> <tr> <td>Installation with substantial change without a permit</td> <td>-</td> </tr> <tr> <td>Permit reconsideration</td> <td>471</td> </tr> <tr> <td>Permit update</td> <td>273</td> </tr> </tbody> </table>						Category	Number of installations	Total IPPC installations	1,560	Installations with a complying permit	1,560	Installation with substantial change without a permit	-	Permit reconsideration	471	Permit update	273
Category	Number of installations																
Total IPPC installations	1,560																
Installations with a complying permit	1,560																
Installation with substantial change without a permit	-																
Permit reconsideration	471																
Permit update	273																
The sectoral break-down of IPPC installations is presented in the chart below.																	

<b>Czech Republic</b>															
	<p><b>Share of installations per activity</b></p>  <table border="1" style="margin-left: auto; margin-right: auto;"> <caption>Share of installations per activity</caption> <thead> <tr> <th>Activity</th> <th>Share (%)</th> </tr> </thead> <tbody> <tr> <td>Other</td> <td>40%</td> </tr> <tr> <td>Waste</td> <td>18%</td> </tr> <tr> <td>Chemicals</td> <td>15%</td> </tr> <tr> <td>Metals</td> <td>15%</td> </tr> <tr> <td>Minerals</td> <td>5%</td> </tr> <tr> <td>Energy</td> <td>7%</td> </tr> </tbody> </table> <p>Total: 1,560 installations</p>	Activity	Share (%)	Other	40%	Waste	18%	Chemicals	15%	Metals	15%	Minerals	5%	Energy	7%
Activity	Share (%)														
Other	40%														
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Chemicals	15%														
Metals	15%														
Minerals	5%														
Energy	7%														
<p>2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.</p>															
<p>The list of IPPC installations is publically available via the following web link, <a href="http://www.mzp.cz/www/ippc4.nsf/appliances.xsp">http://www.mzp.cz/www/ippc4.nsf/appliances.xsp</a>.</p>															
<b>QUESTION 3 – PERMIT APPLICATIONS</b>															
<p>Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.</p>															
<p>No changes were reported.</p>															
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>															
<p>4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.</p>															
<p>No changes were reported.</p>															
<p>4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.</p>															
<p>No difficulty has been reported by the Czech Republic.</p>															
<p>4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.</p>															
<p>No integrated permit applications were formally refused between 2011 and 2012. There have been no changes since the previous reporting period to the procedure for ensuring that non-complying installations are not granted permits.</p>															
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>															
<p>5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the</p>															



<b>Czech Republic</b>
general principles for the determination of best available techniques, and the implementation of Article 9(4).
No changes were reported.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes were reported since the previous reporting period – BREFs are used for setting BAT and permit conditions. In addition, the Czech Republic reported that information gathered through its national BAT information exchange system is used for assessing BAT.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u> No changes were reported since the previous reporting period – environmental management systems are taken into account when setting permit conditions.
<u>Restoration upon definitive cessation of activities</u> No changes were reported.
<u>Energy efficiency</u> No changes were reported since the previous reporting period – in the reporting period, conditions included in the permit application are most often met by means of an energy audit.
<u>Article 9(3) application</u> No changes were reported since the previous reporting period – the Member State has opted to not use the derogation permitted within Article 9(3).
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
No case has arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No changes were reported since the previous reporting period and the frequency for reconsideration and updating of permit conditions continues to be covered under national legislation.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
The representative frequency for reconsideration of permit conditions is every 5 years or less (unchanged since the previous reporting period).

<b>Czech Republic</b>								
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.								
No changes were reported.								
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>								
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.								
The Member State has reported that operators in the Czech Republic must inform authorities of the results of release monitoring either via email or by paper (no change since the previous reporting period).								
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.								
Periodic monitoring reports are submitted by all operators annually (no change since the previous reporting period).								
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.								
<p><u>Inspection components</u></p> <p>No changes were reported to the main environmental inspection components.</p> <p>The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that the number of installations visited equates to less than half (43%) of the IPPC installations reported by the Member State for question 2.1. No reason was provided by the Member State to explain why inspections were not carried out at all installations although one possibility is that the Member State prioritises inspections at installations with a higher environmental risk. On average each IPPC installation visited received two site visits per annum with sampling/ monitoring taking place at 3% of these visits.</p>								
<table border="1"> <caption>Inspection Data</caption> <thead> <tr> <th>Category</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Total number of site visits during which measurement/sampling took place</td> <td>42</td> </tr> <tr> <td>Total number of installations where such visits took place</td> <td>677</td> </tr> <tr> <td>Total number of visits by Competent Authority</td> <td>1,519</td> </tr> </tbody> </table>	Category	Value	Total number of site visits during which measurement/sampling took place	42	Total number of installations where such visits took place	677	Total number of visits by Competent Authority	1,519
Category	Value							
Total number of site visits during which measurement/sampling took place	42							
Total number of installations where such visits took place	677							
Total number of visits by Competent Authority	1,519							
<p><u>Accidents, incidents and non-compliance</u></p> <p>The type of sanctions which can be imposed have not changed since the previous reporting period.</p>								
<b>QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)</b>								
Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.								
The Czech Republic reported no instance of the use of Article 18 during the reporting period.								

<b>Czech Republic</b>	
<b>QUESTION 11 – GENERAL OBSERVATIONS</b>	
11.1. Are there any particular implementation issues that give rise to concerns in your Member State?	No implementation issues were raised by the Member State.
11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?	No further observations were made in the questionnaire response.
<b>SUMMARY OF CHANGES AND CONCLUSIONS</b>	
<p>By the end of the reporting period, the Czech Republic reported <b>1,560 IPPC installations</b>, of which all held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. 471 permits were reconsidered (30% of total installations), and 273 were updated. No difficulties in implementing the IPPC Directive were reported.</p> <p><u>General description and legislation</u></p> <p>There have been no changes to the reporting requirements or legislation in the reporting period.</p> <p><u>Refusing permit applications</u></p> <p>No integrated permit applications were refused between 2011 and 2012.</p> <p><u>Inspection and enforcement</u></p> <p>Data for installations and sites visited for the Czech Republic are as follows:</p> <ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 42;</li> <li>▪ Total number of installations where such visits took place: 677;</li> <li>▪ Total number of visits by Competent Authorities: 1,519.</li> </ul>	

## 1.7 Denmark

### 1.7.1 Analysis of the completeness

Table 11: Completeness assessment of responses reported by Denmark – IPPC Directive

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
		b	
		c	
Environmental Quality Standards	6		

Changes to installations	7		
Reconsideration and updating of permit conditions	8	8.1	
		8.2	
		8.3	
Compliance with permit conditions	9	9.1	
		9.2	
	9.3	1	
		2	
		3	
		4	
5			
Transboundary cooperation	10		
General observations	11	11.1	
		11.2	

Denmark has submitted a complete response to the questionnaire.

### 1.7.2 Analysis of Denmark's response

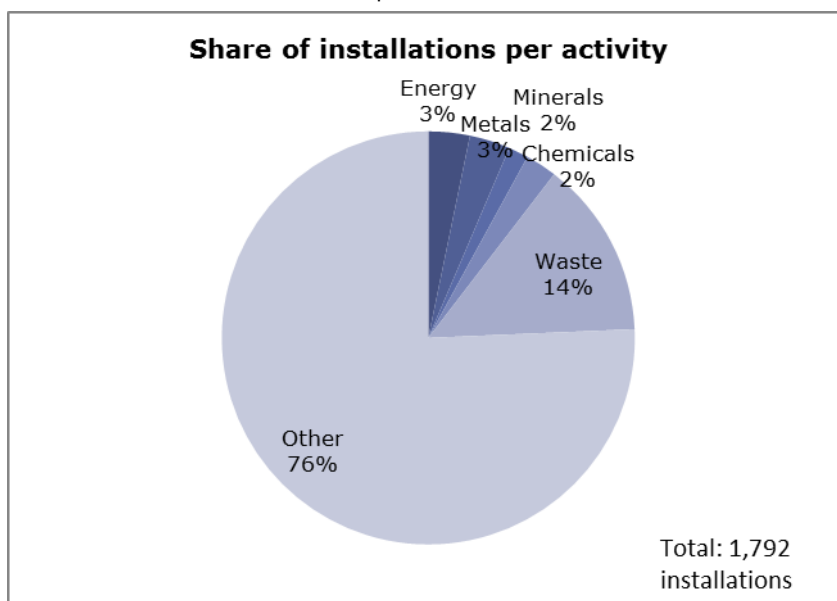
The table below contains the detailed analysis of the responses provided by Denmark to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

Table 12: Denmark's response – analysis table

Denmark													
<b>QUESTION 1 – GENERAL DESCRIPTION</b>													
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.													
Denmark reported no difficulties in implementing the IPPC Directive.													
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>													
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.													
By the end of the reporting period, Denmark reported <b>1,792 IPPC installations</b> , of which all held a complying permit. The Member State reported 10 installations with substantial change without a permit in this period. 197 permits were reconsidered (11% of total installations), and 102 were updated.													
<table border="1"> <thead> <tr> <th>Category</th> <th>Number of installations</th> </tr> </thead> <tbody> <tr> <td>Total IPPC installations</td> <td>1,792</td> </tr> <tr> <td>Installations with a complying permit</td> <td>1,792</td> </tr> <tr> <td>Installation with substantial change without a permit</td> <td>10</td> </tr> <tr> <td>Permit reconsideration</td> <td>197</td> </tr> <tr> <td>Permit update</td> <td>102</td> </tr> </tbody> </table>		Category	Number of installations	Total IPPC installations	1,792	Installations with a complying permit	1,792	Installation with substantial change without a permit	10	Permit reconsideration	197	Permit update	102
Category	Number of installations												
Total IPPC installations	1,792												
Installations with a complying permit	1,792												
Installation with substantial change without a permit	10												
Permit reconsideration	197												
Permit update	102												

**Denmark**

The sectoral break-down of IPPC installations is presented in the chart below.



2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.

The list of IPPC installations is not publicly available in Denmark as no consolidated list exists. IPPC installations are registered at municipal level with 98 municipal approval authorities operating across the Member State. Although the Danish Environmental Protection Agency did not have access to all the respective databases before the end of 2013, a consolidated list has been provided by the Member State based on previously reported information. The list includes all requested information (including, the names, location and main activity) for 1,780 installations. It is presumed that the information for the remaining 12 installations was not previously reported and thus missing.

**QUESTION 3 – PERMIT APPLICATIONS**

Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.

No changes were reported. However, the Member State indicated in response to question 7 that new guidance for the permitting process to take into account the IED has been published since the previous reporting period (see below for the details).

**QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)**

4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.

No changes were reported.

4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.

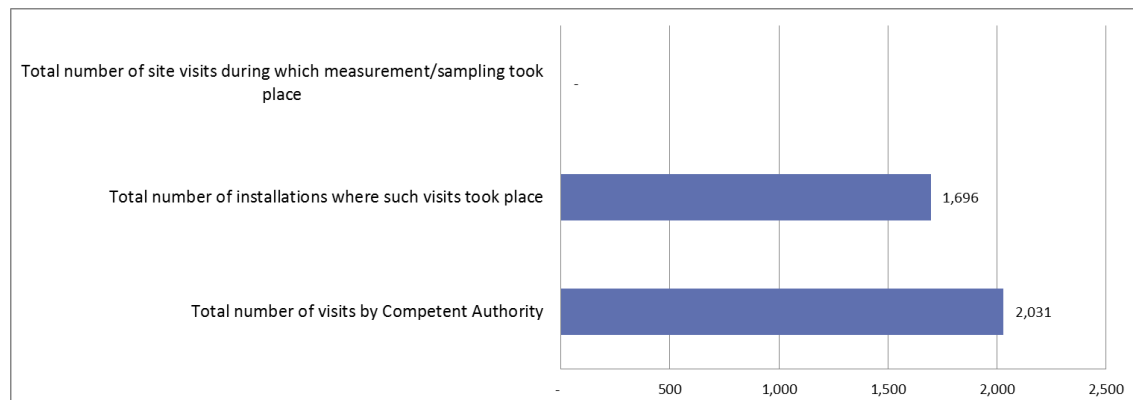
No difficulty has been reported by Denmark. Permitting procedure and conditions are coordinated between the Danish Environmental Protection Agency which is the approval authority, and the municipalities which are the competent authorities granting the permits. Additional provisions are in place where the environmental approval and supervisory functions are not within the same competent authority under section 6 of the Order of Environmental Permit (Bekendtgørelse om godkendelse af listevirksomhed, BEK,

<b>Denmark</b>
1640, 13/12/2006) which states that the supervisory authority must send a draft of the decision to the approval authority for its opinion/review before a decision is taken.
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
No integrated permit applications were formally refused between 2011 and 2012. There have been no changes since the previous reporting period to the procedure for ensuring that non-complying installations are not granted permits.
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
Denmark reported that a few changes were made to the guidance for GBRs as follows: <ul style="list-style-type: none"> <li>▪ Guidance on the Order on waste water permits establishing the criteria for emission limits (Chapters 3 and 4(5)) (Bekendtgørelse om spildevandstilladelser mv. Efter miljøbeskyttelseslovens, BEK, 1448, 11/12/2007), amended in 2010 and 2011.</li> <li>▪ Guidelines for setting ELV by using BAT in relation to intensive rearing of poultry or pigs were introduced by the Danish Environmental Protection Agency in 2010 (Introduktion til Miljøstyrelsens vejledende emissionsgrænseværdier opnåelige ved anvendelse af den bedste tilgængelige teknik (BAT) for husdyrbrug omfattet af husdyrgodkendelsesloven § 11 og § 12, Miljøministeriet – Miljøstyrelsen 2010).</li> </ul> <p>No detail was included on the changes made.</p> <p>No changes to the general principle for determining BAT or the implementation of Article 9 (4) have been made since the previous reporting period.</p>
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes were reported since the previous reporting period – BREFs are used for setting BAT and permit conditions. In certain cases, in addition to using BREFs, the Danish Environmental Protection Agency holds dialogue meetings between stakeholders for determining BAT.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u> No changes were reported since the previous reporting period – environmental management systems are not taken into account when setting permit conditions.
<u>Restoration upon definitive cessation of activities</u> No changes were reported.
<u>Energy efficiency</u> No changes were reported.
<u>Article 9(3) application</u> The Member State was unable to respond to this question due to a lack of information.
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.

<b>Denmark</b>
No case has arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
No changes to the criteria are reported since the previous reporting period.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No changes were reported since the previous reporting period and the frequency for reconsideration and updating of permit conditions continues to be covered under national legislation.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
The representative frequency for reconsideration of permit conditions is every 6 to 10 years; Denmark added that a permit is subject to reconsideration after the first 8 years and every 10 years thereafter – this is unchanged since the previous reporting period.
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.
No changes were reported.
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.
Operators in Denmark must inform authorities of the results of release monitoring either via email or by paper (no change since the previous reporting period).
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.
Periodic monitoring reports are submitted by all operators – the length of time between reports varies and can be annually, more frequently than annually, continuous reporting, or other as decided on a case by case basis (no change since the previous reporting period).
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.
<u>Inspection components</u>
The physical environmental inspections consist of a site visit and a control/review of all the conditions set in the environmental permit(s) to ensure the operator is compliant. The physical site inspection is supplemented by one or many administrative inspections, during which the monitoring reports are evaluated.
The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that the number of installations visited amounts to 95% of the IPPC installations reported by Denmark under question 2.1. No reason was provided by Denmark to explain why all installations were

**Denmark**

not visited although one possibility is that the Member State prioritises inspections at installations with a higher environmental risk. On average each IPPC installation visited received one site visit per annum. Of note, no sampling/ monitoring took place during this period.



Accidents, incidents and non-compliance

The following penalties may be imposed:

- An injunction may be issued specifying the measures which must be addressed and a deadline for compliance;
- A prohibition or order may be issued where there is a need to change the legal basis for the activities or operations in question;
- A police report may be drawn up if the operator fails to comply with the injunction in the timeframe given;
- Self-redress action, whereby operators are required to adopt specified measures at their own expense when a deadline in a warning or a ban is not acted upon in due time.

**QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)**

Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.

Denmark reported no instance of the use of Article 18 during the reporting period.

**QUESTION 11 – GENERAL OBSERVATIONS**

11.1. Are there any particular implementation issues that give rise to concerns in your Member State?

No implementation issues were raised by the Member State.

11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?

No further observations were made in the questionnaire response.

**SUMMARY OF CHANGES**

By the end of the reporting period, Denmark reported **1,792 IPPC installations**, of which all held a complying permit. The Member State reported 10 installations with a substantial change without a permit in this period. 197 permits were reconsidered (11% of total installations), and 102 were updated. Denmark reported no difficulties in implementing the IPPC Directive.

General description and legislation

There have been no changes to the reporting requirements or legislation. However, since the previous reporting period new guidance on waste water permits establishing the criteria for emission limits, and for setting ELVs using BAT in relation to intensive rearing of poultry or pigs has been published. As well, new online guidance for the permitting process, taking into account the IED, has replaced the earlier version.

Refusing permit applications

No integrated permit applications were refused between 2011 and 2012.



Denmark
<u>Inspection and enforcement</u> Data for installations and sites visited for Denmark are as follows: <ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 0;</li> <li>▪ Total number of installations where such visits took place: 1,696;</li> <li>▪ Total number of visits by Competent Authorities: 2,031.</li> </ul>

## 1.8 Estonia

### 1.8.1 Analysis of the completeness

Table 13: Completeness assessment of responses reported by Estonia – IPPC Directive

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
		b	
		c	
Environmental Quality Standards	6		
Changes to installations	7		
Reconsideration and updating of permit conditions	8	8.1	
		8.2	
		8.3	
Compliance with permit conditions	9.1		
	9.3	1	
		2	
		3	
		4	
5			
Transboundary cooperation	10		
General observations	11	11.1	
		11.2	

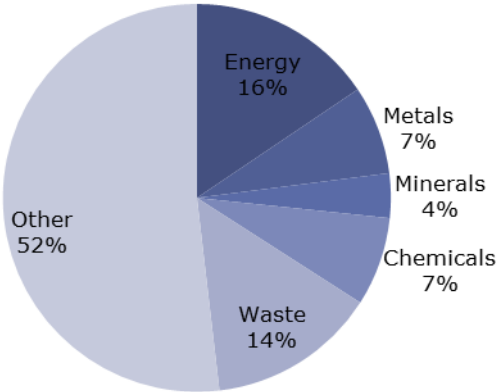
Estonia has submitted a complete response to the questionnaire.

### 1.8.2 Analysis of Estonia's response

The table below contains the detailed analysis of the responses provided by Estonia to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

Table 14: Estonia's response – analysis table

Estonia													
<b>QUESTION 1 – GENERAL DESCRIPTION</b>													
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.													
Estonia reported no difficulties in implementing the IPPC Directive.													
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>													
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.													
By the end of the reporting period, Estonia reported <b>135 IPPC installations</b> , of which all held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. During the reporting period all 135 permits were reconsidered however none were updated.													
<table border="1"> <thead> <tr> <th>Category</th> <th>Number of installations</th> </tr> </thead> <tbody> <tr> <td>Total IPPC installations</td> <td>135</td> </tr> <tr> <td>Installations with a complying permit</td> <td>135</td> </tr> <tr> <td>Installation with substantial change without a permit</td> <td>-</td> </tr> <tr> <td>Permit reconsideration</td> <td>135</td> </tr> <tr> <td>Permit update</td> <td>-</td> </tr> </tbody> </table>		Category	Number of installations	Total IPPC installations	135	Installations with a complying permit	135	Installation with substantial change without a permit	-	Permit reconsideration	135	Permit update	-
Category	Number of installations												
Total IPPC installations	135												
Installations with a complying permit	135												
Installation with substantial change without a permit	-												
Permit reconsideration	135												
Permit update	-												
The sectoral break-down of IPPC installations is presented in the chart below.													

<b>Estonia</b>															
	<p><b>Share of installations per activity</b></p>  <table border="1" style="margin-left: auto; margin-right: auto;"> <caption>Share of installations per activity</caption> <thead> <tr> <th>Activity</th> <th>Share (%)</th> </tr> </thead> <tbody> <tr> <td>Other</td> <td>52%</td> </tr> <tr> <td>Energy</td> <td>16%</td> </tr> <tr> <td>Waste</td> <td>14%</td> </tr> <tr> <td>Chemicals</td> <td>7%</td> </tr> <tr> <td>Metals</td> <td>7%</td> </tr> <tr> <td>Minerals</td> <td>4%</td> </tr> </tbody> </table> <p>Total: 135 installations</p>	Activity	Share (%)	Other	52%	Energy	16%	Waste	14%	Chemicals	7%	Metals	7%	Minerals	4%
Activity	Share (%)														
Other	52%														
Energy	16%														
Waste	14%														
Chemicals	7%														
Metals	7%														
Minerals	4%														
<p>2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.</p>															
<p>The list of IPPC installations is publicly available via the following web link, <a href="http://www.ippc.envir.ee/estonian/ippc.htm">http://www.ippc.envir.ee/estonian/ippc.htm</a>. The total number of IPPC installations is 261, which includes installations with a permit, permit applications, and permit refusals. It is unclear why the total does not match the total provided by the Member State in their response.</p> <p>The breakdown by region is as follows:</p> <ul style="list-style-type: none"> <li>▪ Harju - Järva - Rapla region: 79 IPPC installations</li> <li>▪ Hiiu – Lääne – Saare region: 16 IPPC installations</li> <li>▪ Jõgeva – Tartu region: 47 IPPC installations</li> <li>▪ Põlva – Valga – Võru region: 29 IPPC installations</li> <li>▪ Pärnu – Viljandi region: 29 IPPC installations</li> <li>▪ Viru region: 62 IPPC installations</li> </ul>															
<b>QUESTION 3 – PERMIT APPLICATIONS</b>															
<p>Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.</p>															
<p>No changes were reported.</p>															
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>															
<p>4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.</p>															
<p>No changes were reported.</p>															
<p>4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.</p>															
<p>No difficulty has been reported by Estonia as only the Ministry of Environment is involved in the permitting procedure and setting of conditions, thus there is no need for coordination.</p>															

<b>Estonia</b>
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
No integrated permit applications were formally refused between 2011 and 2012. There have been no changes since the previous reporting period to the procedure for ensuring that non-complying installations are not granted permits (derogations of up to 6 months may be imposed).
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
No changes to the procedures and criteria for setting permit conditions, the general principle for determining BAT or the implementation of Article 9 (4) have been made since the previous reporting period.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes were reported since the previous reporting period – BREFs are used for setting BAT (generally used for training issues and in specific cases of permits application and issuing processes) and for setting permit conditions.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u> No changes were reported since the previous reporting period – environmental management systems are taken into account when setting permit conditions.
<u>Restoration upon definitive cessation of activities</u> No changes were reported.
<u>Energy efficiency</u> No changes were reported.
<u>Article 9(3) application</u> No changes were reported since the previous reporting period – the Member State has opted to not use the derogation permitted within Article 9(3).
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
No case has arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>

<b>Estonia</b>								
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.								
No changes were reported since the previous reporting period and the frequency for reconsideration and updating of permit conditions continues to be covered under national legislation.								
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.								
The representative frequency for reconsideration of permit conditions is not specified – this is unchanged since the previous reporting period.								
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.								
No changes were reported.								
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>								
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.								
Operators in Estonia must inform authorities of the results of release monitoring either via email, electronic database or by paper.								
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.								
Periodic monitoring reports are submitted by all operators more frequently than annually (once every 3 months) - no change since the previous reporting period.								
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.								
<p><u>Inspection components</u></p> <p>No changes were reported to the main environmental inspection components.</p> <p>The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that all IPPC installations referred to in question 2.1 were visited. On average each IPPC installation visited received one site visit per annum with sampling/ monitoring taking place during 23% of these visits.</p>								
<table border="1"> <caption>Inspection Data for Estonia</caption> <thead> <tr> <th>Category</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Total number of site visits during which measurement/sampling took place</td> <td>31</td> </tr> <tr> <td>Total number of installations where such visits took place</td> <td>135</td> </tr> <tr> <td>Total number of visits by Competent Authority</td> <td>135</td> </tr> </tbody> </table>	Category	Value	Total number of site visits during which measurement/sampling took place	31	Total number of installations where such visits took place	135	Total number of visits by Competent Authority	135
Category	Value							
Total number of site visits during which measurement/sampling took place	31							
Total number of installations where such visits took place	135							
Total number of visits by Competent Authority	135							

<b>Estonia</b>
<u>Accidents, incidents and non-compliance</u> Estonia reported that the Environmental Inspectorate is responsible for all supervisory activities in all areas of environmental protection – as stipulated by the Environmental Supervision Act. The types of penalties that can be imposed include prescriptive measures, written warning, or a fine. Estonia reported 23 accidents and cases of non-compliance by IPPC installations in relation to environmental protection and a breach of permit conditions (involving 25 individuals) during the reporting period amounting to €11,852 in penalties paid.
<b>QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)</b>
Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.
Estonia reported no instance of the use of Article 18 during the reporting period.
<b>QUESTION 11 – GENERAL OBSERVATIONS</b>
11.1. Are there any particular implementation issues that give rise to concerns in your Member State?
No implementation issues were raised by the Member State.
11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?
No further observations were made in the questionnaire response.
<b>SUMMARY OF CHANGES</b>
By the end of the reporting period, Estonia reported <b>135 IPPC installations</b> , of which all held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. All 135 permits were reconsidered and none were updated. Estonia reported no difficulties in implementing the IPPC Directive. <u>General description and legislation</u> There have been no changes to the reporting requirements or legislation since the previous reporting period. <u>Refusing permit applications</u> No integrated permit applications were refused between 2011 and 2012. <u>Inspection and enforcement</u> Data for installations and sites visited for Estonia are as follows: <ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 31;</li> <li>▪ Total number of installations where such visits took place: 135;</li> <li>▪ Total number of visits by Competent Authorities: 135.</li> </ul> The Environmental Inspectorate is responsible for all supervisory activities in all areas of environmental protection – as stipulated by the Environmental Supervision Act. The types of penalties that can be imposed include prescriptive measures, written warning, or a fine. Estonia reported 23 accidents and cases of non-compliance by IPPC installations in relation to environmental protection and a breach of permit conditions (involving 25 individuals) during the reporting period amounting to €11,852 in penalties paid.

## 1.9 Finland

### 1.9.1 Analysis of the completeness

Table 15: Completeness assessment of responses reported by Finland – IPPC Directive

Question title	Question number	Completeness	Comment
General description	1		

Numbers of installations and permits	2	2.1				
		2.2.				
Permit applications	3					
Coordination of the permitting procedure and conditions	4	4.1				
		4.2				
		4.3				
Appropriateness and adequacy of permit conditions	5	5.1	1			
			2			
			3			
	5.2	1				
		2				
	5.3	a				
		b				
		c				
d						
Environmental Quality Standards	6					
Changes to installations	7					
Reconsideration and updating of permit conditions	8	8.1				
		8.2				
		8.3				
Compliance with permit conditions	9	9.1				
		9.2				
	9.3	1				
		2				
		3				
		4				
		5				
Transboundary cooperation	10					
General observations	11	11.1				
		11.2				

Finland has submitted a complete response to the questionnaire.

### 1.9.2 Analysis of Finland's response

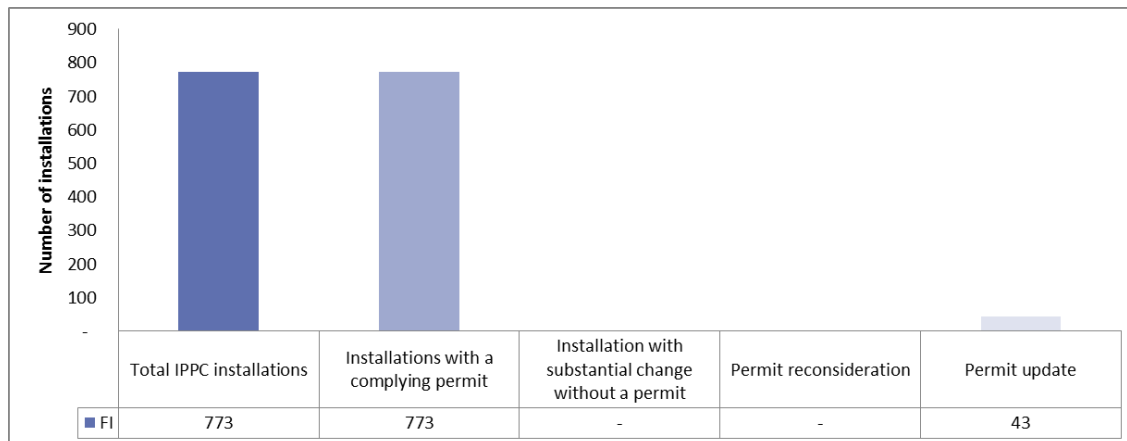
The table below contains the detailed analysis of the responses provided by Finland to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

Table 16: Finland's response – analysis table

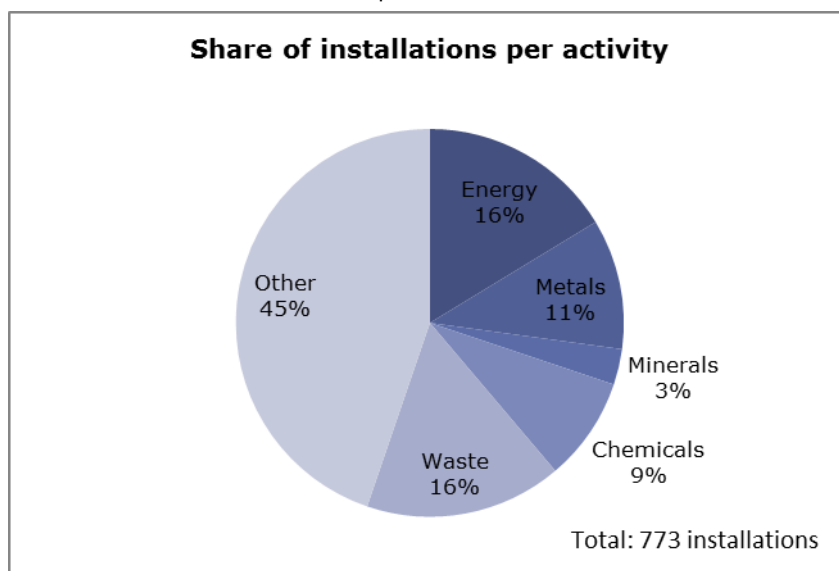
<b>Finland</b>
<b>QUESTION 1 – GENERAL DESCRIPTION</b>
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.
Finland reported no difficulties in implementing the IPPC Directive.
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.

**Finland**

By the end of the reporting period, Finland reported **773 IPPC installations**, of which all held a complying permit. Also in this time 43 permits were updated. No cases of installations with substantial change without valid permits were reported by the Member State.



The sectoral break-down of IPPC installations is presented in the chart below.



2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.

The list of IPPC installations is not publically available in Finland and was submitted along with the Member State response with the requested information for 773 installations (including, the names, location and main activity).

**QUESTION 3 – PERMIT APPLICATIONS**

Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.

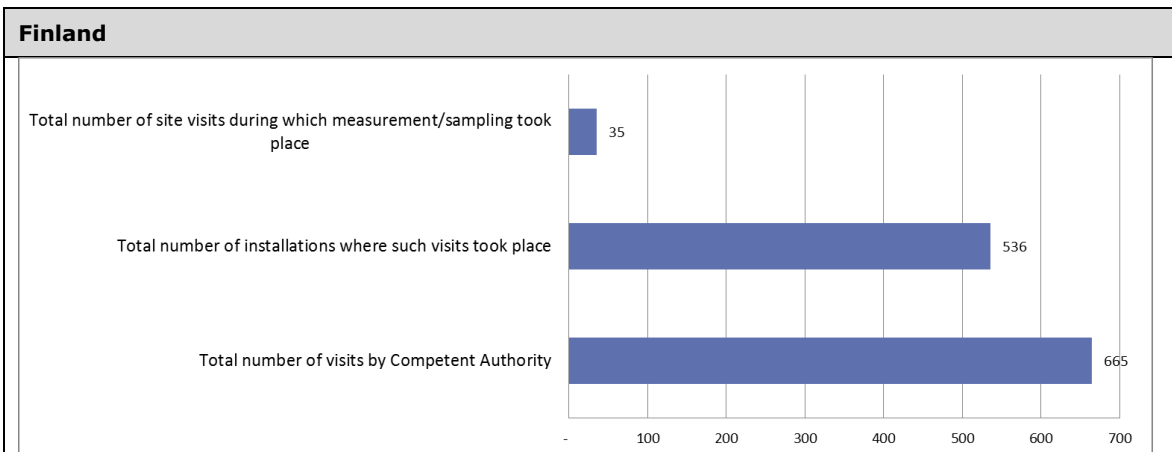
No changes were reported.

**QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)**



<b>Finland</b>
4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.
No changes were reported.
4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.
No difficulty has been reported by Finland.
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
No integrated permit applications were formally refused between 2011 and 2012. There have been no changes since the previous reporting period to the procedure for ensuring that non-complying installations are not granted permits.
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
No changes to the procedures and criteria for setting permit conditions, the general principle for determining BAT or the implementation of Article 9 (4) have been made since the previous reporting period.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes have been reported since the previous reporting period – BREFs are used for setting BAT and concretely for setting permit conditions. Additional requirements for determining BAT are set out in section 37 of the Environmental Protection Decree. The Member State does not provide more detail than this.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u> No changes have been reported since the previous reporting period – environmental management systems are not taken into account when setting permit conditions.
<u>Restoration upon definitive cessation of activities</u> No changes were reported.
<u>Energy efficiency</u> No changes were reported.
<u>Article 9(3) application</u> No changes have been reported since the previous reporting period – the Member State has opted to not use the derogation permitted within Article 9(3).
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
No case has arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.

<b>Finland</b>
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No changes were reported.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
The representative frequency for reconsideration of permit conditions is between 6 and 10 years – this is unchanged since the previous reporting period.
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.
No changes were reported.
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.
Operators in Finland must inform authorities of the results of release monitoring either via email, electronic database or by paper – this is unchanged since the previous reporting period.
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.
Periodic monitoring reports are submitted by all operators annually as well as continuous online reporting - no change since the previous reporting period.
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.
<u>Inspection components</u>
Finland indicated that environmental audits review emissions and the number of incidents (including the causes and subsequent corrective measures taken to address the issue). An inspection report is drawn up to summarise the findings and set out follow-up actions. Guidelines outlining the process for the environmental inspections have been developed by the Ministry of the Environment.
The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that the number of installations visited (536) is lower than the total number of IPPC installations (773) reported by Finland in response to question 2.1. No explanation for this was given by the Member State although one possibility is that the Member State prioritises inspections at installations with a higher environmental risk. On average each IPPC installation visited received one site visit per annum with sampling/ monitoring taking place during 5% of these visits.



Accidents, incidents and non-compliance

Finland indicated that where an accident or incident has occurred an investigation is conducted, taking into consideration the type and amount of emissions, the mitigation measures in place, and the effects of pollution. The operator must then draft corrective measures to remedy the situation, along with a monitoring plan to ensure compliance which may include inspection visits or sampling.

<b>Finland</b>
<b>QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)</b>
Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.
Finland reported no instance of the use of Article 18 during the reporting period.
<b>QUESTION 11 – GENERAL OBSERVATIONS</b>
11.1. Are there any particular implementation issues that give rise to concerns in your Member State?
No implementation issues were raised by the Member State.
11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?
No further observations were made in the questionnaire response.
<b>SUMMARY OF CHANGES AND CONCLUSIONS</b>
By the end of the reporting period, Finland reported <b>773 IPPC installations</b> , of which all held a complying permit. Also in this time 43 permits were updated. No cases of installations with substantial change without valid permits were reported by the Member State. Finland reported no difficulties in implementing the IPPC Directive.
<u>General description and legislation</u>
There have been no changes to the reporting requirements or legislation since the previous reporting period.
<u>Refusing permit applications</u>
No integrated permit applications were refused between 2011 and 2012.
<u>Inspection and enforcement</u>
Data for installations and sites visited for Finland are as follows:
<ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 665</li> <li>▪ Total number of installations where such visits took place: 536</li> <li>▪ Total number of visits by Competent Authorities: 35</li> </ul>

## 1.10 France

### 1.10.1 Analysis of the completeness

Table 17: *Completeness assessment of responses reported by France – IPPC Directive*

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
b			

			c		
			d		
Environmental Quality Standards	6				
Changes to installations	7				
Reconsideration and updating of permit conditions	8		8.1		
			8.2		
			8.3		
Compliance with permit conditions	9		9.1		
			9.2		
	9.3		1		
			2		
			3		
			4		
			5		
Transboundary cooperation	10				
General observations	11		11.1		
			11.2		

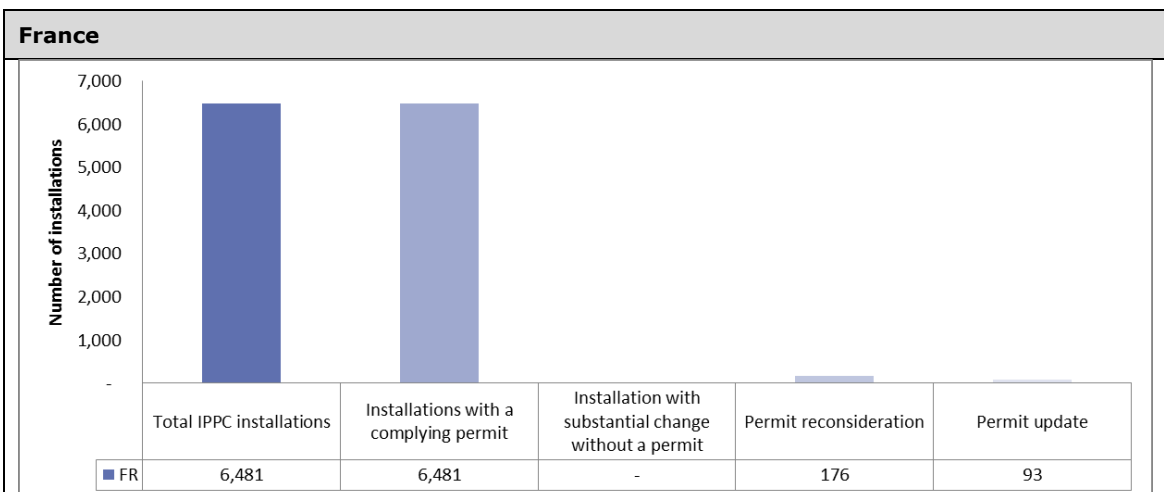
France has submitted a complete response to the questionnaire.

### 1.10.2 Analysis of France's response

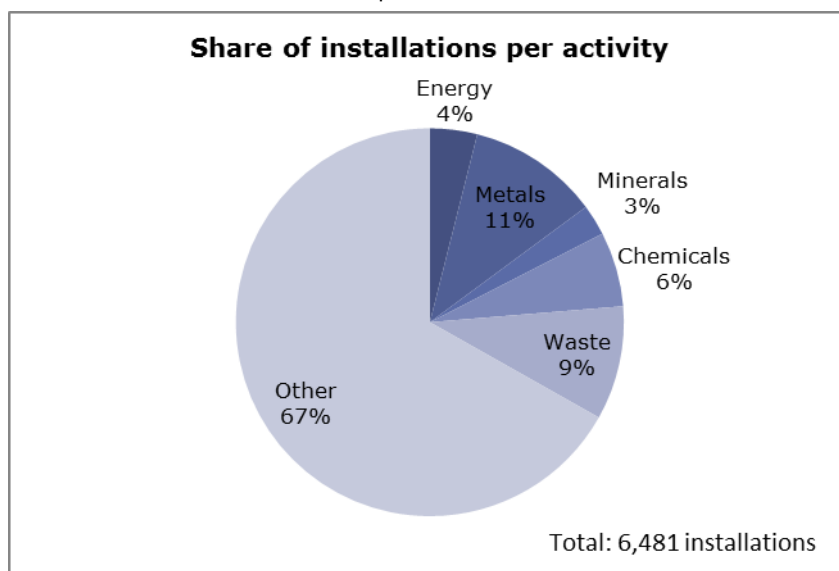
The table below contains the detailed analysis of the responses provided by France to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

*Table 18: France's response – analysis table*

<b>France</b>
<b>QUESTION 1 – GENERAL DESCRIPTION</b>
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.
France reported no difficulties in implementing the IPPC Directive.
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.
By the end of the reporting period, France reported <b>6,481 IPPC installations</b> , of which all held a complying permit. No cases of installations with substantial change without permits were reported by the Member State. Of the total number of IPPC installations, 176 (3%) were reconsidered, and 93 were updated.



The sectoral break-down of IPPC installations is presented in the chart below.



2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.

The list of IPPC installations is publicly available via a database on the following web link, <http://www.installationsclassees.developpement-durable.gouv.fr/rechercheICForm.php>. The database includes the name and address for all permit applications and renewals, as well as details concerning the main activities. Details are available for a total of 53,075 applications – this is much higher than the number of IPPC installations because it refers to the number of permit applications rather than the number of installations and multiple permits may be issued for one installation.

**QUESTION 3 – PERMIT APPLICATIONS**

Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.

No changes were reported.

**QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)**

<b>France</b>
4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.
No changes were reported.
4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.
No difficulty has been reported by France as only one competent authority is involved in the permitting procedure and setting of conditions, and thus there is no need for coordination.
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
There is no information available concerning the number of permits refused; however, France reported that it is expected to be very small as operators typically withdraw their application if there is a risk of refusal.
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
No changes to the procedures and criteria for setting permit conditions, the general principle for determining BAT or the implementation of Article 9 (4) have been made since the previous reporting period.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes have been reported since the previous reporting period – BREFs are used for setting BAT and permit conditions.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u> No changes have been reported since the previous reporting period – environmental management systems are not taken into account in the legislation, although the competent authority may refer to them when setting conditions.
<u>Restoration upon definitive cessation of activities</u> No changes were reported.
<u>Energy efficiency</u> No changes were reported.
<u>Article 9(3) application</u> No changes have been reported since the previous reporting period – the Member State has opted to not use the derogation permitted within Article 9(3).
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
France reported that there have often been cases in the reporting period where BAT were not sufficient to satisfy an environmental quality standard during the reporting period; however these are not monitored at national level and so no information was available concerning the number of cases or detail. France added

<b>France</b>
that in such cases, if the impact on the surrounding environment is such that BAT are not sufficient to ensure compliance with environmental quality standards, more stringent provisions will be applied in order to ensure that these standards are met, for example include measures limiting production.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No changes have been reported since the previous reporting period and the frequency for reconsideration and updating of permit conditions continues to be covered under national legislation.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
The representative frequency for reconsideration of permit conditions is between 6 and 10 years, and must be at least once every 10 years – this is unchanged since the previous reporting period.
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.
No changes were reported.
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.
Operators in France must inform authorities of the results of release monitoring either via email, electronic database or by paper – as per the previous reporting period.
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.
Periodic monitoring reports are submitted by all operators. The frequency of the measurements varies for each installation. For each pollutant, minimum frequencies may be established in the ministerial decrees regarding minimum requirements. There has been no change since the previous reporting period.
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.
<u>Inspection components</u>
No changes were reported to the main environmental inspection components.
The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that the number of IPPC installations visited is less than the total number of installations given in response to question 2.1 (66% of IPPC installations were visited). The reason for this was provided by the Member State in the previous reporting period in which it reported that inspections are carried out on an annual basis for priority installations and at least once every three years for other installations. However, it is not clear from the response given which establishments are considered as the



<b>France</b>									
<p>'priority' ones. On average each IPPC installation visited received two site visits per annum with sampling/ monitoring taking place during 40% of these visits.</p>									
<table border="1"> <thead> <tr> <th>Category</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Total number of site visits during which measurement/sampling took place</td> <td>3,303</td> </tr> <tr> <td>Total number of installations where such visits took place</td> <td>4,263</td> </tr> <tr> <td>Total number of visits by Competent Authority</td> <td>8,304</td> </tr> </tbody> </table>		Category	Value	Total number of site visits during which measurement/sampling took place	3,303	Total number of installations where such visits took place	4,263	Total number of visits by Competent Authority	8,304
Category	Value								
Total number of site visits during which measurement/sampling took place	3,303								
Total number of installations where such visits took place	4,263								
Total number of visits by Competent Authority	8,304								
<p><u>Accidents, incidents and non-compliance</u></p> <p>There has been no change reported in the types of penalties that can be imposed following accidents, incidents and non-compliance.</p>									
<p><b>QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)</b></p>									
<p>Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.</p>									
<p>In France, Article 18 is transposed into the national legislation by Article R. 122-10 of the Environment Code. Where a project is expected to affect the environment in another Member State, the procedure requires the competent authority to open a public enquiry and send a copy of it along with a summary of the impact assessment to the other Member State in question inviting them to participate. An example of how this was used in the reporting period was included in the French response. A permit request to operate a new boiler by Arkema in Saint-Avold was received. Since the public enquiry affected the territory of the municipality of Lauterbach (Sarrelouis, Germany), the permit request file, together with a non-technical summary translated into German, were sent to the Minister for the Environment of Sarrelouis.</p>									
<p><b>QUESTION 11 – GENERAL OBSERVATIONS</b></p>									
<p>11.1. Are there any particular implementation issues that give rise to concerns in your Member State?</p>									
<p>No implementation issues were raised by the Member State.</p>									
<p>11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?</p>									
<p>An additional comment was included stating that the legislative response included in the implementation report were correct for the reporting period, however several of these have been modified and consolidated with the transposition of the Directive 2010/75/EU.</p>									
<p><b>SUMMARY OF CHANGES</b></p>									
<p>By the end of the reporting period, France reported <b>6,481 IPPC installations</b>, of which all held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. Of the total number of IPPC installations, 176 (3%) were reconsidered, and 93 were updated. France reported no difficulties in implementing the IPPC Directive.</p>									
<p><u>General description and legislation</u></p> <p>There have been no changes to the reporting requirements or legislation since the previous reporting period.</p>									
<p><u>Refusing permit applications</u></p> <p>There is no information available concerning the number of permits refused; however, it is expected to be very small as operators typically withdraw their application if there is a risk of refusal.</p>									
<p><u>Inspection and enforcement</u></p> <p>Data for installations and sites visited for France are as follows:</p> <ul style="list-style-type: none"> <li>Total number of site visits during which measurements/ sampling took place: 3,303</li> </ul>									

France
<ul style="list-style-type: none"> <li>▪ Total number of installations where such visits took place: 4,263</li> <li>▪ Total number of visits by Competent Authorities: 8,304</li> </ul> <p><u>Transboundary cooperation</u></p> <p>France continues to make use of Article 18. Where a project may have environmental consequences for another Member State, the competent authority is required to open a public enquiry and send a copy of it with a summary of the impact assessment to the Member State in question.</p>

## 1.11 Germany

### 1.11.1 Analysis of the completeness

*Table 19: Completeness assessment of responses reported by Germany – IPPC Directive*

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
		b	
		c	
Environmental Quality Standards	6		
Changes to installations	7		
Reconsideration and updating of permit conditions	8	8.1	
		8.2	
		8.3	
Compliance with permit conditions	9	9.1	
		9.2	
	9.3	1	
		2	
		3	
		4	
		5	
Transboundary cooperation	10		
General observations	11	11.1	
		11.2	

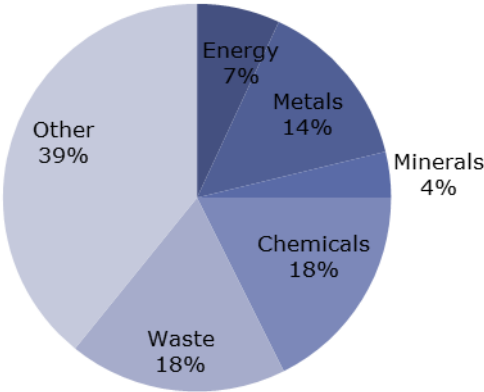
Germany has submitted a complete response to the questionnaire.

### 1.11.2 Analysis of Germany's response

The table below contains the detailed analysis of the responses provided by Germany to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

Table 20: Germany's response – analysis table

Germany													
<b>QUESTION 1 – GENERAL DESCRIPTION</b>													
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.													
Germany reported ongoing difficulties arising in achieving competent, adequate and uniform implementation across the different Länder in a period of financial hardship.													
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>													
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.													
By the end of the reporting period, Germany reported <b>9,678 IPPC installations</b> , of which 99.9% held a compliant permit (all but ten of the installations). No explanation was provided by the Member State as to why these installations do not hold a complying permit (this information was not requested by the questionnaire); however, given that no permits were refused during the reporting period it is likely that these installations no longer require permits (see question 4.3). The Member State reported 24 installations with substantial change without a valid permit in this period. Of the total number of IPPC installations, 3,690 (38%) were reconsidered, and 690 were updated.													
<table border="1"> <thead> <tr> <th>Category</th> <th>Number of installations</th> </tr> </thead> <tbody> <tr> <td>Total IPPC installations</td> <td>9,678</td> </tr> <tr> <td>Installations with a complying permit</td> <td>9,668</td> </tr> <tr> <td>Installation with substantial change without a permit</td> <td>24</td> </tr> <tr> <td>Permit reconsideration</td> <td>3,690</td> </tr> <tr> <td>Permit update</td> <td>690</td> </tr> </tbody> </table>		Category	Number of installations	Total IPPC installations	9,678	Installations with a complying permit	9,668	Installation with substantial change without a permit	24	Permit reconsideration	3,690	Permit update	690
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<b>Germany</b>															
	<p><b>Share of installations per activity</b></p>  <table border="1" style="margin-left: auto; margin-right: auto;"> <caption>Share of installations per activity</caption> <thead> <tr> <th>Activity</th> <th>Share (%)</th> </tr> </thead> <tbody> <tr> <td>Other</td> <td>39%</td> </tr> <tr> <td>Waste</td> <td>18%</td> </tr> <tr> <td>Chemicals</td> <td>18%</td> </tr> <tr> <td>Metals</td> <td>14%</td> </tr> <tr> <td>Energy</td> <td>7%</td> </tr> <tr> <td>Minerals</td> <td>4%</td> </tr> </tbody> </table> <p>Total: 9,678 installations</p>	Activity	Share (%)	Other	39%	Waste	18%	Chemicals	18%	Metals	14%	Energy	7%	Minerals	4%
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<p>2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.</p>															
<p>There is no consolidated list of IPPC installations for Germany as they are listed according to the Länder in which they are located. The list of IPPC installations is publicly available for Brandenburg and Bayern:</p> <ul style="list-style-type: none"> <li>▪ Brandenburg: <a href="http://www.lugv.brandenburg.de/cms/detail.php/bb1.c.363209.de">http://www.lugv.brandenburg.de/cms/detail.php/bb1.c.363209.de</a>;</li> <li>▪ Bayern: <a href="http://www.regierung.oberbayern.bayern.de/aufgaben/umwelt/tumwelt/09594/">http://www.regierung.oberbayern.bayern.de/aufgaben/umwelt/tumwelt/09594/</a>;  <a href="http://www.regierung.schwaben.bayern.de/Aufgaben/Bereich_5/Bereich_5.php?PFAD=/index.php/index2.php">http://www.regierung.schwaben.bayern.de/Aufgaben/Bereich_5/Bereich_5.php?PFAD=/index.php/index2.php</a>; <a href="http://www.regierung.niederbayern.bayern.de/aufgabenbereiche/5u/ierichtlinie/">http://www.regierung.niederbayern.bayern.de/aufgabenbereiche/5u/ierichtlinie/</a>;  <a href="http://www.regierung.mittelfranken.bayern.de/aufg_abt/abt8/abt84010_EU-Rili_Industrieemissionen.htm">http://www.regierung.mittelfranken.bayern.de/aufg_abt/abt8/abt84010_EU-Rili_Industrieemissionen.htm</a>;  <a href="https://www.regierung.unterfranken.bayern.de/aufgaben/6/uebersicht.html">https://www.regierung.unterfranken.bayern.de/aufgaben/6/uebersicht.html</a>;  <a href="http://www.regierung.oberpfalz.bayern.de/leistungen/umwelt/index.htm">http://www.regierung.oberpfalz.bayern.de/leistungen/umwelt/index.htm</a>;  <a href="http://www.regierung.oberfranken.bayern.de/umwelt/umweltinformationen/anlagenueberwachung/ueberwachungsplaene.php#immissionsschu">http://www.regierung.oberfranken.bayern.de/umwelt/umweltinformationen/anlagenueberwachung/ueberwachungsplaene.php#immissionsschu</a></li> </ul> <p>The lists of IPPC installations for the following Länder are not publicly available and were submitted as part of the Member State response: Berlin, Bremen, Baden-Württemberg, Hamburg, Hessen, Mecklenburg-Vorpommern, Niedersachsen, Nordrhein-Westfalen, Rhineland-Pfalz, Saarland, Sachsen-Anhalt, Schleswig-Holstein, and Thüringen.</p>															
<b>QUESTION 3 – PERMIT APPLICATIONS</b>															
<p>Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.</p>															
<p>No changes were reported.</p>															
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>															
<p>4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.</p>															
<p>No changes were reported.</p>															
<p>4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.</p>															

<b>Germany</b>
For most Lander, no difficulty has been reported by Germany as usually only one competent authority is involved in the permitting procedure and setting of conditions, and thus there is no need for coordination. In other Lander, where several stakeholders are involved, Germany indicated that to avoid delays, the competent authority facilitates communication e.g. by setting meetings for all those involved to attend.
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
No integrated permit applications were formally refused between 2011 and 2012. There have been no changes since the previous reporting period to the procedure for ensuring that non-complying installations are not granted permits.
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
No changes were reported to the procedures and criteria for setting permit conditions, the general principle for determining BAT or the implementation of Article 9 (4) have been made since the previous reporting period.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes have been reported since the previous reporting period – BREFs are used for setting BAT and concretely for permit conditions. In addition, the Member State has reported that a committee of experts is involved in the process of determining BAT.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u> No changes have been reported since the previous reporting period – environmental management systems are taken into account in the legislation.
<u>Restoration upon definitive cessation of activities</u> No changes were reported.
<u>Energy efficiency</u> No changes were reported.
<u>Article 9(3) application</u> No changes have been reported since the previous reporting period – the Member State has opted to use the derogation permitted within Article 9(3).
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
The Member State responded that there have been cases in the reporting period where BAT were not sufficient to satisfy an environmental quality standard during the reporting period although no examples were provided.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have

<b>Germany</b>
significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No changes have been reported since the previous reporting period and the frequency for reconsideration and updating of permit conditions continues to be covered under national legislation. The legislation (paragraph 52(1) of the Federal Pollution Control Act) requires that IPPC installations and their permits are reviewed regularly and as required (i.e. in the event of a change). Further, the Member State reported that more stringent frequencies can be included at regional level.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
The representative frequency for reconsideration of permit conditions is at least once every 5 years – this is unchanged since the previous reporting period.
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.
No changes were reported.
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.
Operators in Germany must inform authorities of the results of release monitoring either via email, electronic database or by paper. In most Länder there have been no changes to the relevant regulations since the previous reporting period; two exceptions are Hamburg and Schleswig-Holstein, as follows: <ul style="list-style-type: none"> <li>▪ Hamburg Waste Water Act [Hamburgisches Abwassergesetz - HmbAbwG], amended on 17 December 2013 (Hamburg Law Gazette, p. 540, 542).</li> <li>▪ Order on the self-monitoring of waste water treatment installations and waste water discharges [Selbstüberwachungsverordnung - SüVO] of 19 December 2011 (Official Gazette 2012, 105).</li> </ul>
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.
Periodic monitoring reports are submitted by all operators. The frequency varies for each installation and by Länder.
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.
<u>Inspection components</u>
No changes were reported to the main environmental inspection components.
There is no numerical data concerning visits made by competent authorities to IPPC installations and samples taken since 2003. Germany provided data from 2003 as an indication in light of the lack of data for the current reporting period: <ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 11,836</li> <li>▪ Total number of installations where such visits took place: 6,369</li> </ul>

<b>Germany</b>
<ul style="list-style-type: none"> <li>▪ Total number of visits by Competent Authorities: 0 (experts are responsible for conducting the site visits rather than the competent authorities)</li> </ul> <p><u>Accidents, incidents and non-compliance</u></p> <p>The Member State has responded that no information was available concerning the types of penalties that may be imposed.</p>
<b>QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)</b>
<p>Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.</p> <p>Germany has continued to make use of Article 18 but remarks no change in the application procedure, which varies by Länder. For example, in Bavaria, representatives from the respective Member State government departments consult with one another in a series of hearings as part of the approval procedure, as occurred in response to plans for an Austrian company to build a new CCGT plant with a once-through cooling system at a location on the River Salzach (German-Austrian border).</p>
<b>QUESTION 11 – GENERAL OBSERVATIONS</b>
<p>11.1. Are there any particular implementation issues that give rise to concerns in your Member State?</p> <p>No implementation issues were raised by the Member State.</p>
<p>11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?</p> <p>Germany added that in some federal states, the regulatory change from the IPPC Directive to the IED, in May 2013, also entailed the conversion of the corresponding state laws, orders, guidance and other provisions. For this reason, some information in the report is no longer provided in accordance with the IPPC Directive, but on the basis of the IED.</p>
<b>SUMMARY OF CHANGES AND CONCLUSIONS</b>
<p>By the end of the reporting period, Germany reported 9,678 IPPC installations, of which 99.9% held a complying permit (all but ten of the installations). The Member State reported 24 installations with a substantial change without a permit in this period. Of the total number of IPPC installations, 3,690 (38%) were reconsidered, and 690 were updated.</p> <p>Germany reported ongoing difficulties arising from trying to achieve competent, adequate and uniform implementation across the different Länder in a period of financial hardship.</p> <p><u>General description and legislation</u></p> <p>There have been no changes to the reporting requirements or legislation since the previous reporting period.</p> <p><u>Environmental quality standards</u></p> <p>There have been cases where BAT were not sufficient to satisfy an environmental quality standard during the reporting period. No examples from the current reporting period are provided, rather the response refers back to the previous report.</p> <p><u>Permit conditions</u></p> <p>In most Länder there have been no changes to the relevant regulations since the previous reporting period; two exceptions are Hamburg and Schleswig-Holstein, as follows:</p> <ul style="list-style-type: none"> <li>▪ Hamburg Waste Water Act [Hamburgisches Abwassergesetz - HmbAbwG], amended on 17 December 2013 (Hamburg Law Gazette, p. 540, 542).</li> <li>▪ Order on the self-monitoring of waste water treatment installations and waste water discharges [Selbstüberwachungsverordnung - SüVO] of 19 December 2011 (Official Gazette 2012, 105).</li> </ul> <p><u>Refusing permit applications</u></p> <p>No integrated permit applications were formally refused between 2011 and 2012.</p> <p><u>Inspection and enforcement</u></p> <p>There is no numerical data concerning visits made by competent authorities to IPPC installations and samples taken since 2003.</p> <p><u>Transboundary cooperation</u></p>

**Germany**

Germany continues to make use of Article 18. The procedures are determined at a Länder level and no changes were reported.

**1.12 Greece****1.12.1 Analysis of the completeness**

*Table 21: Completeness assessment of responses reported by Greece – IPPC Directive*

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
		b	
		c	
		d	
	Environmental Quality Standards	6	
Changes to installations	7		
Reconsideration and updating of permit conditions	8	8.1	
		8.2	
		8.3	
Compliance with permit conditions	9.1		
	9.2	1	
		2	
		3	
		4	
Transboundary cooperation	10		
General observations	11	11.1	
		11.2	

Greece has submitted a complete response to the questionnaire.

**1.12.2 Analysis of Greece's response**

The table below contains the detailed analysis of the responses provided by Greece to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.



Table 22: Greece's response – analysis table

Greece													
<b>QUESTION 1 – GENERAL DESCRIPTION</b>													
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.													
<p>Greece reported difficulties arising from a lack of adequately trained staff (due in part to staff turnover, other internal competing priorities, and financial constraints).</p> <p>New provisions were introduced under Law No 4041/11 (Government Gazette, Series I, No 209) to overcome this issue by standardising the environmental permitting process in order to simplify the permitting process and reduce the staff time required. The provisions establish a single directorate for issuing environmental permits (the Ministry of Environment, Energy and Climate Change) along with an electronic environmental register for electronic reporting. The legislation also recommends that a register of certified evaluators of environmental impact assessments and a register of environmental auditors are created.</p>													
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>													
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.													
<p>By the end of the reporting period, Greece reported <b>437 IPPC installations</b>, of which all but 18 held a complying permit. No reason was provided by the Member State to explain why 18 installations do not have a complying permit (this information was not requested by the questionnaire). The Member State reported six installations with substantial change without a valid permit in this period. Of the total number of IPPC installations, 51 installations were reconsidered, 19 were updated.</p>													
<table border="1"> <thead> <tr> <th>Activity</th> <th>Number of installations</th> </tr> </thead> <tbody> <tr> <td>Total IPPC installations</td> <td>437</td> </tr> <tr> <td>Installations with a complying permit</td> <td>419</td> </tr> <tr> <td>Installation with substantial change without a permit</td> <td>6</td> </tr> <tr> <td>Permit reconsideration</td> <td>51</td> </tr> <tr> <td>Permit update</td> <td>19</td> </tr> </tbody> </table>		Activity	Number of installations	Total IPPC installations	437	Installations with a complying permit	419	Installation with substantial change without a permit	6	Permit reconsideration	51	Permit update	19
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<b>Greece</b>															
	<p><b>Share of installations per activity</b></p> <table border="1" style="margin-left: auto; margin-right: auto;"> <caption>Share of installations per activity</caption> <thead> <tr> <th>Activity</th> <th>Share (%)</th> </tr> </thead> <tbody> <tr> <td>Other</td> <td>36%</td> </tr> <tr> <td>Waste</td> <td>19%</td> </tr> <tr> <td>Minerals</td> <td>16%</td> </tr> <tr> <td>Metals</td> <td>13%</td> </tr> <tr> <td>Chemicals</td> <td>8%</td> </tr> <tr> <td>Energy</td> <td>8%</td> </tr> </tbody> </table> <p>Total: 437 installations</p>	Activity	Share (%)	Other	36%	Waste	19%	Minerals	16%	Metals	13%	Chemicals	8%	Energy	8%
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<p>2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.</p>															
<p>The list of IPPC installations in Greece is publicly available, <a href="http://www.ypeka.gr/LinkClick.aspx?fileticket=UxcnJ6o56V8%3D&amp;tabid=804&amp;language=el-GR">http://www.ypeka.gr/LinkClick.aspx?fileticket=UxcnJ6o56V8%3D&amp;tabid=804&amp;language=el-GR</a>. The list includes 436 installations. No explanation is provided by the Member State to explain this difference of one compared to the number reported under the previous question.</p>															
<b>QUESTION 3 – PERMIT APPLICATIONS</b>															
<p>Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.</p>															
<p>In Greece, operators are required to submit an environmental impact assessment together with the permit application. In 2013, amendments to the environmental permitting procedure were adopted so that permit applications, and the environmental impact assessment must be examined for completeness (as stipulated by Joint Ministerial Decision (JMD) 167563/EYPE/2012, replacing JMD 11014/03). If any information is missing, the application is returned to the operator with a written explanation outlining what needs to be completed.</p>															
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>															
<p>4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.</p>															
<p>No changes were reported.</p>															
<p>4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.</p>															
<p>Greece reported that coordination of the permitting process was satisfactory, although there were a few delays in completing the process caused by the length of time required by the competent authorities involved to provide their opinion on the permit conditions.</p> <p>The environmental permitting procedure is set out in Law No 4014/11 (Articles 3 and 4) with additional details specified in JMD 167563/EYPE/13 (Articles 4 and 5) which replaced JMD 11014/03 (Articles 4 and 7). Greece reported that the additional provisions adopted under JMD 167563/EYPE/13 now includes a standard consultation document to ensure that the competent authority's opinion is expressed in a clear and standard manner.</p>															

<b>Greece</b>
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
No integrated permit applications were formally refused between 2011 and 2012. New provisions concerning the permitting application process were introduced under Law No 4014/11 (see question 3 above) whereby an EIA must be submitted with the permit application. The competent environmental authority is responsible for evaluating the EIA and can refuse the environmental terms of a permit application.
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
Greece reported that new text defining how the emission limit values and technical measures should be applied (based on BAT without prescribing the use of a specific technique or technology) has been adopted (JMD 48963/12). No changes to the provisions outlined in the previous reporting period for the procedures and criteria for setting permit conditions, the general principle for determining BAT or the implementation of Article 9 (4) are reported.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes have been reported since the previous reporting period – BREFs are taken into account to the greatest extent possible for setting BAT and permit conditions.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u> No changes have been reported since the previous reporting period – environmental management systems are taken into account in the legislation.
<u>Restoration upon definitive cessation of activities</u> In addition to the provisions outlined in the previous reporting period, conditions for the following activities were introduced under Law No 4014/11: <ul style="list-style-type: none"> <li>▪ for the use of machinery;</li> <li>▪ the removal and use of raw and auxiliary materials and products;</li> <li>▪ the removal and proper management of all waste;</li> <li>▪ the restoration of potential damage to the environment; and</li> <li>▪ the restoration of the natural environment.</li> </ul>
<u>Energy efficiency</u> No changes were reported.
<u>Article 9(3) application</u> No changes have been reported since the previous reporting period – the Member State has opted to use the derogation permitted within Article 9(3).
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
There have been no cases in the reporting period where BAT were not sufficient to satisfy an environmental quality standard during the reporting period. However, an example where BAT was insufficient from the previous reporting period was provided on the basis that it was mistakenly omitted before. The case

<b>Greece</b>
involved an installation in Asopos where additional measures were needed to restore good quality water status in the neighbouring freshwater body. The additional measures included stricter emission limits and additional measures for monitoring the quality of the wastewater emitted by the installation (JMD 20488/2010).
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
<ul style="list-style-type: none"> <li>▪ In the event of the modernisation, extension, improvement or other amendment to projects or activities with an environmental permit, the operator is required to submit an amendment file for approval by the competent environmental authority (stipulated by Article 6 of Law No 4014/11). The competent authorities then decide, on the basis of the monitoring and assessment of the file, to what extent 'the change in operation' constitutes a 'substantial change'. The assessment is based on the likeliness of the change to have significant negative consequences on the environment.</li> <li>▪ Greece indicated that in case there is a substantial change, an Environmental Impact Study file must be submitted and the procedure (set out in Articles 3 and 4 of Law No 4014/11) must be followed in order for new environmental conditions to be imposed in the permit.</li> </ul>
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
The frequency for reconsideration and updating of permit conditions is stipulated in the national legislation, Articles 2 and 8 of Law No 4014/11.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
The representative frequency for reconsideration of permit conditions is between 6 and 10 years. The Member State indicated in its response that should the permit relate to activities applying an EMAS Environmental Management System, the validity of the permit (known as the Decision Approving Environmental Conditions) would be extended for another 4 years, or for 2 years (should it relate to projects and activities applying Environmental Management System ISO 14001 or a similar system).
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.
Greece indicated that the reconsideration and updating of the permit terms follows a determined process: a) submitting, to the competent authority, an environmental study to renew or alter the conditions, b) formal compliance check, c) publication of the reconsideration, d) evaluation of the environmental study (as referred to in point 'a'), and e) issuing a new or amending an existing permit. If, during the evaluation of the study, the competent service decides that, due to differences, there has been a substantial change in environmental impacts from the operation of the project or activities, a complete Environmental Impact Study must be submitted (relevant legislation: Law No 4014/11 (Article 6); JMD 11014/03 (Article 13); JMD 167563/EYPE/13 (Article 7); JMD 36060/13 (Article 17)).
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.
Operators in Greece must inform authorities of the results of release monitoring by paper.
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.

**Greece**

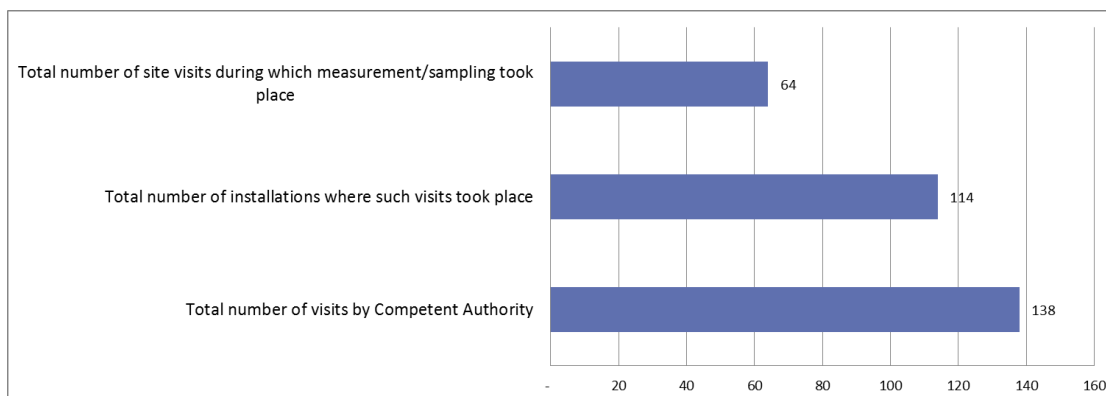
Periodic monitoring reports are submitted by all operators on an annual basis, or on a case by case basis (relevant legislation: Law No 4014/11 (Article 11(5c) and (6c)); JMD 11014 (Article 12); JMD 48963/2012 (Annex B.II(1d)).

9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.

Inspection components

No changes were reported to the main environmental inspection components.

The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that the number of IPPC installations visited is significantly lower than the total number of IPPC installations reported in question 2.1 (26% of the total installations reported were visited). No reason was provided by the Member State to explain this although one possibility is that the Member State prioritises inspections at installations with a higher environmental risk. On average each IPPC installation visited received one site visit per annum with sampling/ monitoring taking place during 46% of these visits.

Accidents, incidents and non-compliance

The types of penalties that may be imposed include fines (recommended to be between €2 and 991,770), action plans to facilitate compliance, or suspension of activity.

**QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)**

Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.

Greece reported no instance of the use of Article 18 during the reporting period.

**QUESTION 11 – GENERAL OBSERVATIONS**

11.1. Are there any particular implementation issues that give rise to concerns in your Member State?

Greece indicated that the capacity threshold for an activity should be specified on an hourly basis (e.g. in t/h) or as a daily average annual value so that plants with low charges would not be subject to the IPPC Directive (to reflect the operating hours of installations). Furthermore, Greece added that a capacity threshold should be introduced for chemical production installations as there are very small capacity plants, even below 5 t/y for whom the burden of complying with the IPPC Directive could be important.

11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?

No further observations related to the implementation of Directive 2010/75/EU were made in the questionnaire response.

**SUMMARY OF CHANGES**

## Greece

By the end of the reporting period, Greece reported **437 IPPC installations**, of which all but 18 held a complying permit. The Member State reported six installations with a substantial change without a permit in this period. Of the total number of IPPC installations, 12% were reconsidered, and 19 were updated.

Greece reported human resource difficulties arising from a lack of adequately trained staff (due in part to staff turnover, other internal competing priorities, and financial constraints). New provisions were introduced under Law No 4041/11 (Government Gazette, Series I, No 209) to overcome this issue by standardising the environmental permitting process.

### General description and legislation

There have mostly been no changes to the reporting requirements and legislation since the previous reporting period with the exception of new GBR text defining how the ELV and technical measures should be applied (based on BAT without prescribing the use of a specific technique or technology) (JMD 48963/12).

### Permit application

A few changes have occurred affecting the permit application process, as follows:

- Operators are required to conduct a completeness assessment to accompany their environmental impact assessments as part of the environmental permitting procedure (as stipulated by Joint Ministerial Decision (JMD) 167563/EYPE/2012, replacing JMD 11014/03).
- Additional conditions apply concerning restoration upon definitive cessation of activities (for the use of machinery, the removal and use of raw and auxiliary materials and products, the removal and proper management of all waste, the restoration of potential damage to the environment, and the restoration of the natural environment) (Law No 4014/11).
- In the case of changes to an installation, the competent authority is responsible for deciding whether or not a new permit application must be made based on the environmental impact study submitted by the operator (Article 6 of Law No 4014/11).

### Environmental quality standards

There have been no cases in the reporting period where BAT were not sufficient to satisfy an environmental quality standard.

### Frequency and process for reconsideration

The frequency for reconsideration can be extended by 2 to 4 years should it relate to projects and activities applying Environmental Management System ISO 14001 or a similar system.

The procedure for reconsideration and updating of the permit terms has changed to incorporate a more standard approach to environmental reporting. If, during the evaluation of the study, the competent service decides that there has been a substantial change in environmental impacts from the operation of the project or activities, a complete Environmental Impact Study must be submitted and the procedure started again (relevant legislation: Law No 4014/11 (Article 6); JMD 11014/03 (Article 13); JMD 167563/EYPE/13 (Article 7); JMD 36060/13 (Article 17)).

### Refusing permit applications

No integrated permit applications were formally refused between 2011 and 2012.

### Inspection and enforcement

Data for installations and sites visited for Greece are as follows:

- Total number of site visits during which measurements/ sampling took place: 64;
- Total number of installations where such visits took place: 114;
- Total number of visits by Competent Authorities: 138.

### General observations

A recommendation was made to establish capacity threshold on an hourly basis (e.g. in t/h) or as a daily average annual value so that plants with low charges will not be subject to this Directive (to reflect the operating hours of installations), as well as to establish a threshold for chemical production installations (as there are very small capacity plants, even below 5 t/y, operating in Greece which are currently not subject to any requirements).

## 1.13 Hungary

### 1.13.1 Analysis of the completeness

Table 23: Completeness assessment of responses reported by Hungary – IPPC Directive

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
		b	
		c	
d			
Environmental Quality Standards	6		
Changes to installations	7		
Reconsideration and updating of permit conditions	8	8.1	
		8.2	
		8.3	
Compliance with permit conditions	9	9.1	
		9.2	
	9.3	1	
		2	
		3	
		4	
5			
Transboundary cooperation	10		
General observations	11	11.1	
		11.2	

Hungary has submitted a complete response to the questionnaire.

### 1.13.2 Analysis of Hungary's response

The table below contains the detailed analysis of the responses provided by Hungary to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

Table 24: Hungary's response – analysis table

Hungary
<b>QUESTION 1 – GENERAL DESCRIPTION</b>

**Hungary**

Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.

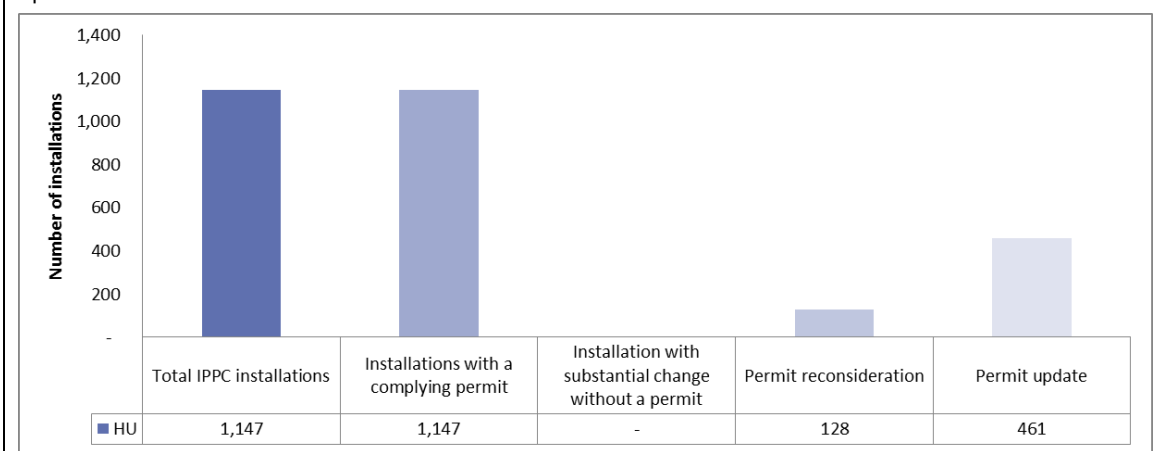
Hungary reported no difficulties in implementing the IPPC Directive.

**QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)**

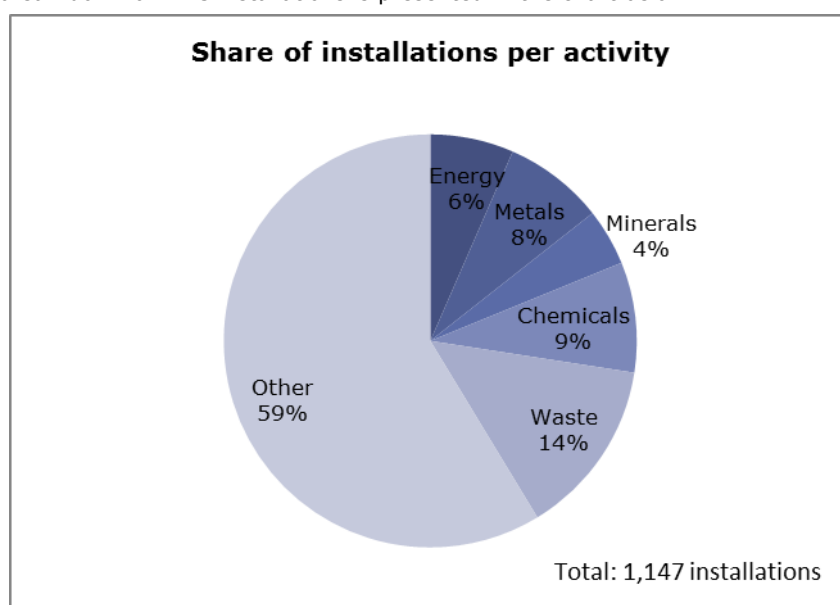
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.

**Question 2.1 – Number of installations**

By the end of the reporting period, Hungary reported **1,147 IPPC installations**, of which all held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. Of the total number of IPPC installations, 128 (11%) were reconsidered and 461 were updated.



The sectoral break-down of IPPC installations is presented in the chart below.



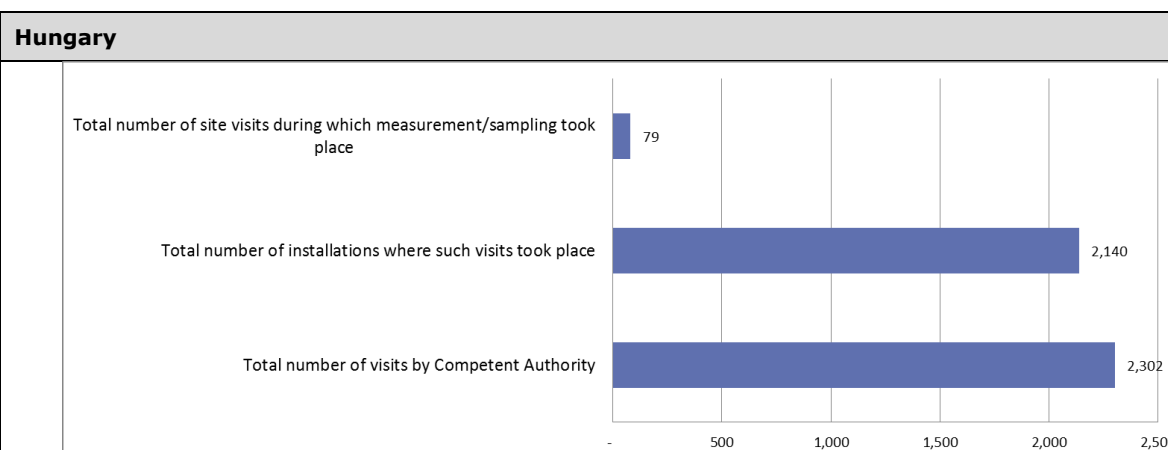
2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.



<b>Hungary</b>
The list of IPPC installations in Hungary is not publically available. A list of 1,084 installations was submitted with the Member State response providing all the requested information (including, the names, location and main activity). No explanation was provided by the Member State as to why this number is different to the one given in response to question 2.1.
<b>QUESTION 3 – PERMIT APPLICATIONS</b>
Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.
No changes were reported.
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>
4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.
No changes were reported.
4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.
No difficulty has been reported by Hungary.
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
Hungary indicated that three integrated permit applications were refused between 2011 and 2012. In two cases the permit application was refused on the grounds of the environmental impact from the activity and that the impact on human health could not be determined. In the third case the permit application for a pig rearing installation was refused due to its environmental impact. The provisions to ensure that non-complying installations are not granted permits are set out in Section 24(9) of the Government Decree No 314/2005 – no changes to note since the previous reporting period.
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
The general rules defining how the emission limit values and technical measures should be applied have not changed since the previous reporting period (Government Decree No 314/2005). However Hungary indicated that its sectoral legislation can include additional provisions pertaining to how the ELV and technical measures should be applied, The following updates to relevant sectoral legislation have been reported by Hungary: <ul style="list-style-type: none"> <li>▪ In relation to limit values for emissions to air, soil and water: Decree No 4/2011 of 14 January 2011 of the Minister for Rural Development on air pollution thresholds and emission ceilings for fixed point sources of air pollutants.</li> <li>▪ In relation to waste management: Act No XLIII/2000 on waste management and the decrees implementing it (replaced as from 1 January 2013 by Act No CLXXXV/2012 on waste).</li> <li>▪ In relation to emission monitoring measures: Decree No 6/2011 of 14 January 2011 of the Minister for Rural Development laying down rules for the examination, monitoring and assessment of air load levels and emissions from fixed sources of air pollution.</li> <li>▪ Prevention of accidents and limiting their consequences: Act No CXXVIII/2011 on protection in the event of disasters.</li> </ul>
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?

<b>Hungary</b>
No changes were reported since the previous reporting period – BREFs are used for setting BAT and permit conditions.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<p><u>Environmental Management System</u></p> <p>No changes were reported since the previous reporting period – environmental management systems are taken into account in the legislation.</p> <p><u>Restoration upon definitive cessation of activities</u></p> <p>Hungary reported that the integrated environmental permits that are issued include conditions relating to the suspension or cessation of the activity on a site. If it is planned to suspend or cease the permitted activity, the conditions specify that the inspectorate must be notified prior to the suspension or cessation of the activity. The following general requirements are typically included in permits:</p> <ul style="list-style-type: none"> <li>▪ Following cessation of activity on all or part of a site where the permitted activity is carried out, the permit holder must, with the agreement of the inspectorate, remove machinery which causes pollution, make the soil, subsoil, structures and buildings and any equipment located in them secure, and ensure the disposal or recovery of stored and treated waste and substances.</li> <li>▪ Ensure that decommissioned buildings and structures are put to new uses or, failing this, that they are removed or demolished, and that treatment appropriate to the nature of the soil in the affected area takes place.</li> <li>▪ Where activity ceases on the whole or part of a site, substances and equipment which could cause air pollution, including odours, must be disposed of in a manner that does not cause harmful pollution of the air or it must be moved from the site.</li> <li>▪ Where activity ceases on the whole or part of a site, all waste present on the site or resulting from equipment that was previously operated on the site must be transferred to a waste treatment operator holding a relevant permit.</li> </ul> <p>Hungary also reports that if the environmental protection requirements relating to cessation are not met, a binding and/or sanctioning procedure may be applied. For example, depending on the installation and the condition of the environment: remediation, provision of a waste water and rainwater drainage system, resolving issues relating to point-source permits, waste disposal / transport, etc.</p> <p><u>Energy efficiency</u></p> <p>Since the previous reporting period, provisions pertaining to energy efficiency are now incorporated within the integrated environmental permit which specifies that the permit holder must continuously aim to improve energy efficiency. The permit holders is required (depending on the technology) to install water and energy consumption metres at all main entry points and to report annually on the amounts used. A historic record of the values submitted is kept, i.e. the energy-use data for the past few years, and are also re-assessed during the five-yearly review.</p> <p><u>Article 9(3) application</u></p> <p>No changes were reported since the previous reporting period – the Member State has opted to not use the derogation permitted within Article 9(3).</p>
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
There have been no cases in the reporting period where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.

<b>Hungary</b>
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
The frequency for reconsideration and updating of permit conditions continues to be covered under national legislation - no changes were reported.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
No changes were reported.
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.
No changes were reported.
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.
Operators in Hungary must inform authorities of the results of release monitoring by paper only. In the previous reporting period operators also had the option to submit data electronically. No explanation is provided by the Member State to explain why this option is no longer available to operators.
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.
Periodic monitoring reports are submitted by all operators on an annual basis, unless specified otherwise. Note that the reporting requirements in Hungary are laid down in sectoral legislation, and amendments in relation to waste management entered into force 1 January 2013 (Government Decree No 440/2012).
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.
<u>Inspection components</u>
The environmental inspection involves an on-the-spot check (during which compliance with the permit and statutory requirements is monitored). Where an inspection involves measurements, compliance with limit values is monitored by the inspectorate body.
The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that the number of installations visited (2,140) is higher than the total number of IPPC installations (1,147) reported by Hungary in response to question 2.1 and that no explanation is provided by the Member State as to why. One explanation could be that the permitted IPPC installation includes multiple facilities and that each facility is reported as one installation.
On average each IPPC installation visited received one site visit per annum with sampling/ monitoring taking place at 3% of these visits.



#### Accidents, incidents and non-compliance

Hungary reported that the types of penalties that may be imposed include: submit a review of their installation; submit an action plan outlining how compliance will be achieved; compliance with the conditions of the permit; pay a fine; restriction, suspension or prohibition of activity; or pay remediation costs.

#### **QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)**

Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.

Greece reported no instance of the use of Article 18 during the reporting period.

#### **QUESTION 11 – GENERAL OBSERVATIONS**

11.1. Are there any particular implementation issues that give rise to concerns in your Member State?

No implementation issues were raised by the Member State.

11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?

No additional observations were made by the Member State.

#### **SUMMARY OF CHANGES**

By the end of the reporting period, Hungary reported **1,147 IPPC installations**, of which all held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. Of the total number of IPPC installations, 128 (11%) were reconsidered and 461 were updated. Hungary reported no difficulties in implementing the IPPC Directive.

##### General description and legislation

No changes were reported.

##### Permit application

Three integrated permit applications were refused between 2011 and 2012 based on the environmental impact of the activity. No changes were reported to the permit application process.

##### Permit conditions

No changes were reported to the general rules defining how the emission limit values and technical measures should be applied. However, amendments were passed to certain sectoral legislation which include additional provisions relating to how the ELV and technical measures should be applied.

Also, additional details are now included in the integrated environmental permit conditions relating to the suspension or cessation of the activity on a site and to energy efficiency.

##### Compliance

Operators in Hungary can inform authorities of the results of release monitoring by paper only.

Periodic monitoring reports are submitted by all operators on an annual basis, unless specified otherwise. Note that the reporting requirements in Hungary are laid down in sectoral legislation, while no changes were reported for the most part, amendments to monitoring of waste management entered into force 1 January 2013 (Government Decree No 440/2012).

**Hungary**

The inspection process involves an on-the-spot check (during which compliance with the permit and statutory requirements is monitored). Where an inspection involves measurements, compliance with limit values is monitored by the inspectorate body.

Inspection and enforcement

Data for installations and sites visited for Hungary are as follows:

- Total number of site visits during which measurements/ sampling took place: 79
- Total number of installations where such visits took place: 2,140
- Total number of visits by Competent Authorities: 2,302

The types of penalties that may be imposed include: submit a review of their installation; submit an action plan outlining how compliance will be achieved; compliance with the conditions of the permit; pay a fine; restriction, suspension or prohibition of activity; or pay remediation costs.

**1.14 Ireland****1.14.1 Analysis of the completeness**

*Table 25: Completeness assessment of responses reported by Ireland – IPPC Directive*

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
		b	
c			
Environmental Quality Standards	6		
Changes to installations	7		
Reconsideration and updating of permit conditions	8	8.1	
		8.2	
		8.3	
Compliance with permit conditions	9	9.1	
		9.2	
	9.3	1	
		2	
		3	
		4	
		5	
Transboundary cooperation	10		
General observations	11	11.1	
		11.2	

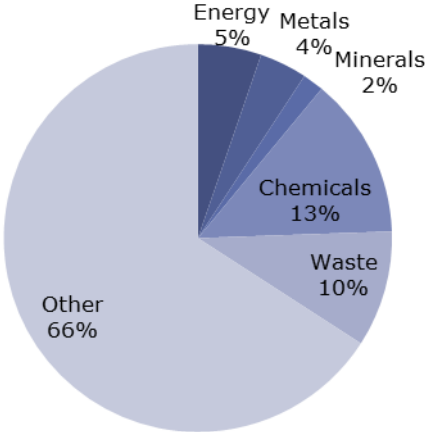
Ireland has submitted a complete response to the questionnaire.

### 1.14.2 Analysis of Ireland's response

The table below contains the detailed analysis of the responses provided by Ireland to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

Table 26: Ireland's response – analysis table

Ireland													
<b>QUESTION 1 – GENERAL DESCRIPTION</b>													
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.													
Ireland reported difficulties in implementing the IPPC Directive due to a lack of resources, in particular for permitting of the pig and poultry installations, urban wastewater discharge authorisations, and the transposition of the IED.													
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>													
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.													
By the end of the reporting period, Ireland reported <b>454 IPPC installations</b> of which all but 18 held a complying permit. No explanation was provided by the Member State as to why 18 installations did not have a complying permit (this information was not requested by the questionnaire). No cases of installations with substantial change without valid permits were reported by the Member State. Of the total IPPC installations, 365 (80%) were reconsidered, and 323 were updated.													
<table border="1"> <thead> <tr> <th>Category</th> <th>Number of installations</th> </tr> </thead> <tbody> <tr> <td>Total IPPC installations</td> <td>454</td> </tr> <tr> <td>Installations with a complying permit</td> <td>436</td> </tr> <tr> <td>Installation with substantial change without a permit</td> <td>-</td> </tr> <tr> <td>Permit reconsideration</td> <td>365</td> </tr> <tr> <td>Permit update</td> <td>323</td> </tr> </tbody> </table>		Category	Number of installations	Total IPPC installations	454	Installations with a complying permit	436	Installation with substantial change without a permit	-	Permit reconsideration	365	Permit update	323
Category	Number of installations												
Total IPPC installations	454												
Installations with a complying permit	436												
Installation with substantial change without a permit	-												
Permit reconsideration	365												
Permit update	323												
The sectoral break-down of IPPC installations is presented in the chart below.													

<b>Ireland</b>															
	<p><b>Share of installations per activity</b></p>  <table border="1" style="margin-left: auto; margin-right: auto;"> <caption>Share of installations per activity</caption> <thead> <tr> <th>Activity</th> <th>Share (%)</th> </tr> </thead> <tbody> <tr> <td>Other</td> <td>66%</td> </tr> <tr> <td>Waste</td> <td>10%</td> </tr> <tr> <td>Chemicals</td> <td>13%</td> </tr> <tr> <td>Energy</td> <td>5%</td> </tr> <tr> <td>Metals</td> <td>4%</td> </tr> <tr> <td>Minerals</td> <td>2%</td> </tr> </tbody> </table> <p>Total: 454 installations</p>	Activity	Share (%)	Other	66%	Waste	10%	Chemicals	13%	Energy	5%	Metals	4%	Minerals	2%
Activity	Share (%)														
Other	66%														
Waste	10%														
Chemicals	13%														
Energy	5%														
Metals	4%														
Minerals	2%														
<p>2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.</p>															
<p>A registry of IPPC installations is publically available via the following web link, <a href="http://www.epa.ie/terminalfour/ippc/index.jsp?disclaimer=yes&amp;Submit=Continue">http://www.epa.ie/terminalfour/ippc/index.jsp?disclaimer=yes&amp;Submit=Continue</a>. As well, a list of 454 IPPC installations was submitted by the Member State.</p>															
<b>QUESTION 3 – PERMIT APPLICATIONS</b>															
<p>Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.</p>															
<p>Amendments were adopted concerning environmental impact assessments for the determination of applications for licences ((Environmental Impact Assessment) (Integrated Pollution Prevention and Control) Regulations 2012).</p>															
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>															
<p>4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.</p>															
<p>No changes were reported.</p>															
<p>4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.</p>															
<p>No difficulty has been reported by Ireland as the Environmental Protection Agency is the only competent authority involved in the permitting procedure and setting of conditions, thus there is no need for coordination.</p>															
<p>4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.</p>															
<p>No integrated permit applications were formally refused between 2011 and 2012. No changes were reported to the general provisions and procedure, as set out under the Environmental Protection Act 1992 (section 83(5)(a)). However, separate criteria are in place for waste installations (albeit similar) and have been amended since the previous reporting period (section 40(4) of the Waste Management Act 1996 as amended in 2013).</p>															

<b>Ireland</b>
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
<p>Ireland indicated that changes concerning the procedures and criteria for setting permit conditions have been made since the previous reporting period to ensure that ELV and technical measures are based on BAT in that new guidance for operators based on the information contained in the BREFs documents has been produced by the competent authority.</p> <p>No changes reported with regards to the implementation of Article 9(4).</p>
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes were reported since the previous reporting period – BREFs are used for determining BAT and concretely for setting permit conditions. In addition to the use of BREFs, the Member State has reported that the competent authority organises technical working groups to contribute to the setting of BAT.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<p><u>Environmental Management System</u></p> <p>No changes were reported since the previous reporting period – environmental management systems are taken into account when setting permit conditions.</p> <p><u>Restoration upon definitive cessation of activities</u></p> <p>Upon cessation of activities (for a period of 6 months or longer), the operator is most commonly required to “decommission, render safe or remove for disposal/ recovery any soil, subsoil, buildings, plant or equipment, or any waste, materials or substances or other matter contained therein or thereon, that may result in environmental pollution” (section 10.1).</p> <p>Guidance was published in 2012 concerning the restoration upon definitive cessation of activities for operators<sup>1</sup>. The guidance sets out the procedure that permit holders must follow upon definitive cessation of activities to ensure the site is returned to a satisfactory condition and no risk of environmental pollution remains.</p> <p><u>Energy efficiency</u></p> <p>No changes were reported.</p> <p><u>Article 9(3) application</u></p> <p>No changes were reported since the previous reporting period – the Member State has opted to not use the derogation permitted within Article 9(3). Energy efficiency audit requirements and the incorporation of audit recommendations into the Environmental Management System are specified within all permits, and the audit frequency varies depending on the sector.</p>
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
In Ireland, BAT were not always sufficient to satisfy an environmental quality standard during the reporting period. Two examples provided by the Member State are as follows:

1

<http://www.epa.ie/pubs/advice/licensee/guidanceonsurrendercessationandclosureoflicensedsites.html>



<b>Ireland</b>
<ul style="list-style-type: none"> <li>▪ Permit P0191-02 (Animal Slaughter Sector)<sup>2</sup>: The ELV set for total ammonia is 4 mg/l while the Irish National BAT associated emission level is 10mg/l. This lower limit was set in order to achieve a 95% environmental quality standard for water with levels of 0.14 mg/l total ammonia. The permit holder is able to achieve this lower ELV through the nitrification and denitrification of the effluent in the on-site waste water treatment plant.</li> <li>▪ P0359-03 (Dairy Sector)<sup>3</sup>: The ELV for total ammonia is set at 1.2mg/l while the Irish National BAT associated emission level is 10mg/l. The lower ELV can be achieved through nitrification and denitrification of the effluent within the on-site waste water treatment plant.</li> </ul>
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No representative frequency is specified in the legislation.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
Permits are reconsidered as and when necessary due to environmental quality standard reasons, thus there is no representative frequency, nor can the difference between installations or sectors be specified.
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.
No changes were reported.
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.
Operators in Ireland must inform authorities of the results of release monitoring via email with the option of using an Excel template. Further, all breaches of ELV must be reported to the Agency as incidents by fax or electronically immediately. Guidance on the content of annual environmental reports (AER) is available on the Agency's website <sup>4</sup> .
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.
Periodic monitoring reports are submitted by all operators annually. Ireland added that some operators are required to submit monitoring reports more frequently; the assessment for this is done on a site by site risk basis and is not sector based.
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the

2

<http://www.epa.ie/pubs/advice/bat/batguidancenotefortheanimalslaughteringsector.html>

<sup>3</sup> <http://www.epa.ie/pubs/advice/bat/batguidancenoteforthedairysector.html>

<sup>4</sup> <http://www.epa.ie/enforcement/how/aer/>

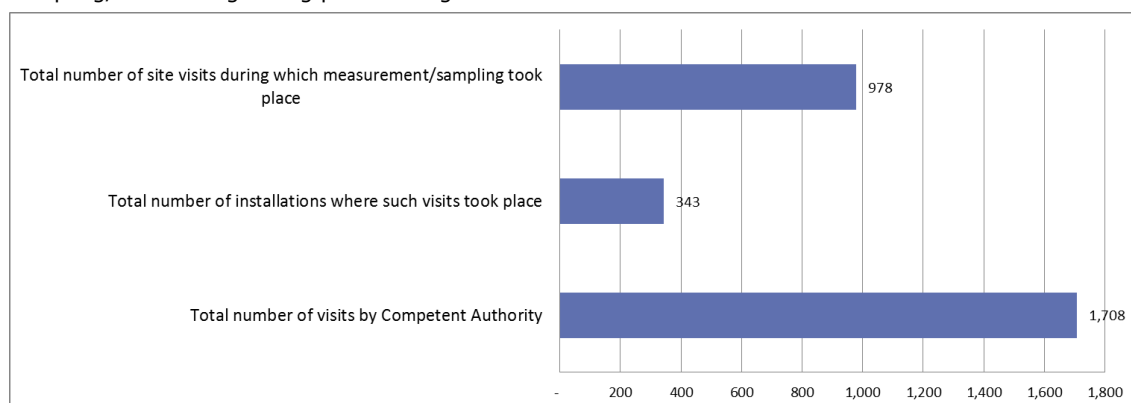
**Ireland**

total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.

Inspection components

An environmental inspection consists of an assessment of the risk of the installation, leading to the development of regional, and sectoral specific national plans. A site visit plan based on these risks, site specific issues and industrial sectoral issues is established. Site visits to check compliance status and take emissions samples are conducted at a frequency based on the site risk. Reports and monitoring data are reviewed as submitted in accordance with licence compliance. These plans are reviewed annually.

The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that only 75% of the total IPPC installations reported in question 2.1 were visited. No reason was provided by the Member State to explain why all installations were not visited although one explanation may be that the Member State prioritises inspections at installations with a higher environmental risk. On average each IPPC installation visited received five site visits per annum with sampling/ monitoring taking place during 57% of these visits.

Accidents, incidents and non-compliance

Ireland reported that sanctions vary from non-compliance notification letters with listed corrective actions if required, to court actions. In 2013, the competent authority moved to a web based enforcement system which includes a new enforcement tool entitled 'Compliance Investigations'. In addition, where an accident, incident etc. ranks above a certain risk score (based on an internal guidance procedure) actions are issued to the operator with dates for completion of tasks.

**QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)**

Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.

Ireland reported no instance of the use of Article 18 during the reporting period.

**QUESTION 11 – GENERAL OBSERVATIONS**

11.1. Are there any particular implementation issues that give rise to concerns in your Member State?

No implementation issues were raised by the Member State.

11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?

No further observations were made in the questionnaire response.

**SUMMARY OF CHANGES**

By the end of the reporting period, Ireland reported **454 IPPC installations** of which all but 18 held a complying permit. No explanation was provided by the Member State as to why 18 installations did not hold a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. Of the total IPPC installations, 365 (80%) were reconsidered, and 323 were updated.

Ireland
<p>Ireland reported difficulties in implementing the IPPC Directive due to a lack of human resources. Particularly in relation to licencing in the pig and poultry sectors, authorising urban wastewater discharges, and transposing the IED.</p> <p><u>General description and legislation</u></p> <p>Amendments were adopted concerning environmental impact assessments for the determination of applications for licences ((Environmental Impact Assessment) (Integrated Pollution Prevention and Control) Regulations 2012).</p> <p><u>Refusing permit applications</u></p> <p>No integrated permit applications were formally refused between 2011 and 2012. Permit conditions for waste installations have been amended since the previous reporting period (section 40(4) of the Waste Management Act 1996 as amended in 2013).</p> <p><u>Permit conditions</u></p> <p>Changes concerning the procedures and criteria for setting permit conditions have been made since the previous reporting period to ensure that ELV and technical measures are based on BAT in that new guidance for operators based on the information contained in the BREFs documents has been produced by the competent authority.</p> <p>New guidance concerning the restoration upon definitive cessation of activities for operators is also available.</p> <p><u>Environmental quality standards</u></p> <p>In Ireland, BAT were not always sufficient to satisfy an environmental quality standard during the reporting period.</p> <p><u>Reporting release monitoring data</u></p> <p>Operators in Ireland can inform authorities of the results of release monitoring via email with the option of using an Excel template. All breaches of emission limit vales must be reported to the Agency as incidents by fax or electronically immediately. Guidance on the content of annual environmental reports (AER) is available on the Agency's website at: <a href="http://www.epa.ie/enforcement/how/aer/">http://www.epa.ie/enforcement/how/aer/</a>.</p> <p><u>Inspection and enforcement</u></p> <p>An environmental inspection consists of an assessment of the risk of the installation, leading to the development of regional, and sectoral specific national plans. A site visit plan based on these risks, site specific issues and industrial sectoral issues is established. Site visits to check compliance status and take emissions samples are conducted at a frequency based on the site risk. Reports and monitoring data are reviewed as submitted in accordance with licence compliance. These plans are reviewed annually.</p> <p>Data for installations and sites visited for Estonia are as follows:</p> <ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 978</li> <li>▪ Total number of installations where such visits took place: 343</li> <li>▪ Total number of visits by Competent Authorities: 1,708</li> </ul> <p>Sanctions vary from non-compliance notification letters with listed corrective actions if required, to court actions. In 2013, the competent authority moved to a web based enforcement system and this allows for the opening of Compliance Investigations, a new enforcement tool.</p>

## 1.15 Italy

### 1.15.1 Analysis of the completeness

*Table 27: Completeness assessment of responses reported by Italy – IPPC Directive*

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting	4	4.1	
		4.2	

procedure and conditions		4.3		
Appropriateness and adequacy of permit conditions	5	5.1	1	
			2	
			3	
	5.2	1		
		2		
	5.3	a		
		b		
c				
d				
Environmental Quality Standards	6			
Changes to installations	7			
Reconsideration and updating of permit conditions	8	8.1		
		8.2		
		8.3		
Compliance with permit conditions	9	9.1		
		9.2		
	9.3	1		
		2		
		3		
		4		
5				
Transboundary cooperation	10			
General observations	11	11.1		
		11.2		

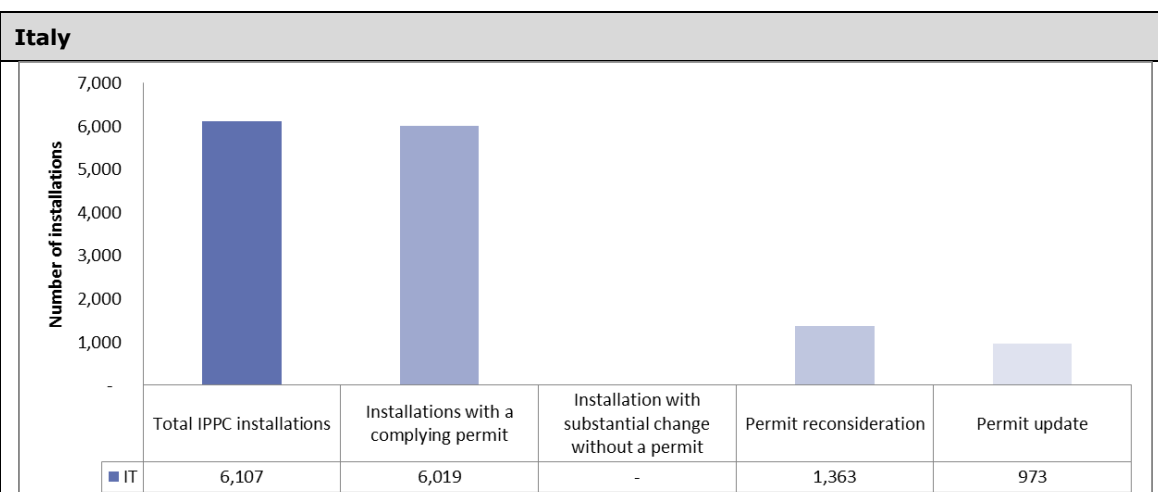
Italy has submitted a complete response to the questionnaire.

### 1.15.2 Analysis of Italy's response

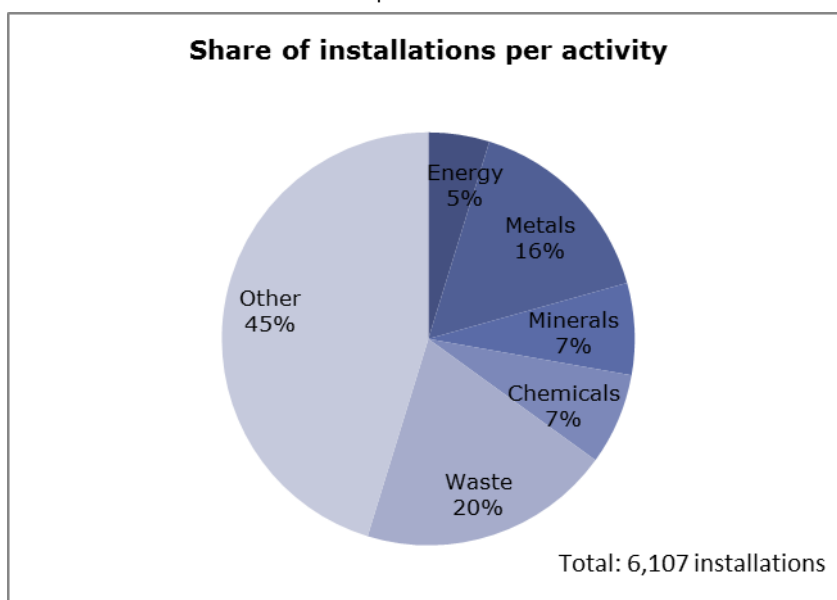
The table below contains the detailed analysis of the responses provided by Italy to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

*Table 28: Italy's response - analysis table*

<b>Italy</b>
<b>QUESTION 1 – GENERAL DESCRIPTION</b>
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.
Italy reported difficulties in implementing the IPPC Directive arising from challenges in retaining trained staff. This has affected the Competent Authority's capacity to consistently meet reporting commitments.
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.
By the end of the reporting period, Italy reported <b>6,107 IPPC installations</b> , of which 99% held a complying permit. No explanation was provided by the Member State as to why the 88 installations did not hold a complying permit (this information was not requested by the questionnaire). No cases of installations with substantial change without valid permits were reported by the Member State. Of the total IPPC installations, 1,363 (22%) of the permits were reconsidered, and 973 were updated.



The sectoral break-down of IPPC installations is presented in the chart below.



2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.

The list of IPPC installations in Italy is publically available by region, as follows:

- Province of Cuneo: <http://www.provincia.cuneo.it/tutela-territorio/autorizzazione-integrata-ambientale-aia/autorizzazioni-rilasciate>
- Province of Vercelli: <http://www.provincia.vercelli.it/index.php?show=detail&ID=459>
- Autonomous Province of Bolzano: <http://www.provincia.bz.it/agenzia-ambiente/via/pubblicazione-piani-progetti.asp>
- Region of Umbria: <http://www.provincia.perugia.it/guidetematiche/ambieteterritorio/aia> and <http://cms.provincia.terni.it/online/Home/Areetematiche/Ambiente/AutorizzazioneIntegrataAmbientale.html>
- Region of Marche: <http://www.ambiente.regione.marche.it/Ambiente/Valutazioneautorizzazioni/AutorizzazioneIntegrataAmbientale.aspx>
- Region of Emilia-Romagna: <http://ippc-aia.arpa.emr.it>
- Region of Sardinia (Sassari): <http://www.sardegnaambiente.it/index.php?xsl=1399&s=18&v=9&c=8017&es=4272&na=18&n=10>

<p><b>Italy</b></p> <ul style="list-style-type: none"> <li>▪ Province of Carbonia Iglesias: <a href="http://www.provincia.carboniaiglesias.it/aree-intervento/autorizzazione-integrata-ambientale-aia">http://www.provincia.carboniaiglesias.it/aree-intervento/autorizzazione-integrata-ambientale-aia</a></li> <li>▪ Province of Pisa: <a href="http://www.provincia.pisa.it/interno.php?id=625&amp;lang=it">http://www.provincia.pisa.it/interno.php?id=625&amp;lang=it</a></li> <li>▪ Province of Novara: <a href="http://www.provincia.novara.it/Ambiente/AIA/rilasciate.php">http://www.provincia.novara.it/Ambiente/AIA/rilasciate.php</a></li> <li>▪ Province of Turin: <a href="http://www.provincia.torino.gov.it/ambiente/ippc_aia/fold_fin">http://www.provincia.torino.gov.it/ambiente/ippc_aia/fold_fin</a></li> <li>▪ Region of Lombardy: <a href="https://www.svilupposostenibile.regione.lombardia.it/ippc/jsp/index.jsp">https://www.svilupposostenibile.regione.lombardia.it/ippc/jsp/index.jsp</a></li> </ul> <p>No explanation was provided as to why no website links were provided for the remaining regions. It is expected that this is a reporting data gap rather than the information not being available on the respective regional websites.</p>
<p><b>QUESTION 3 – PERMIT APPLICATIONS</b></p>
<p>Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.</p>
<p>No changes were reported.</p>
<p><b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b></p>
<p>4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.</p>
<p>No changes were reported.</p>
<p>4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.</p>
<p>No difficulty has been reported by Italy.</p>
<p>4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.</p>
<p>50 integrated permit applications were formally refused between 2011 and 2012. Some of the reasons reported by Italy for refusal were as follows:</p> <ul style="list-style-type: none"> <li>▪ Submission of amendments to the application which substantially changed its purpose (from adaptation of an existing installation to construction of a new installation, which would also be subject to an EIA).</li> <li>▪ Incomplete application (the operator did not provide the additional documents required).</li> <li>▪ Clear incompatibility with the local area, as attested by authorities responsible for the preparation of environmental quality plans, public health protection or EIAs.</li> </ul> <p>There have been no changes since the previous reporting period to the procedure for ensuring that non-complying installations are not granted permits.</p>
<p><b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b></p>
<p>5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).</p>
<p>No changes to the procedures and criteria for setting permit conditions, the general principle for determining BAT or the implementation of Article 9 (4) have been made since the previous reporting period.</p>
<p>5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?</p>

<b>Italy</b>
No changes have been reported since the previous reporting period – BREFs are used for setting BAT and permit conditions.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u> No changes have been reported since the previous reporting period – environmental management systems are taken into account when setting permit conditions.
<u>Restoration upon definitive cessation of activities</u> No changes were reported.
<u>Energy efficiency</u> No changes were reported.
<u>Article 9(3) application</u> No changes have been reported since the previous reporting period – the Member State has opted to not use the derogation permitted within Article 9(3).
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
The Member State reported that cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period. The example provided in the Italian response refers to the review of the ILVA plant in Taranto in 2012 where environmental surveys found that the benzo (a) pyrene and dust caused by the operation of the plant was harmful to the town. The Member State provided a link to a detailed description of the case (in Italian - EU-Pilot 3268/12 / ENVI) <sup>5</sup> .
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No changes have been reported since the previous reporting period and the frequency for reconsideration and updating of permit conditions continues to be covered under national legislation.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
The representative frequency for reconsideration of permit conditions is between 5 and 10 years (every 5 years in general cases, every 6 years for installations with an ISO 14001-certified management system, every 8 years for EMAS-registered installations and every 10 years for farms). Italy also emphasised that since the IED has come into effect, the rules for reconsideration and updating of permits have changed, generally doubling the maximum duration of permits already issued.

<sup>5</sup> [http://www.isprambiente.gov.it/it/garante\\_aia\\_ilva/monitoraggio-della-commissione-europea](http://www.isprambiente.gov.it/it/garante_aia_ilva/monitoraggio-della-commissione-europea)

<b>Italy</b>								
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.								
No changes were reported.								
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>								
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.								
Operators in Italy must inform authorities of the results of release monitoring either via an electronic database or by paper – this is unchanged since the previous reporting period.								
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.								
Periodic monitoring reports are submitted by all operators – typically on an annual basis but it varies by facility in the case of continuous monitoring systems it can involve real-time remote consultation by the inspection bodies. This is unchanged since the previous reporting period.								
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.								
<p><u>Inspection components</u></p> <p>No change reported to the main features of an environmental inspection.</p> <p>The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that the number of installations visited (2,099) is lower than the total number of IPPC installations (6,107) reported by Italy in response to question 2.1. No reason was provided by the Member State to explain why all installations were not visited although one explanation may be that the Member State prioritises inspections at installations with a higher environmental risk. On average each IPPC installation visited received two site visits per annum with sampling/ monitoring taking place during 36% of these visits.</p> <div style="text-align: center;"> <table border="1"> <thead> <tr> <th>Category</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Total number of site visits during which measurement/sampling took place</td> <td>1,245</td> </tr> <tr> <td>Total number of installations where such visits took place</td> <td>2,099</td> </tr> <tr> <td>Total number of visits by Competent Authority</td> <td>3,463</td> </tr> </tbody> </table> </div> <p><u>Accidents, incidents and non-compliance</u></p> <p>Italy indicated that in approximately 20% of cases, the checks performed revealed non-compliance with permit conditions which resulted in criminal proceedings and/ or required the competent authority to take formal warning measures to ensure that the non-compliance found was promptly resolved. In some cases, non-compliance was found as regards reporting requirements which led to administrative penalties being applied, or it provided an opportunity to order a review of the permit, in order to take into consideration the information obtained during these checks.</p>	Category	Value	Total number of site visits during which measurement/sampling took place	1,245	Total number of installations where such visits took place	2,099	Total number of visits by Competent Authority	3,463
Category	Value							
Total number of site visits during which measurement/sampling took place	1,245							
Total number of installations where such visits took place	2,099							
Total number of visits by Competent Authority	3,463							



<b>Italy</b>
<b>QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)</b>
Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.
Italy reported no instance of the use of Article 18 during the reporting period.
<b>QUESTION 11 – GENERAL OBSERVATIONS</b>
11.1. Are there any particular implementation issues that give rise to concerns in your Member State?
No implementation issues were raised by the Member State.
11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?
An additional comment was given to highlight that the purpose of the IPPC Directive is to establish an environmental baseline for facilities, and to avoid the risk of arbitrary assessments by the competent authorities. According to Italy, in the future this baseline should no longer be needed at an EU level, once greater confidence has been achieved in the capacity of the competent authorities to correctly identify the BAT, also in the light of the new role assigned by the IED Directive to the BREFs and the relative BAT conclusions.
<b>SUMMARY OF CHANGES</b>
By the end of the reporting period, Italy reported <b>6,107 IPPC installations</b> , of which 99% held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. Of the total IPPC installations, 1,363 (22%) of the permits were reconsidered, and 973 were updated.
Italy reported difficulties in implementing the IPPC Directive arising from human resource issues where they have been unable to retain trained staff. This has affected their capacity to consistently meet reporting commitments, and often the issue is addressed with short-term solutions that have not been coordinated in a unified framework.
<u>General description and legislation</u>
No changes reported.
<u>Environmental quality standards</u>
Cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.
<u>Permit conditions - representative frequency</u>
The representative frequency for reconsideration of permit conditions is between 5 and 10 years. Since the IED has come into effect, the rules for reconsideration and updating of permits have changed, generally doubling the maximum duration of permits already issued.
<u>Refusing permit applications</u>
50 integrated permit applications were formally refused between 2011 and 2012. Reasons varied, for example in some cases the facility substantially changed activities, or the application was incomplete, or there is evidence of incompatibility with the local area.
<u>Inspection and enforcement</u>
Data for installations and sites visited for Italy are as follows:
<ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 1,245</li> <li>▪ Total number of installations where such visits took place: 2,099</li> <li>▪ Total number of visits by Competent Authorities: 3,463</li> </ul>
Approximately 20% of the checks performed revealed non-compliance with permit conditions which resulted in criminal proceedings and/ or required the competent authority to take formal warning measures to ensure that the non-compliance found was promptly resolved.

## 1.16 Latvia

### 1.16.1 Analysis of the completeness

Table 29: Completeness assessment of responses reported by Latvia – IPPC Directive

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
		b	
		c	
d			
Environmental Quality Standards	6		
Changes to installations	7		
Reconsideration and updating of permit conditions	8	8.1	
		8.2	
		8.3	
Compliance with permit conditions	9	9.1	
		9.2	
	9.3	1	
		2	
		3	
		4	
5			
Transboundary cooperation	10		
General observations	11	11.1	
		11.2	

Latvia has submitted a complete response to the questionnaire.

### 1.16.2 Analysis of Latvia's response

The table below contains the detailed analysis of the responses provided by Latvia to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

Table 30: Latvia's response – analysis table

Latvia
<b>QUESTION 1 – GENERAL DESCRIPTION</b>
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.

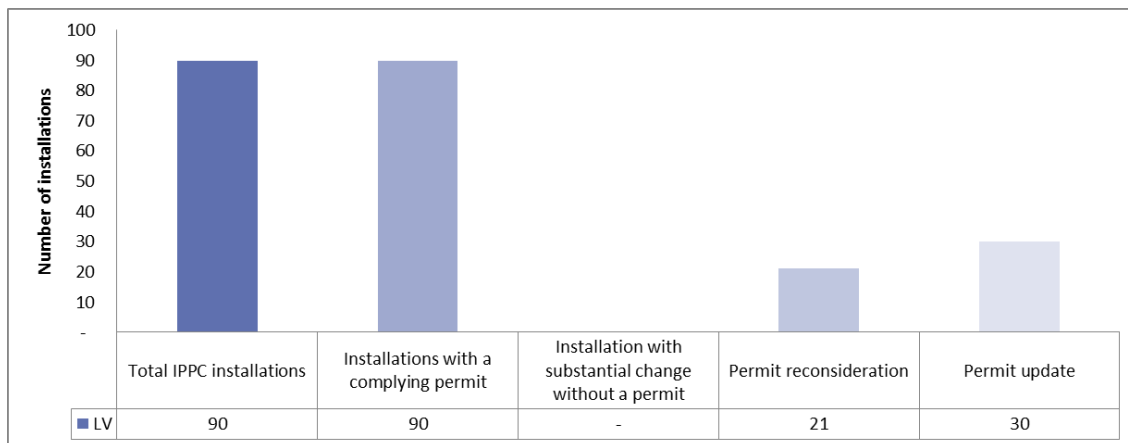
**Latvia**

Latvia reported no difficulties in implementing the IPPC Directive.

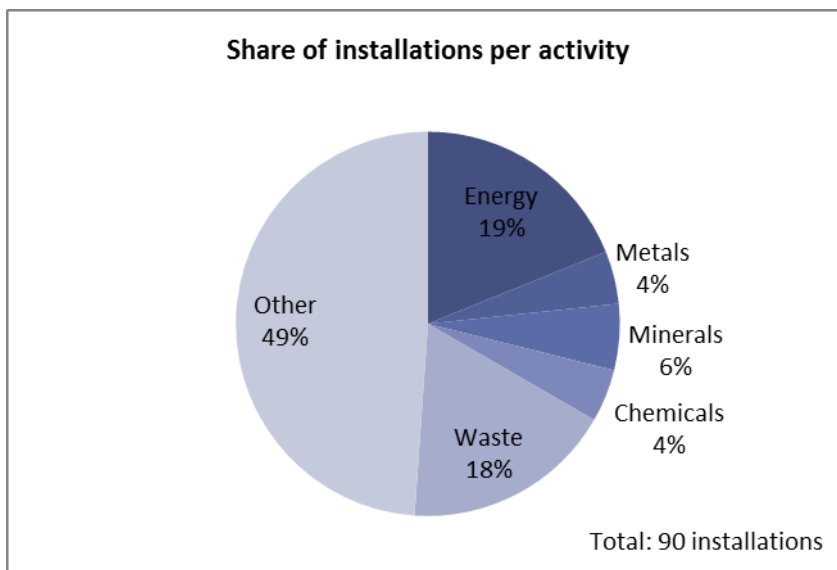
**QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)**

2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.

By the end of the reporting period, Latvia reported **90 IPPC installations**, of which all held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. A total of 21 permits were reconsidered in this time (23% of total IPPC installations), and 30 were updated.



The sectoral break-down of IPPC installations is presented in the chart below.



2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.

The list of IPPC installations in Latvia is publicly available, [http://www.vpvb.gov.lv/data/files/ippc/A\\_Uznm\\_Saraksts\\_08.08.2014.pdf](http://www.vpvb.gov.lv/data/files/ippc/A_Uznm_Saraksts_08.08.2014.pdf). The list includes information for 88 IPPC installations. It is unclear why there is a difference of two installations compared to the total number of IPPC installations reported under question 2.1, although it could be reasonably assumed that an extra two new installations were permitted since the list was made in 2014.

**QUESTION 3 – PERMIT APPLICATIONS**

<b>Latvia</b>
Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.
No changes were reported.
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>
4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.
No changes were reported.
4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.
Latvia reported difficulties coordinating the granting of permits where the institutions involved imposed requirements on operators which are not relevant for environmental protection, or where a permit application fell outside the scope of the institution that it was submitted to. Difficulties were also reported where operators failed to meet deadlines, or failed to submit their application.
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
No permit applications were formally refused between 2011 and 2012. There have been no changes since the previous reporting period to the procedure for ensuring that non-complying installations are not granted permits.
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
The legislative framework which sets out the procedure and criteria for setting ELVs and permit conditions is unchanged since the previous reporting period. However, ELVs are set in separate legislation with changes as follows (note that ELVs for water have not changed since 2002): <ul style="list-style-type: none"> <li>▪ ELVs for emissions to air from incineration plant are laid down in Cabinet Regulation No 187 of 2 April 2013 on procedures for preventing, limiting and controlling emissions of air-polluting substances from incineration plants.</li> <li>▪ ELVs for plants using organic solvents are laid down in the Cabinet Regulation of 2 April 2013 on procedures for limiting emissions of volatile organic compounds from plants using organic solvents.</li> <li>▪ ELVs concerning emissions from the manufacture of glass and glass fibre are laid down in Cabinet Regulation No 1416 of 10 December 2013 on special environmental requirements for the manufacture of glass and glass fibre.</li> </ul> No changes to the environmental quality standards, or to the general principle for determining BAT or the implementation of Article 9 (4) have been made since the previous reporting period.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes since the previous reporting period. BREFs are used for setting BAT and concretely for setting permit conditions.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy

<b>Latvia</b>
efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<p><u>Environmental Management System</u></p> <p>No changes have been reported since the previous reporting period – environmental management systems are taken into account when setting permit conditions.</p> <p><u>Restoration upon definitive cessation of activities</u></p> <p>According to Article 4(9) of the Law on pollution (Cabinet Regulation No 1082), following the definitive cessation of an installation's activities, the operator is obliged to take necessary measures to avert the risk of pollution and return the site of the installation to a satisfactory state. Further, the operator is required to make a submission to the relevant regional environmental board no later than 30 days before definitive cessation of the installation's activities, in which it informs of the measures that will be taken to return the place of activity to a satisfactory state pursuant to permit conditions (Article 30(4)).</p> <p><u>Energy efficiency</u></p> <p>No changes were reported.</p> <p><u>Article 9(3) application</u></p> <p>No changes have been reported since the previous reporting period – the Member State has opted to use the derogation permitted within Article 9(3). It has been transposed to national legislation under Article 31(1)(7) of the Law on pollution (Cabinet Regulation No 1082).</p>
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
No cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No changes have been reported since the previous reporting period and the frequency for reconsideration and updating of permit conditions continues to be covered under national legislation.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
No changes were reported. The representative frequency for reconsideration of permit conditions is every 7 years (Article 32(32), Law on Pollution). Variations apply for installations in the eco-management and audit scheme are subject to review once every 10 years, and for installations whose impact on the environment and human health has not been sufficiently established (subject to review once every 3 years).
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.
Latvia indicated that according to paragraph 63 of Cabinet Regulation No 1082 permit conditions must be reviewed and renewed if more stringent requirements for reducing pollution from the installation are necessary. Also, permit conditions may be reviewed and updated following the publication of new BAT conclusions - the installation must comply with requirements within four years of the relevant conclusions being published. The review and renewal of permit conditions covers the acceptance of the application at the relevant Regional Environmental Board of the State Environmental Service. The Board considers the

<b>Latvia</b>								
application and, if necessary, requests additional information from the installation operator. This is followed by a decision on whether or not to adopt any amendments and whether or not to issue the permit.								
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>								
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.								
Operators in Latvia must inform authorities of the results of release monitoring via submissions to an electronic database.								
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.								
Periodic monitoring reports are submitted by all operators on an annual basis.								
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.								
<p><u>Inspection components</u></p> <p>The competent authorities perform inspections in accordance with the environmental inspection plan drawn up for each installation. Following the inspection a report is drawn up and the operator receives a copy of each report.</p> <p>The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that all IPPC installations were visited in this reporting period. On average each IPPC installation visited received four site visits per annum. Lastly, note that no sampling/ monitoring took place during any of these visits.</p>								
<table border="1"> <caption>Inspection Data</caption> <thead> <tr> <th>Category</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Total number of site visits during which measurement/sampling took place</td> <td>0</td> </tr> <tr> <td>Total number of installations where such visits took place</td> <td>90</td> </tr> <tr> <td>Total number of visits by Competent Authority</td> <td>353</td> </tr> </tbody> </table>	Category	Value	Total number of site visits during which measurement/sampling took place	0	Total number of installations where such visits took place	90	Total number of visits by Competent Authority	353
Category	Value							
Total number of site visits during which measurement/sampling took place	0							
Total number of installations where such visits took place	90							
Total number of visits by Competent Authority	353							
<p><u>Accidents, incidents and non-compliance</u></p> <p>No changes were reported concerning the types of actions that can be taken as a result of an accident, incident or non-compliance.</p>								
<b>QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)</b>								
Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.								
Latvia reported no instance of the use of Article 18 during the reporting period.								
<b>QUESTION 11 – GENERAL OBSERVATIONS</b>								
11.1. Are there any particular implementation issues that give rise to concerns in your Member State?								

<b>Latvia</b>
No implementation issues were raised by the Member State.
11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?
No further observations were made in the questionnaire response.
<b>SUMMARY OF CHANGES</b>
<p>By the end of the reporting period, Latvia reported <b>90 IPPC installations</b>, of which all held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. A total of 21 permits were reconsidered in this time (23% of total IPPC installations), and 30 were updated.</p> <p>Latvia reported no difficulties in implementing the IPPC Directive.</p> <p><u>General description and legislation</u></p> <p>No changes reported.</p> <p><u>Permitting application procedure</u></p> <p>Latvia reported difficulties coordinating the granting of permits where the institutions involved imposed requirements on operators which are not relevant for environmental protection, or where a permit application fell outside the scope of the institution that it was submitted to. Difficulties were also reported where operators failed to meet deadlines, or failed to submit their application.</p> <p>No permit applications were formally refused between 2011 and 2012.</p> <p><u>Permit conditions</u></p> <p>New legislation has entered into force concerning ELVs for emissions to air from incineration plant (Cabinet Regulation No 187 of 2 April 2013), for plants using organic solvents (Cabinet Regulation of 2 April 2013), and concerning emissions from the manufacture of glass and glass fibre (Cabinet Regulation No 1416 of 10 December 2013).</p> <p><u>Environmental quality standards</u></p> <p>No cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.</p> <p><u>Inspection and enforcement</u></p> <p>Data for installations and sites visited for Latvia are as follows:</p> <ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 0</li> <li>▪ Total number of installations where such visits took place: 90</li> <li>▪ Total number of visits by Competent Authorities: 353</li> </ul>

## 1.17 Lithuania

### 1.17.1 Analysis of the completeness

Table 31: Completeness assessment of responses reported by Lithuania – IPPC Directive

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
	5	5.1	1
			2

Appropriateness and adequacy of permit conditions	5.2	3	
		1	
	5.3	2	
		a	
		b	
Environmental Quality Standards	6	c	
		d	
Changes to installations	7		
Reconsideration and updating of permit conditions	8	8.1	
		8.2	
		8.3	
Compliance with permit conditions	9	9.1	
		9.2	
	9.3	1	
		2	
		3	
Transboundary cooperation	10	4	
		5	
General observations	11	11.1	
		11.2	

Lithuania has submitted a complete response to the questionnaire.

### 1.17.2 Analysis of Lithuania's response

The table below contains the detailed analysis of the responses provided by Lithuania to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

*Table 32: Lithuania's response – analysis table*

<b>Lithuania</b>
<b>QUESTION 1 – GENERAL DESCRIPTION</b>
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.
<p>Lithuania reported difficulties in implementing the IPPC Directive arising from a shortage of staff, particularly where several permit applications were submitted at the same time. The main issues to result from staff shortages related to the practical application of the BREFs when determining emission limit values and other requirements for permits. The Member State did not specify these difficulties in any further detail, however, more detail regarding the process was provided which offers some context. According to the response given, BREFs are used both by operators when selecting a particular technique taking into consideration the circumstances, and by specialists preparing the permits when setting ELVs and other requirements of the permits. At the beginning of the preparation of a permit, the emission limit values described in the relevant BREFs are compared with the emission values of a specific installation. On the basis of such comparison, the operator draws up the environment action plan and discusses it with the regional environmental protection departments. Lithuania indicated that additional training is organised twice for regional environmental protection department employees to support staff with the application of BREFs.</p> <p>The Member State also reported that since 2013 there has been a reform to the organisational structure of the permitting process so that the preparation of permits and compliance checks are now separated. Permits are issued by the Environmental Protection Agency, and regional environmental protection departments carry out inspections. The established State Environmental Protection Service coordinates and controls the work of all eight regional environmental protection departments. It is assumed that this</p>



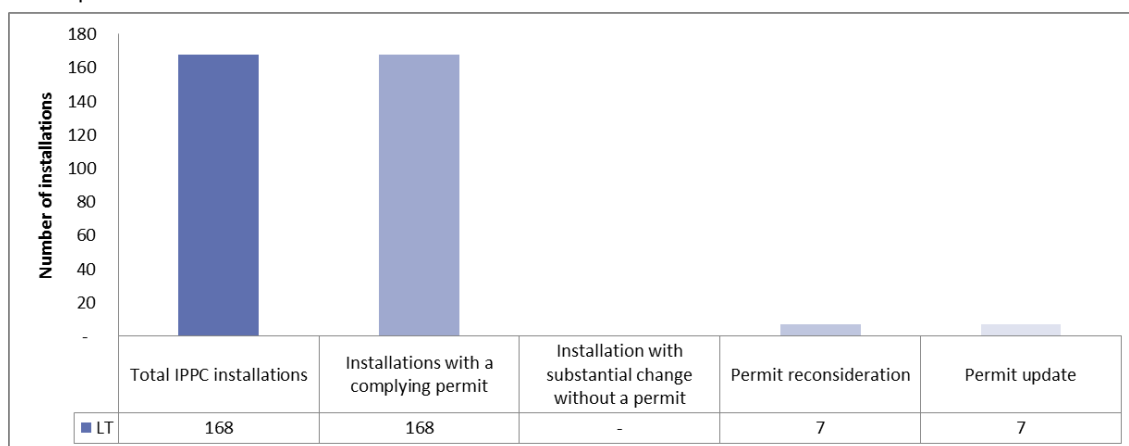
**Lithuania**

organisational restructuring is intended to overcome some of the difficulties arising from the reported staff shortages.

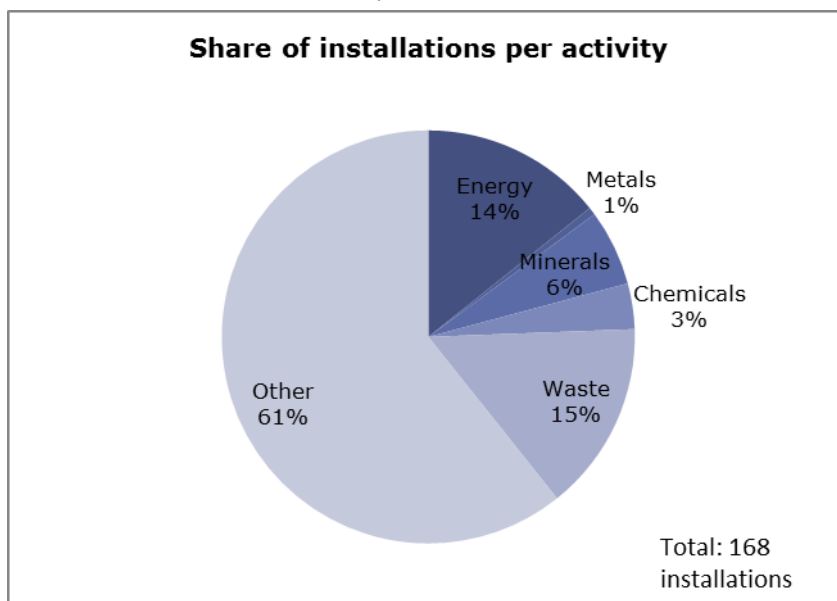
**QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)**

2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.

By the end of the reporting period, Lithuania reported **168 IPPC installations**, of which all held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. Seven permits were reconsidered in this time (4% of total IPPC installations), and seven were updated.



The sectoral break-down of IPPC installations is presented in the chart below.



2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.

The list of IPPC installations in Lithuania is publically available, <http://gamta.lt/cms/index?rubricId=266d9067-c315-4045-a548-0150f9e9196a>. A list of IPPC installations was also submitted with the Member State response.

**QUESTION 3 – PERMIT APPLICATIONS**

<b>Lithuania</b>
Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.
No changes were reported.
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>
4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.
Lithuania indicated that since June 2012, the permit application process is no longer coordinated with a local authority. The regional environmental protection departments under the Ministry of the Environment continue to oversee the process.
4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.
Lithuania commented that the process for ensuring full coordination was updated in 2012 and that no information concerning difficulties was available at the time of reporting. This implies that there may have been difficulties which were not reported. Under the provisions coordination is now carried out by the regional environmental protection departments under the Ministry of the Environment (previously carried out by the public healthcare institution). The process is set out in Chapters VII and IX of the national IPPC Rules legislation. No details concerning the process were provided by the Member State in its response.
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
No permit applications were formally refused between 2011 and 2012. There have been no changes since the previous reporting period to the procedure for ensuring that non-complying installations are not granted permits.
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
No changes to the procedures and criteria for setting permit conditions, the general principle for determining BAT or the implementation of Article 9 (4) have been made since the previous reporting period.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes have been made since the previous reporting period. BREFs are used for setting BAT and permit conditions.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u> No changes have been reported since the previous reporting period – environmental management systems are not taken into account when setting permit conditions.
<u>Restoration upon definitive cessation of activities</u> No changes were reported.

<b>Lithuania</b>
<u>Energy efficiency</u> No changes were reported.
<u>Article 9(3) application</u> No changes have been reported since the previous reporting period – the Member State has opted to use the derogation permitted within Article 9(3) and the requirements of the permits relating to energy efficiency have not been applied to the installations listed in Annex 1 of Directive 2003/87/EC.
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
No cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No changes have been reported since the previous reporting period and the frequency for reconsideration and updating of permit conditions continues to be covered under national legislation.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
The representative frequency for reconsideration of permit conditions is at least once every year irrespective of the industrial sector and also after a non-routine inspection.
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.
No changes were reported.
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.
Operators in Lithuania must inform authorities of the results of release monitoring via email.
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.
Periodic monitoring reports are submitted by all operators on an annual basis. In some cases of non-submission or late submission of reports, administrative penalties have been imposed on non-compliant operators.
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities

<b>Lithuania</b>									
took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.									
<u>Inspection components</u>									
No changes were reported to the main environmental inspection components.									
The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that the number of installations visited (262) is higher than the total number of IPPC installations (168) reported by Lithuania in response to question 2.1 and that no explanation is provided by the Member State as to why. One explanation could be that the permitted IPPC installation includes multiple facilities and that each facility is reported as one installation. On average each IPPC installation visited received three site visits per annum with sampling/ monitoring taking place during 50% of these visits.									
<table border="1"> <thead> <tr> <th>Category</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Total number of site visits during which measurement/sampling took place</td> <td>351</td> </tr> <tr> <td>Total number of installations where such visits took place</td> <td>262</td> </tr> <tr> <td>Total number of visits by Competent Authority</td> <td>709</td> </tr> </tbody> </table>		Category	Value	Total number of site visits during which measurement/sampling took place	351	Total number of installations where such visits took place	262	Total number of visits by Competent Authority	709
Category	Value								
Total number of site visits during which measurement/sampling took place	351								
Total number of installations where such visits took place	262								
Total number of visits by Competent Authority	709								
<u>Accidents, incidents and non-compliance</u>									
No changes were reported concerning the types of actions that can be taken as a result of an accident, incident or non-compliance. In the reporting period 151 cases involved the imposition of administrative penalties.									
<b>QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)</b>									
Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.									
Lithuania reported no instance of the use of Article 18 during the reporting period.									
<b>QUESTION 11 – GENERAL OBSERVATIONS</b>									
11.1. Are there any particular implementation issues that give rise to concerns in your Member State?									
An additional comment was given in relation to the poor quality of some permit applications which require operators to go back and correct them, which has led to a protracted permit-preparation process in such cases.									
11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?									
No further observations were made in the questionnaire response.									
<b>SUMMARY OF CHANGES</b>									
By the end of the reporting period, Lithuania reported <b>168 IPPC installations</b> , of which all held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. Seven permits were reconsidered in this time (4% of total IPPC installations), and seven were updated.									
Lithuania reported difficulties in implementing the IPPC Directive arising from human resource issues where they have experienced a shortage of staff and lack of technical expertise.									
<u>General description and legislation</u>									
No changes reported.									

<b>Lithuania</b>
<p><u>Permitting application procedure</u></p> <p>This has largely remained the same since the previous reporting period, with only one change reported. Since June 2012, the permit application process is no longer coordinated by the regional environmental protection departments under the Ministry of the Environment.</p> <p>No difficulties were reported concerning the coordination of the permitting procedure and conditions.</p> <p>No permit applications were formally refused between 2011 and 2012.</p> <p><u>Inspection and enforcement</u></p> <p>Data for installations and sites visited for Lithuania are as follows:</p> <ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 351</li> <li>▪ Total number of installations where such visits took place: 262</li> <li>▪ Total number of visits by Competent Authorities: 709</li> </ul> <p>In the reporting period 151 cases involved the imposition of administrative penalties.</p>

## 1.18 Luxembourg

### 1.18.1 Analysis of the completeness

Table 33: Completeness assessment of responses reported by Luxembourg – IPPC Directive

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
		b	
		c	
	d		
Environmental Quality Standards	6		
Changes to installations	7		
Reconsideration and updating of permit conditions	8	8.1	
		8.2	
		8.3	
Compliance with permit conditions	9	9.1	
		9.2	
	9.3	1	
		2	
		3	
		4	
	5		
Transboundary cooperation	10		
	11	11.1	

General observations		11.2		
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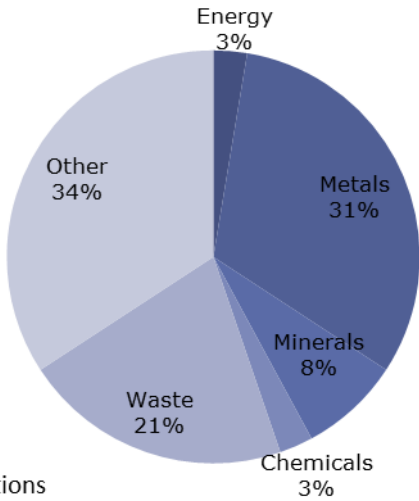
Luxembourg has submitted a complete response to the questionnaire.

### 1.18.2 Analysis of Luxembourg's response

The table below contains the detailed analysis of the responses provided by Luxembourg to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

*Table 334: Luxembourg's response – analysis table*

Luxembourg													
<b>QUESTION 1 – GENERAL DESCRIPTION</b>													
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.													
Luxembourg reported no difficulties in implementing the IPPC Directive.													
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>													
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.													
By the end of the reporting period, Luxembourg reported <b>38 IPPC installations</b> , of which 76% held a complying permit. No explanation was provided by the Member State as to why these nine installations did not hold a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. Only one permit was reconsidered in this time, and one was updated.													
<table border="1"> <thead> <tr> <th>Category</th> <th>Number of installations</th> </tr> </thead> <tbody> <tr> <td>Total IPPC installations</td> <td>38</td> </tr> <tr> <td>Installations with a complying permit</td> <td>29</td> </tr> <tr> <td>Installation with substantial change without a permit</td> <td>-</td> </tr> <tr> <td>Permit reconsideration</td> <td>1</td> </tr> <tr> <td>Permit update</td> <td>1</td> </tr> </tbody> </table>		Category	Number of installations	Total IPPC installations	38	Installations with a complying permit	29	Installation with substantial change without a permit	-	Permit reconsideration	1	Permit update	1
Category	Number of installations												
Total IPPC installations	38												
Installations with a complying permit	29												
Installation with substantial change without a permit	-												
Permit reconsideration	1												
Permit update	1												
The sectoral break-down of IPPC installations is presented in the chart below.													

<b>Luxembourg</b>															
	<p><b>Share of installations per activity</b></p>  <table border="1" style="margin-left: auto; margin-right: auto;"> <caption>Share of installations per activity</caption> <thead> <tr> <th>Activity</th> <th>Share (%)</th> </tr> </thead> <tbody> <tr> <td>Other</td> <td>34%</td> </tr> <tr> <td>Metals</td> <td>31%</td> </tr> <tr> <td>Waste</td> <td>21%</td> </tr> <tr> <td>Minerals</td> <td>8%</td> </tr> <tr> <td>Energy</td> <td>3%</td> </tr> <tr> <td>Chemicals</td> <td>3%</td> </tr> </tbody> </table> <p>Total: 38 installations</p>	Activity	Share (%)	Other	34%	Metals	31%	Waste	21%	Minerals	8%	Energy	3%	Chemicals	3%
Activity	Share (%)														
Other	34%														
Metals	31%														
Waste	21%														
Minerals	8%														
Energy	3%														
Chemicals	3%														
<p>2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.</p>															
<p>The list of IPPC installations in Luxembourg is not publically available. A list was submitted with the questionnaire response which includes all the requested information for 41 IPPC installations (including, the names, location and main activity). It is unclear which installations are the additional three.</p>															
<b>QUESTION 3 – PERMIT APPLICATIONS</b>															
<p>Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.</p>															
<p>No changes were reported.</p>															
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>															
<p>4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.</p>															
<p>No changes were reported.</p>															
<p>4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.</p>															
<p>No difficulties were reported.</p>															
<p>4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.</p>															
<p>No permit applications were formally refused between 2011 and 2012. There have been no changes since the previous reporting period to the procedure for ensuring that non-complying installations are not granted permits.</p>															
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>															

<b>Luxembourg</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
No changes to the procedures and criteria for setting permit conditions, the general principle for determining BAT or the implementation of Article 9 (4) have been made since the previous reporting period.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes since the previous reporting period. BREFs are used for setting BAT and for setting permit conditions.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u> No changes were reported.
<u>Restoration upon definitive cessation of activities</u> No changes were reported.
<u>Energy efficiency</u> No changes were reported.
<u>Article 9(3) application</u> No changes have been reported since the previous reporting period – the Member State has opted not to use the derogation permitted within Article 9(3).
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
No information is provided as to whether or not there have been cases where BAT were not sufficient to satisfy an environmental quality standard during the reporting period. No changes were reported concerning the additional measures taken to comply with environmental quality standards – where necessary.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No changes were reported since the previous reporting period and the frequency for reconsideration and updating of permit conditions continues to be covered under national legislation.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
No changes were reported and Luxembourg reiterated that it is not possible to provide a representative frequency for the reconsideration of permit conditions.



<b>Luxembourg</b>
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.
No changes were reported.
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.
Operators in Luxembourg must inform authorities of the results of release monitoring via paper.
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.
Periodic monitoring reports must be submitted by all operators. No indication is provided by the Member State as to how often these reports must be submitted.
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.
<u>Inspection components</u> No changes were reported to the main environmental inspection components. No information is available concerning the number of installations and sites visited.
<u>Accidents, incidents and non-compliance</u> No changes were reported concerning the types of actions that can be taken as a result of an accident, incident or non-compliance.
<b>QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)</b>
Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.
Luxembourg reported no instance of the use of Article 18 during the reporting period.
<b>QUESTION 11 – GENERAL OBSERVATIONS</b>
11.1. Are there any particular implementation issues that give rise to concerns in your Member State?
No implementation issues were raised by the Member State.
11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?
No further observations were made in the questionnaire response.
<b>SUMMARY OF CHANGES</b>
By the end of the reporting period, Luxembourg reported <b>38 IPPC installations</b> , of which 76% held a complying permit. No explanation was provided by the Member State as to why these nine installations did not hold a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. Only one permit was reconsidered in this time, and one was updated. Luxembourg reported no difficulties in implementing the IPPC Directive.
<u>General description and legislation</u> No changes reported.
<u>Permitting application procedure</u> No permit applications were formally refused between 2011 and 2012.

<b>Luxembourg</b>
<p><u>Environmental quality standards</u></p> <p>No information is provided as to whether or not there have been cases where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.</p> <p><u>Inspection and enforcement</u></p> <p>No information is available concerning the number of installations and sites visited.</p>

## 1.19 Malta

### 1.19.1 Analysis of the completeness

*Table 34: Completeness assessment of responses reported by Malta – IPPC Directive*

<b>Question title</b>	<b>Question number</b>	<b>Completeness</b>	<b>Comment</b>
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
		b	
		c	
Environmental Quality Standards	6		
Changes to installations	7		
Reconsideration and updating of permit conditions	8	8.1	
		8.2	
		8.3	
Compliance with permit conditions	9.1		
	9.3	1	
		2	
		3	
		4	
5			
Transboundary cooperation	10		
General observations	11	11.1	
		11.2	

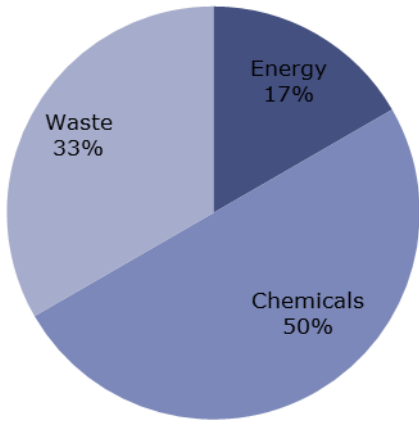
Malta has submitted a complete response to the questionnaire.

### 1.19.2 Analysis of Malta's response

The table below contains the detailed analysis of the responses provided by Malta to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

Table 35: Malta's response – analysis table

Malta													
<b>QUESTION 1 – GENERAL DESCRIPTION</b>													
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.													
Malta has reported difficulties in implementing the IPPC Directive due to a shortage of staff dedicated to IPPC. Capacity issues have subsequently arisen when there has been an influx in permit applications and renewals (particularly a problem with the implementation of the IED). Measures aimed at reducing the administrative burdens are currently implemented – namely, measures to streamline the processing of permits and reduce the administrative burden on both the operator and the Competent Authority which were introduced with the transposition of the IED into national legislation. Malta also indicated that the BAT comparison process required under the IED has also been streamlined into the permit processing.													
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>													
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.													
By the end of the reporting period, Malta reported <b>12 IPPC installations</b> , of which all but one held a complying permit. No explanation was provided by the Member State as to why one installation did not hold a complying permit (this information was not requested by the questionnaire).. No cases of installations with substantial change without valid permits were reported by the Member State. No permits was reconsidered in this time, and seven were updated.													
<table border="1"> <thead> <tr> <th>Category</th> <th>Number of installations</th> </tr> </thead> <tbody> <tr> <td>Total IPPC installations</td> <td>12</td> </tr> <tr> <td>Installations with a complying permit</td> <td>11</td> </tr> <tr> <td>Installation with substantial change without a permit</td> <td>-</td> </tr> <tr> <td>Permit reconsideration</td> <td>-</td> </tr> <tr> <td>Permit update</td> <td>7</td> </tr> </tbody> </table>		Category	Number of installations	Total IPPC installations	12	Installations with a complying permit	11	Installation with substantial change without a permit	-	Permit reconsideration	-	Permit update	7
Category	Number of installations												
Total IPPC installations	12												
Installations with a complying permit	11												
Installation with substantial change without a permit	-												
Permit reconsideration	-												
Permit update	7												
The sectoral break-down of IPPC installations is presented in the chart below.													

<b>Malta</b>	
	<p><b>Share of installations per activity</b></p>  <p>Total: 12 installations</p>
<p>2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.</p>	
<p>The list of IPPC installations in Malta is publically available, <a href="http://www.mepa.org.mt/ipcc-applications-installations">http://www.mepa.org.mt/ipcc-applications-installations</a>. Information for 27 IPPC permits is provided. It is unclear how this number relates to the 12 installations reported in response to question 2.1; although it is likely that the list has not been updated, no publish date is provided.</p>	
<b>QUESTION 3 – PERMIT APPLICATIONS</b>	
<p>Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.</p>	
<p>No changes were reported.</p>	
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>	
<p>4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.</p>	
<p>No changes were reported.</p>	
<p>4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.</p>	
<p>No difficulties were reported.</p>	
<p>4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.</p>	
<p>No permit applications were formally refused between 2011 and 2012. There have been no changes since the previous reporting period to the procedure for ensuring that non-complying installations are not granted permits.</p>	
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>	

<b>Malta</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
No changes to the procedures and criteria for setting permit conditions, the general principle for determining BAT or the implementation of Article 9 (4) have been made since the previous reporting period.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
There have been no changes since the previous reporting period. BREFs are used for setting BAT and concretely for setting permit conditions. The Member State has reported that where the BREFs do not contain sufficient information, they are supplemented by other documents.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u> No changes have been reported since the previous reporting period – environmental management systems are taken into account when setting permit conditions.
<u>Restoration upon definitive cessation of activities</u> No changes were reported.
<u>Energy efficiency</u> No changes were reported.
<u>Article 9(3) application</u> No changes have been reported since the previous reporting period – the Member State has opted to not use the derogation permitted within Article 9(3).
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
No cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No changes were reported.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
No changes were reported and the representative frequency for the reconsideration of permit conditions is once every 5 years or less.

<b>Malta</b>								
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.								
No changes were reported.								
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>								
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.								
Operators in Malta must inform authorities of the results of release monitoring either via email, submissions to an online database, or paper.								
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.								
Periodic monitoring reports must be submitted by all operators – the frequency at which these reports are required vary on a case by case basis.								
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.								
<p><u>Inspection components</u></p> <p>No changes to the main features of an environmental inspection were reported.</p> <p>The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that all IPPC installations were visited in the reporting period. On average each IPPC installation visited received five site visits per annum with sampling/ monitoring taking place during 4% of these visits.</p>								
<table border="1"> <thead> <tr> <th>Category</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Total number of site visits during which measurement/sampling took place</td> <td>2</td> </tr> <tr> <td>Total number of installations where such visits took place</td> <td>12</td> </tr> <tr> <td>Total number of visits by Competent Authority</td> <td>56</td> </tr> </tbody> </table>	Category	Value	Total number of site visits during which measurement/sampling took place	2	Total number of installations where such visits took place	12	Total number of visits by Competent Authority	56
Category	Value							
Total number of site visits during which measurement/sampling took place	2							
Total number of installations where such visits took place	12							
Total number of visits by Competent Authority	56							
<p><u>Accidents, incidents and non-compliance</u></p> <p>No changes were reported concerning the types of actions that can be taken as a result of an accident, incident or non-compliance.</p>								
<b>QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)</b>								
Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.								
Malta reported no instance of the use of Article 18 during the reporting period.								
<b>QUESTION 11 – GENERAL OBSERVATIONS</b>								

<b>Malta</b>
11.1. Are there any particular implementation issues that give rise to concerns in your Member State?
No implementation issues were raised by the Member State.
11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?
Malta indicated that the information provided should be considered in the light of the recent transposition of the IED through Legal Notices 9, 10, 11, 12, 13 and 14 of 2013. The transposition includes measures to streamline the processing of IPPC permits and also to reduce the administrative burden on both the operator and the Competent Authority.
<b>SUMMARY OF CHANGES</b>
<p>By the end of the reporting period, Malta reported <b>12 IPPC installations</b>, of which 11 held a complying permit. No explanation was provided by the Member State as to why this one installation did not hold a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. No permits was reconsidered in this time, and seven were updated.</p> <p>Malta has reported difficulties in implementing the IPPC Directive in relation to human resources and a shortage of staff dedicated to IPPC which has resulted in capacity issues while processing permit applications and renewals.</p> <p><u>General description and legislation</u></p> <p>No changes reported.</p> <p><u>Permitting application procedure</u></p> <p>No permit applications were formally refused between 2011 and 2012.</p> <p><u>Environmental quality standards</u></p> <p>No cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.</p> <p><u>Inspection and enforcement</u></p> <p>Data for installations and sites visited for Malta are as follows:</p> <ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 2;</li> <li>▪ Total number of installations where such visits took place: 12;</li> <li>▪ Total number of visits by Competent Authorities: 56.</li> </ul>

## 1.20 Netherlands

### 1.20.1 Analysis of the completeness

Table 36: Completeness assessment of responses reported by the Netherlands – IPPC Directive

Question title	Question number	Completeness	Comment	
General description	1			
Numbers of installations and permits	2	2.1		
		2.2.		
Permit applications	3			
Coordination of the permitting procedure and conditions	4	4.1		
		4.2		
		4.3		
Appropriateness and adequacy of permit conditions	5	5.1	1	
			2	
			3	
	5.2	1		
		2		

		5.3	a		
			b		
			c		
			d		
Environmental Quality Standards	6				
Changes to installations	7				
Reconsideration and updating of permit conditions	8		8.1		
			8.2		
			8.3		
Compliance with permit conditions	9		9.1		
			9.2		
	9.3		1		
			2		
			3		
			4		
	5				
Transboundary cooperation	10				
General observations	11		11.1		
			11.2		

The Netherlands has submitted a complete response to the questionnaire.

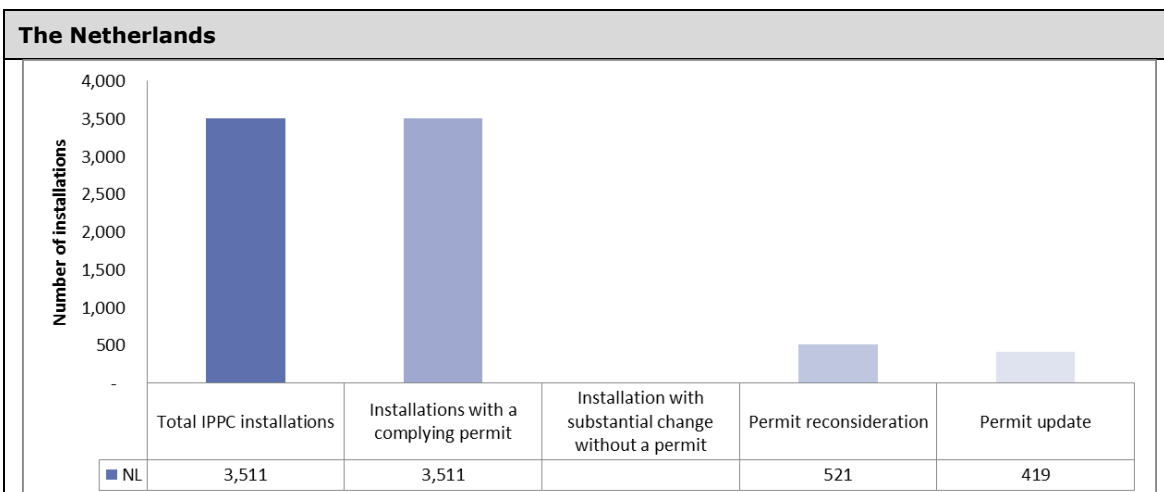
### 1.20.2 Analysis of Netherlands response

The table below contains the detailed analysis of the responses provided by the Netherlands to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

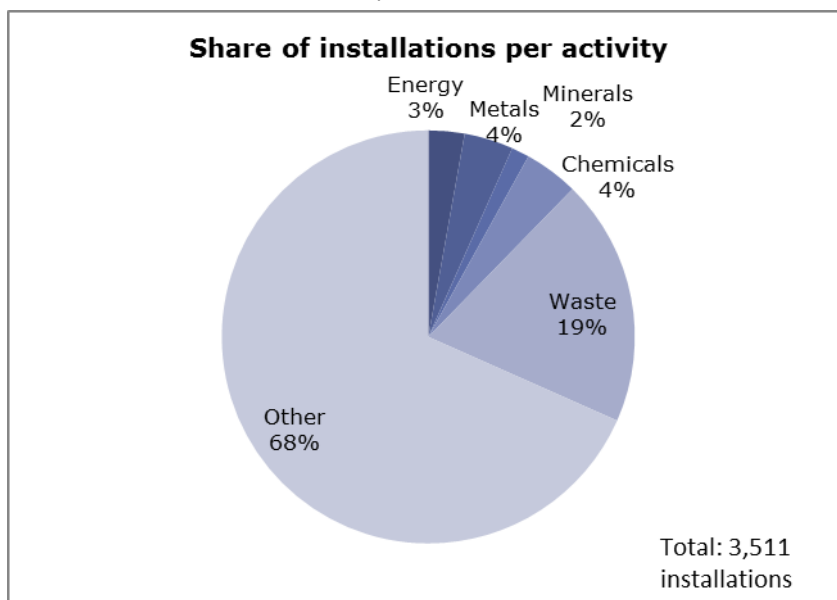
*Table 37: Netherlands response – analysis table*

<b>The Netherlands</b>
<b>QUESTION 1 – GENERAL DESCRIPTION</b>
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.
The Netherlands reported no difficulties in implementing the IPPC Directive.
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.
By the end of the reporting period, the Netherlands reported <b>3,511 IPPC installations</b> , of which all held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. 521 permits were reconsidered in this time (15% of all IPPC installations), and 419 were updated.





The sectoral break-down of IPPC installations is presented in the chart below.



2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.

The list of IPPC installations in the Netherlands is not publically available. A list of IPPC installations was submitted with the questionnaire response with requested information for all 3,511 IPPC installations (including, the names, location and main activity).

**QUESTION 3 – PERMIT APPLICATIONS**

Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.

No changes were reported.

**QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)**

4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.

<b>The Netherlands</b>
No changes were reported.
4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.
No difficulties were reported.
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
No permit applications were formally refused between 2011 and 2012. There have been no changes since the previous reporting period to the procedure for ensuring that non-complying installations are not granted permits.
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
No changes to the procedures and criteria for setting permit conditions, the general principle for determining BAT or the implementation of Article 9 (4) have been made since the previous reporting period.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
There have been no changes since the previous reporting period. BREFs are used for determining BAT and concretely for setting permit conditions. Recommendations in relevant national legislation may also be used to determine BAT.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u> No changes have been reported since the previous reporting period – environmental management systems are taken into account when setting permit conditions.
<u>Restoration upon definitive cessation of activities</u> No changes were reported.
<u>Energy efficiency</u> No changes were reported.
<u>Article 9(3) application</u> No changes have been reported since the previous reporting period – the Member State has opted to use the derogation permitted within Article 9(3).
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
The Member State reported that there have been no cases where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have

<b>The Netherlands</b>
significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No changes were reported.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
No changes were reported – the representative frequency for the reconsideration of permit conditions is once every 6 - 10 years.
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.
No changes were reported.
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.
Operators in the Netherlands must inform authorities of the results of release monitoring either via email or paper.
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.
Periodic monitoring reports must be submitted by all operators – the frequency at which these reports are required vary on a case by case basis.
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.
<u>Inspection components</u> No changes were reported to the main environmental inspection components. The numerical data concerning visits made by competent authorities and samples taken are reported under the recommendation for minimum criteria for environmental inspections, and as such the Member State did not include this information in their response.
<u>Accidents, incidents and non-compliance</u> No changes were reported concerning the types of actions that can be taken as a result of an accident, incident or non-compliance.
<b>QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)</b>
Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.
The Netherlands reported the use of Article 18 during the reporting period and remarked that no changes to the procedure have occurred in this time.
<b>QUESTION 11 – GENERAL OBSERVATIONS</b>

<b>The Netherlands</b>
11.1. Are there any particular implementation issues that give rise to concerns in your Member State?
No implementation issues were raised by the Member State.
11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?
No further observations were made in the questionnaire response.
<b>SUMMARY OF CHANGES AN</b>
By the end of the reporting period, the Netherlands reported <b>3,511 IPPC installations</b> , of which all held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. 521 permits were reconsidered in this time (15% of all IPPC installations), and 419 were updated.
The Netherlands has reported no difficulties in implementing the IPPC Directive.
<u>General description and legislation</u>
No changes reported.
<u>Permitting application procedure</u>
No permit applications were formally refused between 2011 and 2012.
<u>Environmental quality standards</u>
No cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.
<u>Inspection and enforcement</u>
<ul style="list-style-type: none"> <li>▪ The numerical data concerning visits made by competent authorities and samples taken are reported under the recommendation for minimum criteria for environmental inspections, and as such the Member State did not include this information in their response.</li> </ul>
<u>Transboundary cooperation</u>
The Netherlands reported the use of Article 18 during the reporting period and remarked that no changes to the procedure have occurred in this time.

## 1.21 Poland

### 1.21.1 Analysis of the completeness

Table 38: Completeness assessment of responses reported by Poland – IPPC Directive

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
		b	
		c	
		d	

Environmental Quality Standards	6		
Changes to installations	7		
Reconsideration and updating of permit conditions	8	8.1	
		8.2	
		8.3	
Compliance with permit conditions	9	9.1	
		9.2	
	9.3	1	
		2	
		3	
		4	
	5		
Transboundary cooperation	10		
General observations	11	11.1	
		11.2	

Poland has submitted a complete response to the questionnaire.

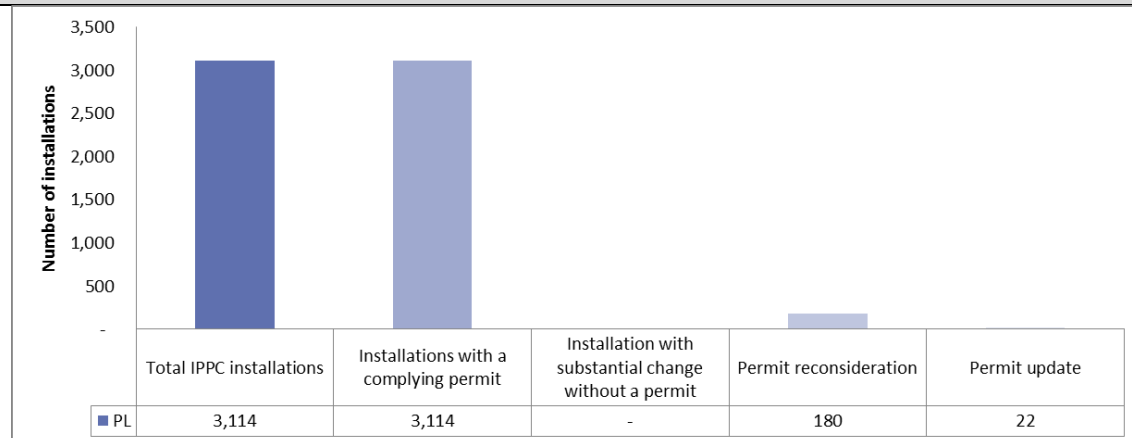
### 1.21.2 Analysis of Poland's response

The table below contains the detailed analysis of the responses provided by Poland to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

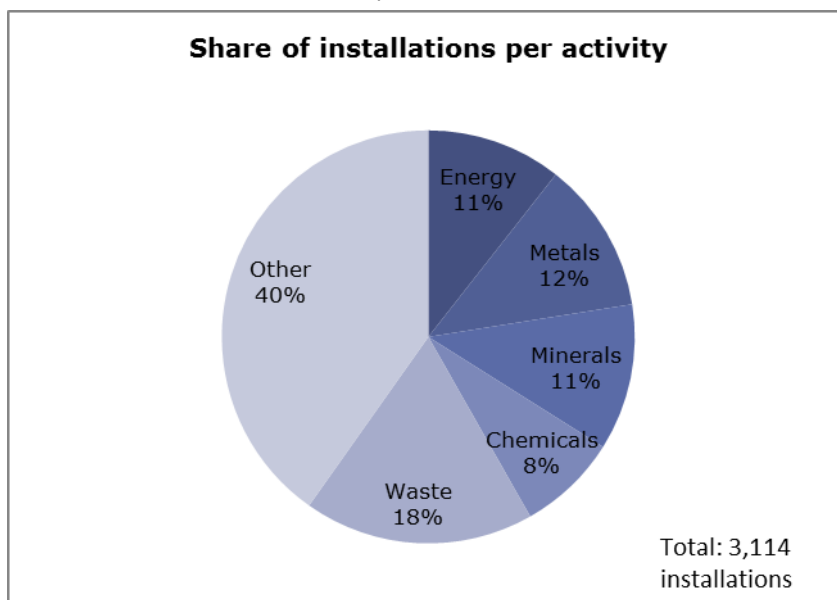
*Table 39: Poland's response – analysis table*

<b>Poland</b>
<b>QUESTION 1 – GENERAL DESCRIPTION</b>
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.
Poland has reported difficulties in implementing the IPPC Directive due to shortage of experienced staff able to issue permits. Poland added that training and retraining of staff have been identified as key in addressing staffing issues.
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.
By the end of the reporting period, Poland reported <b>3,114 IPPC installations</b> , of which all held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. A total of 180 permits were reconsidered in this time, and 22 were updated.

**Poland**



The sectoral break-down of IPPC installations is presented in the chart below.



2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.

The list of IPPC installations in Poland is publically available, <http://ippc.mos.gov.pl/ippc/>.

**QUESTION 3 – PERMIT APPLICATIONS**

Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.

No changes were reported.

**QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)**

4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.

No changes were reported.

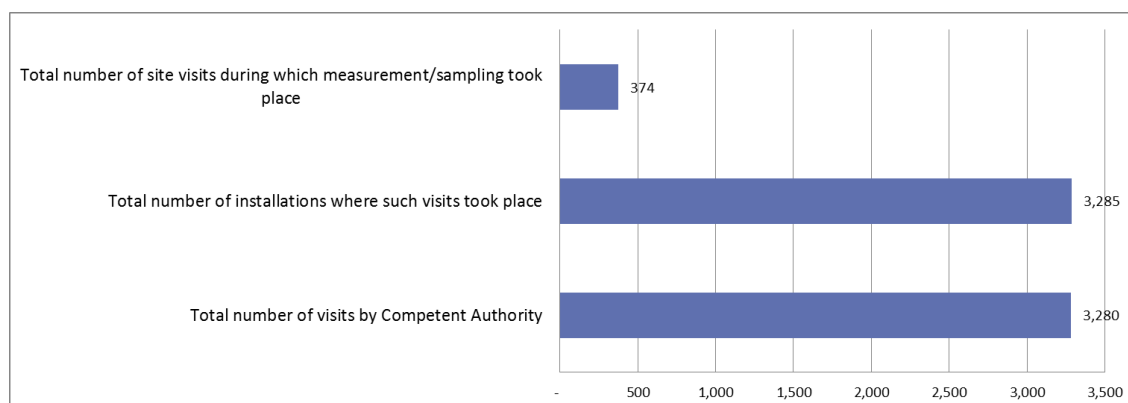
<b>Poland</b>
4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.
No difficulties were reported by Poland even though the IPPC permits can be issued by more than one competent authority, including the Head of the County, the Head of the Voivodship (i.e. province) and the Regional Director for the Environmental Protection (as stipulated by Article 378, the Environmental Protection Law Act 2008 (Ustawa – Prawo ochrony środowiska, UPOS)).
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
During the reporting period two permit applications were formally refused: one due to failure to comply with BAT requirements and the other due to the fact that the intended method of waste management at the installation was inconsistent with the provincial waste management plans. In addition, Poland reported that four requests to change the content of the permit were refused: in two cases this was due to changes in the way the installation operates (which subsequently meant that it failed to comply with BAT requirements), in another case the extension of the permit's validity was refused, and lastly a change in the deadline for completion of a biogas recovery installation was refused.  There have been no changes since the previous reporting period to the procedure for ensuring that non-complying installations are not granted permits.
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
No changes to the procedures and criteria for setting permit conditions, the general principle for determining BAT or the implementation of Article 9 (4) have been made since the previous reporting period.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes since the previous reporting period. BREFs are used for setting BAT and for permit conditions.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u> No changes have been reported since the previous reporting period – environmental management systems are taken into account when setting permit conditions.
<u>Restoration upon definitive cessation of activities</u> No changes were reported to the procedure followed in Poland except in relation to landfills. New provisions concerning the schedule of rehabilitation activities at the point of a landfill closure are set out in the Regulation of 30 April 2013 on landfills (Journal of Laws 2013, item 523). Particularly of note as the only installations in Poland that ceased their activities during the period under analysis, were landfills.
<u>Energy efficiency</u> No changes were reported.
<u>Article 9(3) application</u> No changes have been reported since the previous reporting period – the Member State has opted to not use the derogation permitted within Article 9(3).
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>

<b>Poland</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
No cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period. Where such a case may occur, the provisions to address it are set in Article 211(3) (UPOS) – No changes were reported.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No changes have been reported since the previous reporting period and the frequency for reconsideration and updating of permit conditions continues to be covered under national legislation.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
No changes were reported and the representative frequency for the reconsideration of permit conditions is once every 5 years or less. This does not vary between sectors.
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.
No changes were reported.
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.
Operators in Poland must inform authorities of the results of release monitoring either via submissions to an online database or by paper. Although no changes to the reporting requirements have been made, the legislative text has been consolidated in Journal of Laws 2013, item 235.
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.
Periodic monitoring reports must be submitted by all operators – the frequency at which these reports are required are either on an annual or a quarterly basis, depending on the type of installation. No changes to the provisions are reported with the exception of periodic monitoring for landfills which are set in the Regulation of 30 April 2013 on landfills (Journal of Laws 2013, item 523), and must be submitted once a year in accordance with Article 124(5).
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.
<u>Inspection components</u>
No changes were reported to the main environmental inspection components.



**Poland**

The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that the number of installations visited (3,285) is higher than the total number of IPPC installations (3,114) reported by Poland in response to question 2.1 and that no explanation is provided by the Member State as to why. One explanation could be that the permitted IPPC installation includes multiple facilities and that each facility is reported as one installation. On average each IPPC installation visited received one site visit per annum with sampling/ monitoring taking place during 11% of these visits.

**Accidents, incidents and non-compliance**

According to the Member State, if any non-compliance with environmental protection requirements is found during inspection, the Environmental Protection Inspection may impose any of the following sanctions: warning, fine, post-inspection order, approaching other authorities, e.g. with a request to revoke or restrict a permit, monetary penalty, stoppage of the installation.

**QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)**

Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.

Poland reported no instance of the use of Article 18 during the reporting period.

**QUESTION 11 – GENERAL OBSERVATIONS**

11.1. Are there any particular implementation issues that give rise to concerns in your Member State?

In addition to other comments made, Poland highlighted the following issues:

- difficulties in defining BAT requirements;
- problems with the interpretation of Annex I to IPPC, difficulties in the proper qualification of an installation to the relevant section of that Annex; and
- capacity issues among those responsible for granting integrated permits, which extends the length of proceedings and the quality of decisions issued.

11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?

No further observations were made in the questionnaire response.

**SUMMARY OF CHANGES**

By the end of the reporting period, Poland reported **3,114 IPPC installations**, of which all held a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. 6% of permits were reconsidered in this time, and 22 were updated.

Poland has reported difficulties in implementing the IPPC Directive in relation to human resources and a shortage of staff dedicated to IPPC which has resulted in capacity issues while processing permit applications and renewals, as well as difficulties in defining BAT requirements and problems with the interpretation of Annex I to IPPC.

**General description and legislation**

No changes reported.

<b>Poland</b>
<p><u>Permitting application procedure</u></p> <p>Two permit applications were formally refused between 2011 and 2012: one due to failure to comply with BAT requirements and the other due to the fact that the intended method of waste management at the installation was inconsistent with the provincial waste management plans. As well, four requests to change the content of the permit were refused: in two cases this was due to changes in the way the installation operates (which subsequently meant that it failed to comply with BAT requirements), in another case the extension of the permit's validity was refused, and lastly a change in the deadline for completion of a biogas recovery installation was refused.</p> <p><u>Permit conditions</u></p> <p>Installations that ceased their activities during the period under analysis, were landfills. New provisions concerning the schedule of rehabilitation activities at the point of a landfill closure are set out in the Regulation of 30 April 2013 on landfills (Journal of Laws 2013, item 523).</p> <p><u>Environmental quality standards</u></p> <p>No cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.</p> <p><u>Inspection and enforcement</u></p> <p>Changes concerning the periodic monitoring for landfills were introduced in the Regulation of 30 April 2013 on landfills (Journal of Laws 2013, item 523) – accordingly reports must be submitted once a year in accordance with Article 124(5).</p> <p>Data for installations and sites visited for Poland are as follows:</p> <ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 374;</li> <li>▪ Total number of installations where such visits took place: 3,285;</li> <li>▪ Total number of visits by Competent Authorities: 3,280.</li> </ul>

## 1.22 Portugal

### 1.22.1 Analysis of the completeness

*Table 40: Completeness assessment of responses reported by Portugal – IPPC Directive*

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
		b	
		c	
		d	
	Environmental Quality Standards	6	
Changes to installations	7		
	8	8.1	
		8.2	

Reconsideration and updating of permit conditions		8.3			
Compliance with permit conditions	9	9.1			
		9.2			
		9.3	1		
			2		
			3		
4					
5					
Transboundary cooperation	10				
General observations	11	11.1			
		11.2			

Portugal has submitted a complete response to the questionnaire.

### 1.22.2 Analysis of Portugal's response

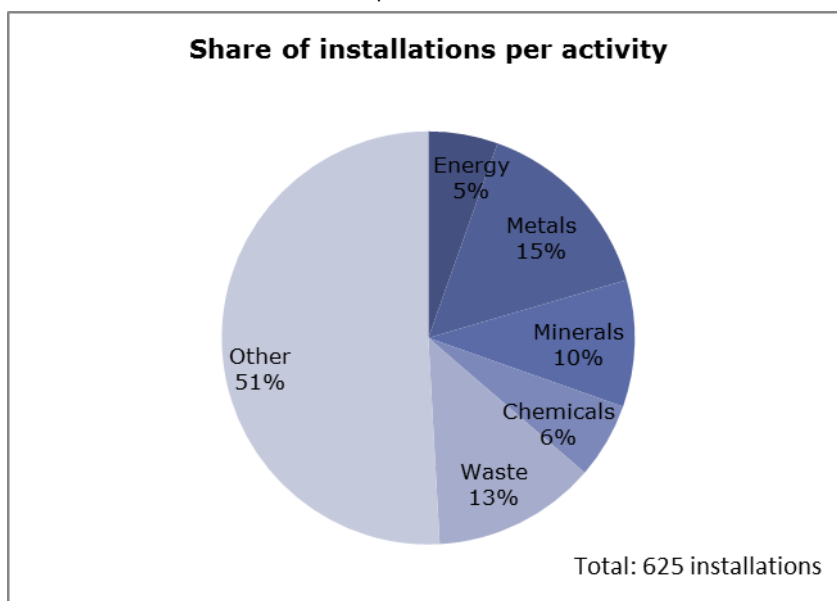
The table below contains the detailed analysis of the responses provided by Portugal to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

Table 41: Portugal's response – analysis table

Portugal																
<b>QUESTION 1 – GENERAL DESCRIPTION</b>																
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.																
Portugal has reported difficulties in implementing the IPPC Directive in relation to a shortage of staff with capacity to issue permits. This staff shortage primarily came about as a result of the economic crisis and the competent authority is in the process of addressing this issue.																
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>																
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.																
By the end of the reporting period, Portugal reported <b>625 IPPC installations</b> , of which 99% held a complying permit. Portugal indicated the main reason why the four installations did not hold a compliant permit was related to not submitting an Environmental Impact Statement. No cases of installations with substantial change without valid permits were reported by the Member State, and no permits were reconsidered or updated in this time.																
<table border="1"> <thead> <tr> <th>Category</th> <th>Number of installations</th> </tr> </thead> <tbody> <tr> <td>Total IPPC installations</td> <td>625</td> </tr> <tr> <td>Installations with a complying permit</td> <td>617</td> </tr> <tr> <td>Installation with substantial change without a permit</td> <td>-</td> </tr> <tr> <td>Permit reconsideration</td> <td>-</td> </tr> <tr> <td>Permit update</td> <td>-</td> </tr> </tbody> </table>					Category	Number of installations	Total IPPC installations	625	Installations with a complying permit	617	Installation with substantial change without a permit	-	Permit reconsideration	-	Permit update	-
Category	Number of installations															
Total IPPC installations	625															
Installations with a complying permit	617															
Installation with substantial change without a permit	-															
Permit reconsideration	-															
Permit update	-															

**Portugal**

The sectoral break-down of IPPC installations is presented in the chart below.



2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.

The list of IPPC installations in Portugal is publically available, <http://ladigital.apambiente.pt/>.

**QUESTION 3 – PERMIT APPLICATIONS**

Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.

No changes were reported.

**QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)**

4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.

No changes were reported.

4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.

No difficulties were reported.

4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.

Portugal indicated that four permit applications were formally refused between 2011 and 2012. The main reasons are related to the absence of the Environmental Statement, which is required as part of the environmental impact assessment procedure.

There have been no changes since the previous reporting period to the procedure for ensuring that non-complying installations are not granted permits.

**QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))**

<b>Portugal</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
No changes to the procedures and criteria for setting permit conditions, the general principle for determining BAT or the implementation of Article 9 (4) have been made since the previous reporting period.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes since the previous reporting period. BREFs are used for setting BAT and for permit conditions.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u> No changes have been reported since the previous reporting period – environmental management systems are not taken into account when setting permit conditions.
<u>Restoration upon definitive cessation of activities</u> No changes were reported.
<u>Energy efficiency</u> No changes were reported.
<u>Article 9(3) application</u> No changes have been reported since the previous reporting period – the Member State has opted to not use the derogation permitted within Article 9(3).
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
No cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period. No changes to the provisions are reported.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No changes have been reported since the previous reporting period and the frequency for reconsideration and updating of permit conditions continues to be covered under national legislation.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
No changes were reported – the representative frequency for the reconsideration of permit conditions is once every 6 - 10 years. Shorter periods are set for facilities that have difficulties complying with ELVs. In

<b>Portugal</b>								
these cases the operator presents a plan of actions and shorter periods are set to allow a verification on the measures efficacy.								
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.								
No changes were reported.								
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>								
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.								
Operators in Portugal must inform authorities of the results of release monitoring either via email, submissions to an online database or by paper. No changes to the reporting requirements have been made.								
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.								
Periodic monitoring reports must be submitted by all operators – the frequency at which these reports are required is usually annually. Where operators are required to conduct continuous monitoring (e.g. facilities that have difficulties complying with ELVs), reports must be submitted every 3 months.								
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.								
<p><u>Inspection components</u></p> <p>Portugal indicated that an inspection involves the preparation of the inspection (including analyses of historical emissions, production processes, and any other available documents), the completion of on-the-spot inspections (including compliance and document checks, as well as an assessment of the environmental performance of the facility), and the preparation of inspection report and/or official report.</p> <p>The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that only 61% of total IPPC installations were visited in the reporting period. No reason was provided by the Member State to explain why all installations were not visited. On average each IPPC installation visited received one site visit per annum with sampling/ monitoring taking place during 13% of these visits.</p>								
<table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Category</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Total number of site visits during which measurement/sampling took place</td> <td>53</td> </tr> <tr> <td>Total number of installations where such visits took place</td> <td>384</td> </tr> <tr> <td>Total number of visits by Competent Authority</td> <td>396</td> </tr> </tbody> </table>	Category	Value	Total number of site visits during which measurement/sampling took place	53	Total number of installations where such visits took place	384	Total number of visits by Competent Authority	396
Category	Value							
Total number of site visits during which measurement/sampling took place	53							
Total number of installations where such visits took place	384							
Total number of visits by Competent Authority	396							
<p><u>Accidents, incidents and non-compliance</u></p> <p>The types of actions taken in the case of an accident or incident are determined on a case by case basis by a court decision. Portugal added that 133 cases were taken to court in the reporting period.</p>								
<b>QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)</b>								

<b>Portugal</b>
Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.
Portugal reported no instance of the use of Article 18 during the reporting period.
<b>QUESTION 11 – GENERAL OBSERVATIONS</b>
11.1. Are there any particular implementation issues that give rise to concerns in your Member State?
In addition to other comments made, Portugal has made a note that greater flexibility should be provided by the Directive to enable Member States to factor in site specific conditions. An example given is where, due to the lack of fresh water, it is sometimes better to incentive the reduction of water consumption at the cost of more polluted wastewater especially if it will be discharged to big water bodies.
11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?
No further observations were made in the questionnaire response.
<b>SUMMARY OF CHANGES</b>
By the end of the reporting period, Portugal reported <b>625 IPPC installations</b> , of which 99% held a complying permit. Portugal indicated the main reason why four installations did not hold a compliant permit was related to not submitting an Environmental Impact Statement. No cases of installations with substantial change without valid permits were reported by the Member State, and no permits were reconsidered or updated in this time. Portugal has reported difficulties in implementing the IPPC Directive in relation to a shortage of staff with capacity to issue permits. <u>General description and legislation</u> No changes were reported to the legislation or the permitting procedure. No difficulties were acknowledged in relation to the coordination of permitting activities. <u>Environmental quality standards</u> No cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period. <u>Inspection and enforcement</u> Data for installations and sites visited for Portugal are as follows: <ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 53;</li> <li>▪ Total number of installations where such visits took place: 384;</li> <li>▪ Total number of visits by Competent Authorities: 396.</li> </ul> The types of actions taken in the case of an accident or incident are determined on a case by case basis by a court decision. 133 cases were taken to court in the reporting period.

## 1.23 Romania

### 1.23.1 Analysis of the completeness

*Table 42: Completeness assessment of responses reported by Romania – IPPC Directive*

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting	4	4.1	
		4.2	

procedure and conditions		4.3		
Appropriateness and adequacy of permit conditions	5	5.1	1	
			2	
			3	
	5.2	1		
		2		
	5.3	a		
		b		
c				
d				
Environmental Quality Standards	6			
Changes to installations	7			
Reconsideration and updating of permit conditions	8	8.1		
		8.2		
		8.3		
Compliance with permit conditions	9	9.1		
		9.2		
	9.3	1		
		2		
		3		
		4		
5				
Transboundary cooperation	10			
General observations	11	11.1		
		11.2		

Romania has submitted a complete response to the questionnaire.

### 1.23.2 Analysis of Romania's response

The table below contains the detailed analysis of the responses provided by Romania to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

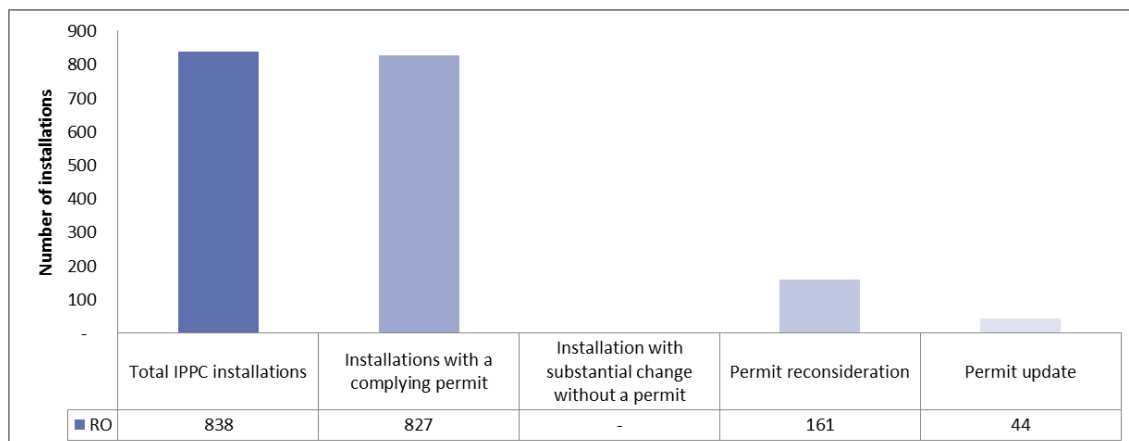
*Table 43: Romania's response – analysis table*

<b>Romania</b>
<b>QUESTION 1 – GENERAL DESCRIPTION</b>
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.
Romania has reported difficulties in implementing the IPPC Directive due to a lack of adequately trained staff. Since 2012 (in accordance with Government Emergency Order No 58/2012), the county environmental protection agencies have been responsible for the implementation of the IPPCD as well as for issuing permits, which has led to some difficulties where staff have not been adequately trained.
The Member State intends to address this difficulty through improved coordination between the regional county agencies by the National Environmental Protection Agency (ANPM) (Government Decision (HG) No 1000/2012). Specifically, Romania responded that the ANPM facilitates ongoing dialogue with the county authorities, offers technical assistance to resolve issues regarding the authorisation of IPPC activities and monitors the compliance with the conditions set in the integrated environmental permit (IEP).
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.

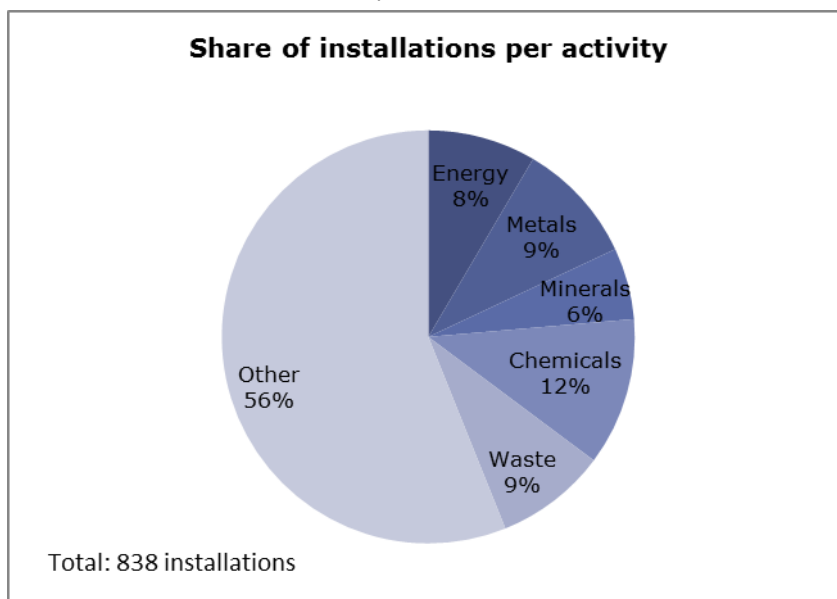


**Romania**

By the end of the reporting period, Romania reported **838 IPPC installations**, of which 99% held a complying permit. One reason provided by the Member State to explain why an installation did not hold a complying permit was failure to comply with the emission limits set (see question 4). However no other explanation was provided in relation to the other ten installations without a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. 161 permits (19% of total IPPC installations) were reconsidered in this time, and 44 were updated.



The sectoral break-down of IPPC installations is presented in the chart below.



2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.

The list of IPPC installations in Romania is publicly available, <http://www.anpm.ro>. As well, a list of 838 IPPC installations was submitted with the questionnaire response.

**QUESTION 3 – PERMIT APPLICATIONS**

Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.

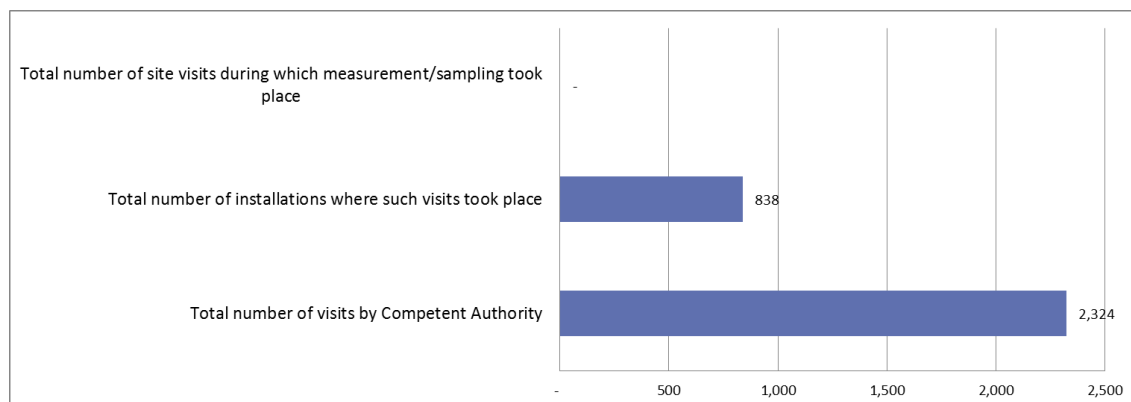
No changes were reported.

<b>Romania</b>
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>
4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.
Romania indicated that since 2012, the county environmental protection agencies are designated as the Competent Authorities for the issuing of integrated environmental permits (in accordance with Order No 3970/2012). However, the procedural stages and the documents necessary for obtaining an integrated environmental permit were not changed.
4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.
No difficulties were reported.
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
Romania reported that one permit application was formally refused between 2011 and 2012 because it failed to comply with the emission limits set by the specified deadline (with regards to sulphur dioxide, nitrogen oxides and particulates from large combustion plants). There have been no changes since the previous reporting period to the procedure for ensuring that non-complying installations are not granted permits.
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
No changes to the procedures and criteria for setting permit conditions, the general principle for determining BAT or the implementation of Article 9 (4) have been made since the previous reporting period.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes since the previous reporting period. BREFs are used for setting BAT and for permit conditions.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u> No changes have been reported since the previous reporting period – environmental management systems are taken into account when setting permit conditions.
<u>Restoration upon definitive cessation of activities</u> No changes were reported.
<u>Energy efficiency</u> No changes were reported.
<u>Article 9(3) application</u> No changes have been reported since the previous reporting period – the Member State has opted to use the derogation permitted within Article 9(3).
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>

<b>Romania</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
No cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period. No changes to the provisions are reported.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No changes have been reported since the previous reporting period and the frequency for reconsideration and updating of permit conditions continues to be covered under national legislation.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
No changes were reported and the representative frequency for the reconsideration of permit conditions varies. It is usually done at the same time as the annual inspection, as carried out by the competent authorities; however, permit conditions may be reconsidered more frequently if there has been a justified complaint made by the public.
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.
No changes were reported.
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.
Operators in Romania must inform authorities of the results of release monitoring either via email, submissions to an online database or by paper. No changes to the reporting requirements have been made.
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.
Periodic monitoring reports must be submitted by all operators – the frequency at which these reports are required is usually annually but can be more frequent.
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.
<u>Inspection components</u>
No changes were reported to the main environmental inspection components.
The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that all IPPC installations were inspected in the reporting period and in some cases multiple

**Romania**

visits to the same site appear to have been made. On average each IPPC installation visited received three site visits per annum. No sampling/ monitoring took place during the reporting period.

Accidents, incidents and non-compliance

The types of actions taken in the case of an accident or incident have not changed since the previous reporting period. In 2012, 36 fines were imposed in the total amount of RON 966,200 (~€218,000); and in 2013, 40 fines were imposed in the total amount of RON 990,600 (~€224,000).

**QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)**

Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.

Romania reported no instance of the use of Article 18 during the reporting period.

**QUESTION 11 – GENERAL OBSERVATIONS**

11.1. Are there any particular implementation issues that give rise to concerns in your Member State?

No implementation issues were raised by the Member State.

11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?

No further observations were made in the questionnaire response.

**SUMMARY OF CHANGES**

By the end of the reporting period, Romania reported **838 IPPC installations**, of which 99% held a complying permit. One reason provided by the Member State to explain why an installation did not hold a complying permit was failure to comply with the emission limits set. However no other explanation was provided in relation to the other ten installations without a complying permit. No cases of installations with substantial change without valid permits were reported by the Member State. 161 permits (19% of total IPPC installations) were reconsidered in this time, and 44 were updated.

Romania has reported difficulties in implementing the IPPC Directive in relation to a lack of adequately trained staff resulting from the restructuring of the organisational structure of permitting procedures (responsibility now falls at a local level). To overcome this difficulty, additional measures have been taken to ensure activities are well coordinated at a national level and that staff are appropriately trained.

General description and legislation

No changes reported.

Permitting application procedure

Since 2012, the county environmental protection agencies are designated as the Competent Authorities for the issuing of integrated environmental permits (in accordance with Order No 3970/2012). The procedural stages and the documents necessary for obtaining an integrated environmental permit were not changed.

One permit application was formally refused between 2011 and 2012 because it failed to comply with the emission limits set by the specified deadline (with regards to sulphur dioxide, nitrogen oxides and particulates from large combustion plants).

Environmental quality standards

<b>Romania</b>
No cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.
<u>Inspection and enforcement</u>
Data for installations and sites visited for Romania are as follows:
<ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 0;</li> <li>▪ Total number of installations where such visits took place: 838;</li> <li>▪ Total number of visits by Competent Authorities: 2,324.</li> </ul>
The types of actions taken in the case of an accident or incident have not changed since the previous reporting period. In 2012, 36 fines were imposed in the total amount of RON 966,200 (~€218,000); and in 2013, 40 fines were imposed in the total amount of RON 990,600 (~€224,000).

## 1.24 Slovenia

### 1.24.1 Analysis of the completeness

Table 44: Completeness assessment of responses reported by Slovenia – IPPC Directive

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
		b	
		c	
Environmental Quality Standards	6		
Changes to installations	7		
Reconsideration and updating of permit conditions	8	8.1	
		8.2	
		8.3	
Compliance with permit conditions	9.1		
	9.3	1	
		2	
		3	
		4	
5			
Transboundary cooperation	10		
General observations	11	11.1	
		11.2	

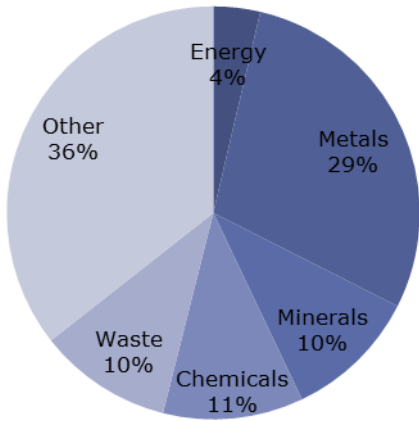
Slovenia has submitted a complete response to the questionnaire.

### 1.24.2 Analysis of Slovenia's response

The table below contains the detailed analysis of the responses provided by Slovenia to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

Table 45: Slovenia's response – analysis table

Slovenia													
<b>QUESTION 1 – GENERAL DESCRIPTION</b>													
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.													
Slovenia has reported difficulties in implementing the IPPC Directive in relation to a shortage of staff with relevant expertise. The number of Slovenian Environment Agency (ARSO) officials handling procedures for issuing permits has been the same since 2007, but the number of officials assisting in procedures for issuing permits by providing expert knowledge (in the field of emissions into air, and water and waste management) was less in 2012–2013 on account of other priority tasks. There are no specific plans to eliminate these problems.													
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>													
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.													
By the end of the reporting period, Slovenia reported <b>191 IPPC installations</b> , of which all but one held a complying permit. No explanation was provided by the Member State as to why these installations do not hold a complying permit (this information was not requested by the questionnaire); however, given that no permits were refused during the reporting period it is likely that these installations no longer require permits (see question 4.3). Slovenia indicated that two installations with substantial change were without a valid permit in this period. No permits were reconsidered in this time and 103 permits were updated.													
<table border="1"> <thead> <tr> <th>Category</th> <th>Number of installations</th> </tr> </thead> <tbody> <tr> <td>Total IPPC installations</td> <td>191</td> </tr> <tr> <td>Installations with a complying permit</td> <td>190</td> </tr> <tr> <td>Installation with substantial change without a permit</td> <td>2</td> </tr> <tr> <td>Permit reconsideration</td> <td>-</td> </tr> <tr> <td>Permit update</td> <td>103</td> </tr> </tbody> </table>		Category	Number of installations	Total IPPC installations	191	Installations with a complying permit	190	Installation with substantial change without a permit	2	Permit reconsideration	-	Permit update	103
Category	Number of installations												
Total IPPC installations	191												
Installations with a complying permit	190												
Installation with substantial change without a permit	2												
Permit reconsideration	-												
Permit update	103												
The sectoral break-down of IPPC installations is presented in the chart below.													

<b>Slovenia</b>															
	<p><b>Share of installations per activity</b></p>  <p>Total: 191 installations</p> <table border="1"> <caption>Share of installations per activity</caption> <thead> <tr> <th>Activity</th> <th>Share (%)</th> </tr> </thead> <tbody> <tr> <td>Other</td> <td>36%</td> </tr> <tr> <td>Metals</td> <td>29%</td> </tr> <tr> <td>Minerals</td> <td>10%</td> </tr> <tr> <td>Chemicals</td> <td>11%</td> </tr> <tr> <td>Waste</td> <td>10%</td> </tr> <tr> <td>Energy</td> <td>4%</td> </tr> </tbody> </table>	Activity	Share (%)	Other	36%	Metals	29%	Minerals	10%	Chemicals	11%	Waste	10%	Energy	4%
Activity	Share (%)														
Other	36%														
Metals	29%														
Minerals	10%														
Chemicals	11%														
Waste	10%														
Energy	4%														
<p>2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.</p>															
<p>The list of IPPC installations in Slovenia is publically available, <a href="http://okolje.arso.gov.si/ippc/tabela/14">http://okolje.arso.gov.si/ippc/tabela/14</a>.</p>															
<b>QUESTION 3 – PERMIT APPLICATIONS</b>															
<p>Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.</p>															
<p>No changes were reported.</p>															
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>															
<p>4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.</p>															
<p>No changes were reported.</p>															
<p>4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.</p>															
<p>No difficulties were reported.</p>															
<p>4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.</p>															
<p>No permit applications were formally refused between 2011 and 2012. There have been no changes since the previous reporting period to the procedure for ensuring that non-complying installations are not granted permits.</p>															
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>															
<p>5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the</p>															

<b>Slovenia</b>
general principles for the determination of best available techniques, and the implementation of Article 9(4).
No changes to the procedures and criteria for setting permit conditions, the general principle for determining BAT or the implementation of Article 9 (4) have been made since the previous reporting period.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes since the previous reporting period. BREFs are used for setting BAT and for permit conditions.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u> No changes have been reported since the previous reporting period – environmental management systems are not taken into account when setting permit conditions.
<u>Restoration upon definitive cessation of activities</u> No changes were reported.
<u>Energy efficiency</u> No changes were reported.
<u>Article 9(3) application</u> No changes have been reported since the previous reporting period – the Member State has opted to use the derogation permitted within Article 9(3) and none of the installations that were included in the greenhouse gas emissions trading system (emitting CO <sub>2</sub> ) have a requirement for energy efficiency in their IPPC environmental permit.
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
Slovenia reported that five cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period. All five cases are in relation to air quality and include additional requirements to further reduce the mass flow rate for dust emissions for sandblasting (on three occasions), and for core-making (on two occasions). No changes to the provisions are reported.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No changes have been reported since the previous reporting period and the frequency for reconsideration and updating of permit conditions continues to be covered under national legislation.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.



<b>Slovenia</b>								
No changes were reported – the representative frequency for the reconsideration of permit conditions is once every 6 - 10 years. Permits are valid for 10 years and application for extensions must be submitted before the expiry date.								
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.								
No changes were reported.								
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>								
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.								
Operators in Slovenia must inform authorities of the results of release monitoring either via email or by paper. No changes to the reporting requirements have been made.								
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.								
Periodic monitoring reports must be submitted by all operators – the frequency at which these reports are required is annually.								
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.								
<p><u>Inspection components</u></p> <p>No changes were reported to the main environmental inspection components.</p> <p>The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that only 80% of the total IPPC installations reported were visited in the reporting period as the monitoring system in place prioritises installations which are classified as posing a high environmental risk. On average each IPPC installation visited received two site visits per annum with sampling/ monitoring taking place at 3% of these visits.</p>								
<table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Category</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Total number of site visits during which measurement/sampling took place</td> <td>13</td> </tr> <tr> <td>Total number of installations where such visits took place</td> <td>153</td> </tr> <tr> <td>Total number of visits by Competent Authority</td> <td>888</td> </tr> </tbody> </table>	Category	Value	Total number of site visits during which measurement/sampling took place	13	Total number of installations where such visits took place	153	Total number of visits by Competent Authority	888
Category	Value							
Total number of site visits during which measurement/sampling took place	13							
Total number of installations where such visits took place	153							
Total number of visits by Competent Authority	888							
<p><u>Accidents, incidents and non-compliance</u></p> <p>In 2012, Slovenia reported that 167 written decisions, warning letters, and admonitions were issued, as well as 29 offence procedures. In 2013, a further 173 written decisions, warning letters, and admonitions were issued, as well as 23 offence procedures.</p>								
<b>QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)</b>								

<b>Slovenia</b>
Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.
Slovenia reported no instance of the use of Article 18 during the reporting period.
<b>QUESTION 11 – GENERAL OBSERVATIONS</b>
11.1. Are there any particular implementation issues that give rise to concerns in your Member State?
No implementation issues were raised by the Member State.
11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?
No further observations were made.
<b>SUMMARY OF CHANGES AND CONCLUSIONS</b>
<p>By the end of the reporting period, Slovenia reported <b>191 IPPC installations</b>, of which 99% held a complying permit. The Member State reported two installations with a substantial change without a permit in the period. No permits were reconsidered in this time and 103 permits were updated.</p> <p>Slovenia has reported difficulties in implementing the IPPC Directive in relation to a shortage of staff with relevant expertise.</p> <p><u>General description and legislation</u></p> <p>No changes were reported.</p> <p><u>Permitting application procedure</u></p> <p>No permit applications were formally refused between 2011 and 2012.</p> <p><u>Environmental quality standards</u></p> <p>Five cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period. All five cases are in relation to air quality and the need for additional requirements to further reduce the mass flow rate for dust emissions.</p> <p><u>Inspection and enforcement</u></p> <p>Data for installations and sites visited for Slovenia are as follows:</p> <ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 13;</li> <li>▪ Total number of installations where such visits took place: 153;</li> <li>▪ Total number of visits by Competent Authorities: 888.</li> </ul> <p>In 2012, 167 written decisions, warning letters, and admonitions were issued, as well as 29 offence procedures. In 2013, a further 173 written decisions, warning letters, and admonitions were issued, as well as 23 offence procedures.</p>

## 1.25 Slovakia

### 1.25.1 Analysis of the completeness

Table 46: Completeness assessment of responses reported by Slovakia – IPPC Directive

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting	4	4.1	
		4.2	
		4.3	

procedure and conditions				
Appropriateness and adequacy of permit conditions	5	5.1	1	
			2	
			3	
	5.2	1		
		2		
	5.3	a		
		b		
		c		
		d		
Environmental Quality Standards	6			
Changes to installations	7			
Reconsideration and updating of permit conditions	8	8.1		
		8.2		
		8.3		
Compliance with permit conditions	9	9.1		
		9.2		
	9.3	1		
		2		
		3		
		4		
5				
Transboundary cooperation	10			
General observations	11	11.1		
		11.2		

Slovakia has submitted a complete response to the questionnaire.

### 1.25.2 Analysis of Slovakia's response

The table below contains the detailed analysis of the responses provided by Slovakia to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

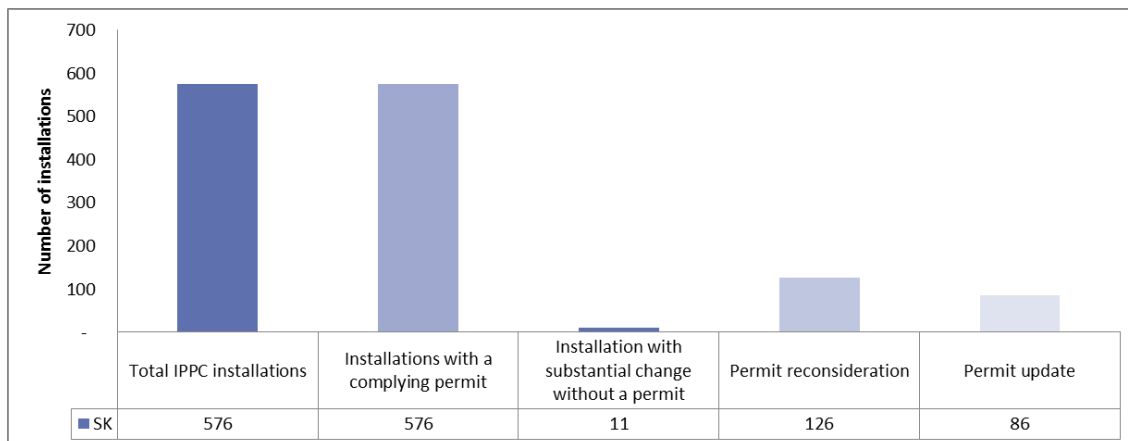
Table 47: Slovakia's response – analysis table

<b>Slovakia</b>
<b>QUESTION 1 – GENERAL DESCRIPTION</b>
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.
<p>Slovakia has reported a number of difficulties in implementing the IPPC Directive, as follows:</p> <ul style="list-style-type: none"> <li>▪ a shortage of staff with relevant expertise to the permitting process and environmental monitoring;</li> <li>▪ limited financial resources;</li> <li>▪ competition with other public sector legislative priorities affecting the level of public finances available to support the IPPC resources; and</li> <li>▪ outflow of qualified experts from the public to the private sector.</li> </ul> <p>To address some of these difficulties there are plans to increase qualified staff numbers, to conduct financial assessments of IPPC work to raise awareness and support, and to ensure that qualified experts have the same status as public authorities.</p>
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>

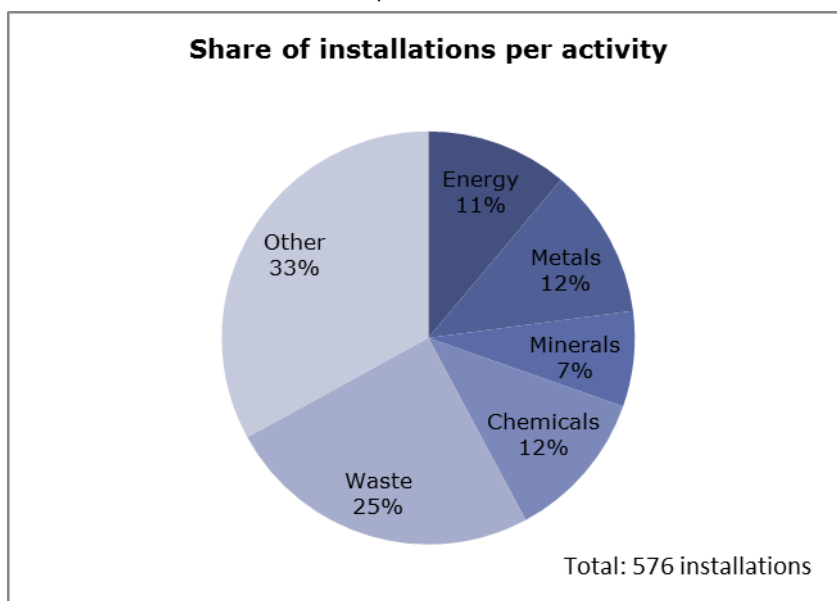
**Slovakia**

2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.

By the end of the reporting period, Slovakia reported **576 IPPC installations**, of which all held a complying permit. The Member State reported 11 installations with substantial change without a valid permit during this period. 126 permits were reconsidered (22% of all IPPC installations) in this time, and 86 were updated.



The sectoral break-down of IPPC installations is presented in the chart below.



2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.

The list of IPPC installations in Slovakia is not publically available, rather a list of installations was submitted with the questionnaire response containing all the requested information (including, the names, location and main activity).

The Member State also commented that the information provided includes double data where installations have more than one industrial activity. This is due to the fact that the IPPC database is currently being updated and the process of transferring the data from the old database to the new one has not been subject to a complete check. The Member State reported that the checks to ensure the data has been properly transferred are ongoing.

**QUESTION 3 – PERMIT APPLICATIONS**

<b>Slovakia</b>
Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.
No changes were reported in terms of the content of a permit application. However, since 2013 new legislation has entered into force for the application of integrated permits (Act No 39/2013 Coll. on IPPC, section 7).  Instructions for drafting applications for integrated permits are set out in guidance which is available online ( <a href="http://www.sizp.sk">www.sizp.sk</a> ). Other guidelines include: "Manual on the integrated permit process – manual on the IPPC permit process focused on inspectors issuing integrated permits", and "Sector manual for landfills – focused on inspectors".
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>
4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.
No changes were reported.
4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.
No difficulties reported.
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
Eight permit applications were formally refused between 2011 and 2012 due to the withdrawal of application forms by their operators. The provisions for refusing a permit application are laid down in section 17 of Act No 39/2013 Coll. on IPPC. A permit application may be refused in the case of non-compliance, or the application process may be discontinued by the administrative body (e.g. if the operator refuses to attend a relevant public hearing or meeting without justification).
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
Emission limits and general operation conditions are set according to national legislative rules for individual components of the environment. There have been changes to the national legislation for air since the previous reporting period (entered into force on 1 January 2013, Regulation No 410/2012 Coll.). There have been no other changes to national legislation affecting the procedures and criteria for setting permit conditions.  No changes to the general principle for determining BAT are reported, although the provisions are now set out under Annex 2 of Act No 39/2013 Coll. on IPPC with regard to expected costs and benefits of the planned measure and with regard to the prevention and initial caution principles. No other changes are reported.  Since the previous reporting period, the implementation of Article 9(4) is now transposed by section 22 of the Act No 39/2013 Coll. on IPPC, although no changes to the provisions have been made.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes since the previous reporting period. BREFs are used for assessing BAT and setting permit conditions. The Member State has also indicated that other documents may be used to determine BAT although no detail concerning the type of documents has been specified.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically

<b>Slovakia</b>
been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<p><u>Environmental Management System</u></p> <p>No changes have been reported since the previous reporting period – environmental management systems are not taken into account when setting permit conditions.</p> <p><u>Restoration upon definitive cessation of activities</u></p> <p>No changes to the procedures or permit conditions have occurred since the previous reporting period; however, the legislative text has changed and the provisions are now set under section 28 of the Act No 39/2013 Coll. on IPPC.</p> <p><u>Energy efficiency</u></p> <p>No changes were reported.</p> <p><u>Article 9(3) application</u></p> <p>No changes have been reported since the previous reporting period – the Member State has opted not to use the derogation permitted within Article 9(3).</p>
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
No cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period. No changes to the provisions are reported.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
<p>The relevant provisions concerning changes to installations are set out in Section 2 of Act No 39/2013 Coll. on IPPC. In comparison to the previous reporting period, the provisions determining changes to installations are more specific, and include the following:</p> <ul style="list-style-type: none"> <li>▪ If the installation falls under EIA obligatory process assessment, any change in operating or using of technology in installation must be considered as substantial change;</li> <li>▪ Any change which is not substantial, should be considered as simple change; however the operator is obliged to announce any change in operation;</li> <li>▪ Where it is unclear if the change has status of substantial change, the administrative body will pass a decision;</li> <li>▪ The operator is obliged to announce information related to change of properties rights; and</li> <li>▪ A new operator as a successor in title is obliged to announce such change within 10 days after coming into force of shifting the rights and obligations.</li> </ul>
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
The frequency for reconsideration and updating of permit conditions is stipulated by the national legislation (under Act No 39/2013 Coll. on IPPC).
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
Until 2013, no changes were reported and the representative frequency for the reconsideration of permit conditions was once every 8 years.

<b>Slovakia</b>								
<p>8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.</p>								
<p>Since 2013, the provisions outlining the process of reconsideration and updating are set out under section 33 of Act No 39/2013 Coll. on IPPC. No significant changes to the process are reported and the competent authority continues to take responsibility for deciding the outcome.</p>								
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>								
<p>9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.</p>								
<p>Operators in Slovakia must inform authorities of the results of release monitoring either via email or by paper. The conditions for reporting the results of release monitoring are set in national legislation. New legislation has entered into force since the previous reporting period for pollutant releases to air (No 410/2012 Coll. and No 411/2012 Coll.), and transfers from landfills (No 310/2013 Coll.). No changes to national legislation for water or waste are reported.</p>								
<p>9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.</p>								
<p>Periodic monitoring reports must be submitted by all operators on a continuous basis.</p>								
<p>9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.</p>								
<p><u>Inspection components</u></p> <p>Slovakia indicated that there are three types of inspections; an in-depth check to assess ELVs and operation records; a specialised check based on selected criteria based on BAT conclusions for example; and additional checks (usually resulting from an accident or incident).</p> <p>The numerical data concerning visits made by competent authorities and samples taken are set out below. Note 87% of the total IPPC installations were visited during the reporting period. No reason was provided by the Member State as to why the remaining 13% did not receive an inspection visit although one possibility is that the Member State prioritises inspections at installations with a higher environmental risk. On average each IPPC installation visited received one site visit per annum with sampling/ monitoring taking place during 4% of these visits.</p>								
<table border="1"> <caption>Inspection Data</caption> <thead> <tr> <th>Category</th> <th>Value</th> </tr> </thead> <tbody> <tr> <td>Total number of site visits during which measurement/sampling took place</td> <td>23</td> </tr> <tr> <td>Total number of installations where such visits took place</td> <td>502</td> </tr> <tr> <td>Total number of visits by Competent Authority</td> <td>615</td> </tr> </tbody> </table>	Category	Value	Total number of site visits during which measurement/sampling took place	23	Total number of installations where such visits took place	502	Total number of visits by Competent Authority	615
Category	Value							
Total number of site visits during which measurement/sampling took place	23							
Total number of installations where such visits took place	502							
Total number of visits by Competent Authority	615							
<p><u>Accidents, incidents and non-compliance</u></p>								

<b>Slovakia</b>
Slovakia indicated that the types of actions that can be imposed on operators include: penalties; remedial measures; resubmission of the permit application; or suspension of installation activities.
<b>QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)</b>
Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.
Slovakia reported no instance of the use of Article 18 during the reporting period.
<b>QUESTION 11 – GENERAL OBSERVATIONS</b>
11.1. Are there any particular implementation issues that give rise to concerns in your Member State?
No implementation issues were raised by the Member State.
11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?
Slovakia added that the Act on IPPC (No 39/2013) also transposes the requirements of the Industrial Emissions Directive. Of particular relevance to the implementation of the IPPC Directive, the frequency of reconsideration is no longer stated in the national law, rather a list of conditions is provided specifying when a permit should be reconsidered (section 33, Act No 39/2013 Coll. on IPPC). E.g. in cases of non-compliance with the permit conditions, where the ELVs have been exceeded by the facility, or where there have been changes to ELVs in either national legislation or BAT conclusions.
<b>SUMMARY OF CHANGES</b>
By the end of the reporting period, Slovakia reported <b>576 IPPC installations</b> , of which all held a complying permit. The Member State reported 11 installations with a substantial change without a permit in the reporting period. 126 permits were reconsidered (22% of all IPPC installations) in this time, and 86 were updated. Slovakia has reported difficulties in implementing the IPPC Directive, primarily in relation to a shortage of staff with relevant expertise and limited financial resources. <u>General description and legislation</u> Since 2013, the requirements set out in the IPPC Directive are transposed into national legislation under Act No 39/2013 Coll. on IPPC, which also transposes IED requirements. <u>Permitting application procedure</u> Eight permit applications were formally refused between 2011 and 2012 due to the withdrawals of application forms by their operators. A permit application may be refused in the case of non-compliance, or the application process may be discontinued by the administrative body (e.g. if the operator refuses to attend a relevant public hearing or meeting without justification) (section 17 of Act No 39/2013 Coll. on IPPC). <u>Permit conditions</u> There have been several changes to permit conditions as a result of the Act No 39/2013 Coll. on IPPC, as well as other national legislation setting emission limits and general operation conditions for specific sectors (namely pollutant releases to air (No 410/2012 Coll. and No 411/2012 Coll.), and transfers from landfills (No 310/2013 Coll.)). The changes to legislation are mostly of little or no significance to the provisions, with the exception of more detail now provided in relation to the restoration upon definitive cessation of activities (section 33); as well, the frequency of reconsideration is no longer stated in the national law, rather a list of conditions is provided specifying when a permit should be reconsidered (section 33). <u>Environmental quality standards</u> No cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period. <u>Inspection and enforcement</u> Data for installations and sites visited for Slovakia are as follows: <ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 23;</li> <li>▪ Total number of installations where such visits took place: 502;</li> <li>▪ Total number of visits by Competent Authorities: 615.</li> </ul>



## 1.26 Spain

### 1.26.1 Analysis of the completeness

Table 48: Completeness assessment of responses reported by Spain – IPPC Directive

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
		b	
		c	
d			
Environmental Quality Standards	6		
Changes to installations	7		
Reconsideration and updating of permit conditions	8	8.1	
		8.2	
		8.3	
Compliance with permit conditions	9	9.1	
		9.2	
	9.3	1	
		2	
		3	
		4	
5			
Transboundary cooperation	10		
General observations	11	11.1	
		11.2	

Spain has submitted a complete response to the questionnaire.

### 1.26.2 Analysis of Spain's response

The table below contains the detailed analysis of the responses provided by Spain to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

Table 49: Spain's response – analysis table

Spain
<b>QUESTION 1 – GENERAL DESCRIPTION</b>
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.

**Spain**

The Member State referred back to earlier questionnaire responses provided in relation to difficulties in implementing the IPPC Directive without providing any detail.

The difficulties previously listed were the following:

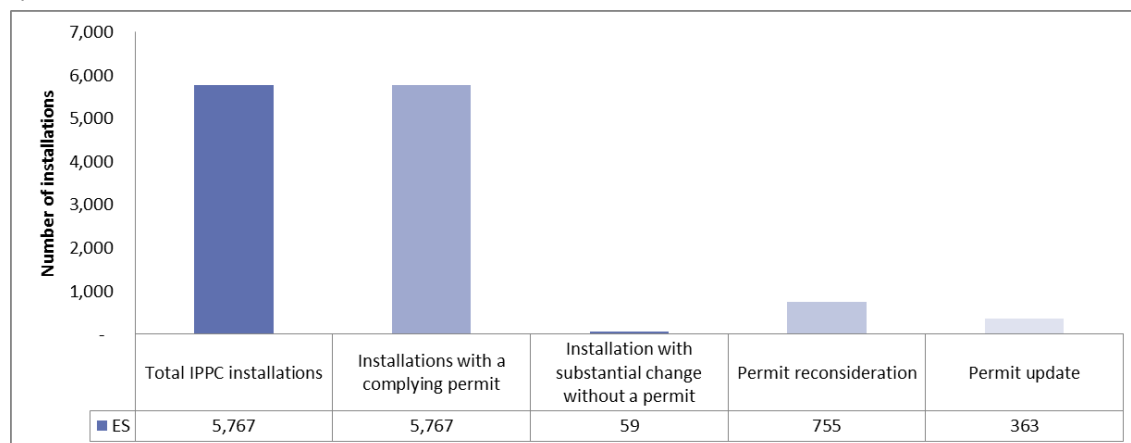
- Difficulties in allocating resources for identifying the installations under the scope of the IPPC (in particular for the ceramic and the intensive livestock rearing sectors);
- Difficulties in coordinating between the different Competent Authorities in the Autonomous Communities; and
- Difficulties in managing the volume of applications to be processed (more than 5,000 installations are covered by the IPPC in Spain).

It is unclear from the response provided if the extent of the difficulties is the same between the reporting periods; however, it is probable that the difficulties experienced are ongoing based on the Member State response and in the context of other information submitted.

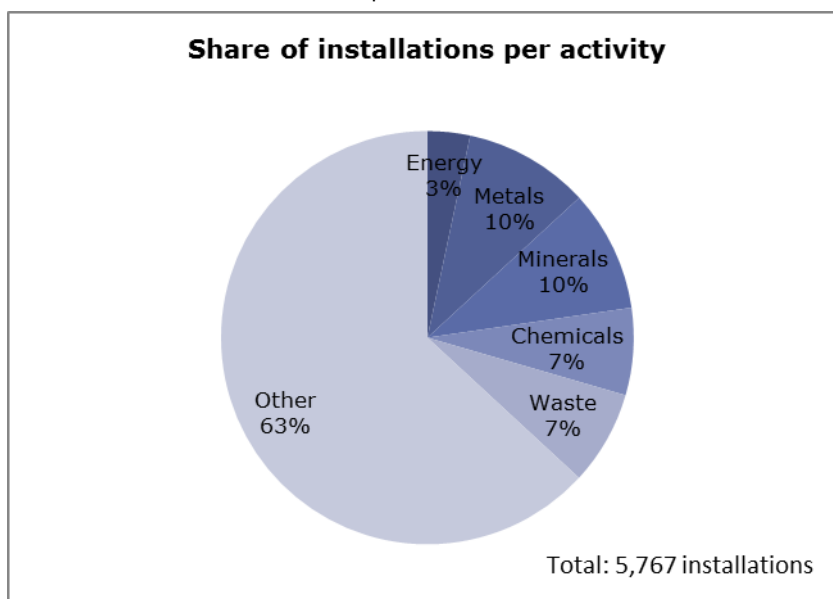
**QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)**

2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.

By the end of the reporting period, Spain reported **5,767 IPPC installations**, of which all held a complying permit. The Member State reported 59 installations with substantial change without a valid permit during this period. 755 permits were reconsidered in this time (13% of total IPPC installations), and 363 were updated.



The sectoral break-down of IPPC installations is presented in the chart below.



<b>Spain</b>
<p>2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.</p>
<p>The list of IPPC installations in Spain is publically available at a national level as well as by region, as follows:</p> <ul style="list-style-type: none"> <li>▪ National overview (PRTR-ESPAÑA): <a href="http://www.prtr-es.es/Informes/InventarioInstalacionesIPPC.aspx">http://www.prtr-es.es/Informes/InventarioInstalacionesIPPC.aspx</a></li> <li>▪ Andalucía: <a href="http://www.juntadeandalucia.es/medioambiente/servtc1/AAIo/?lr=lang_es">http://www.juntadeandalucia.es/medioambiente/servtc1/AAIo/?lr=lang_es</a></li> <li>▪ Aragon: <a href="https://gobierno.aragon.es/portal/site/GobiernoAragon/menuitem.bc635f27d1b850777f4dbc1754a051ca?vgnextoid=b0390eb4bb58b210VgnVCM100000450a15acRCRD&amp;idTramite=321">https://gobierno.aragon.es/portal/site/GobiernoAragon/menuitem.bc635f27d1b850777f4dbc1754a051ca?vgnextoid=b0390eb4bb58b210VgnVCM100000450a15acRCRD&amp;idTramite=321</a></li> <li>▪ Canary Islands: <a href="http://www.gobiernodecanarias.org/medioambiente/piac/temas/contaminacion-ambiental/prevencion-y-control-integrado/AAI/aai-otorgadas">http://www.gobiernodecanarias.org/medioambiente/piac/temas/contaminacion-ambiental/prevencion-y-control-integrado/AAI/aai-otorgadas</a></li> <li>▪ Cantabria: <a href="http://prtr.cantabria.es/autorizaciones-ambientales-integradas">http://prtr.cantabria.es/autorizaciones-ambientales-integradas</a></li> <li>▪ Castille-Leon: <a href="http://www.jcyl.es/web/jcyl/MedioAmbiente/es/Plantilla100/1284213666047/_/_/_;">http://www.jcyl.es/web/jcyl/MedioAmbiente/es/Plantilla100/1284213666047/_/_/_;</a></li> <li>▪ Castile-la-Mancha: <a href="http://www.castillalamancha.es/gobierno/agricultura/estructura/dgacia/actuaciones/autorizaci%C3%B3n-ambiental-integrada">http://www.castillalamancha.es/gobierno/agricultura/estructura/dgacia/actuaciones/autorizaci%C3%B3n-ambiental-integrada</a></li> <li>▪ Catalonia: <a href="http://www14.gencat.cat/appdmah_Front/AppJava/autoritzacionsAmbientalesAction.do?method=initVars&amp;set-locale=es">http://www14.gencat.cat/appdmah_Front/AppJava/autoritzacionsAmbientalesAction.do?method=initVars&amp;set-locale=es</a></li> <li>▪ Extremadura: <a href="http://extremambiente.gobex.es/index.php?option=com_content&amp;view=article&amp;id=1764">http://extremambiente.gobex.es/index.php?option=com_content&amp;view=article&amp;id=1764</a></li> <li>▪ Galicia: <a href="http://www.cmati.xunta.es/busca-de-expedientes-da-autorizacion-ambiental-integrada">http://www.cmati.xunta.es/busca-de-expedientes-da-autorizacion-ambiental-integrada</a></li> <li>▪ Basque Country: <a href="http://212.142.249.33/Public/irc/ejie/ippc/library">http://212.142.249.33/Public/irc/ejie/ippc/library</a></li> <li>▪ Rioja: <a href="http://www.larioja.org/npRioja/default/defaultpage.jsp?idtab=432491">http://www.larioja.org/npRioja/default/defaultpage.jsp?idtab=432491</a></li> <li>▪ Madrid: <a href="http://www.madrid.org/cs/Satellite?buscador=true&amp;c=CM_InfPractica_FA&amp;pagename=ComunidadMadrid%2FEstructura&amp;cid=1114188735063&amp;language=es">http://www.madrid.org/cs/Satellite?buscador=true&amp;c=CM_InfPractica_FA&amp;pagename=ComunidadMadrid%2FEstructura&amp;cid=1114188735063&amp;language=es</a></li> <li>▪ Murcia: <a href="http://www.carm.es/web/pagina?IDCONTENIDO=2729&amp;IDTIPO=100&amp;RASTRO=c503\$m">http://www.carm.es/web/pagina?IDCONTENIDO=2729&amp;IDTIPO=100&amp;RASTRO=c503\$m</a></li> <li>▪ Navarre: <a href="http://www.navarra.es/home_es/Gobierno+de+Navarra/Organigrama/Los+departamentos/Desarrollo+Rural+Industria+Empleo+y+Medio+Ambiente/Acciones/Planes+especificos/Acciones+medio+ambiente/Informacion+ambiental/Autorizaciones+ambientales/">http://www.navarra.es/home_es/Gobierno+de+Navarra/Organigrama/Los+departamentos/Desarrollo+Rural+Industria+Empleo+y+Medio+Ambiente/Acciones/Planes+especificos/Acciones+medio+ambiente/Informacion+ambiental/Autorizaciones+ambientales/</a></li> <li>▪ Valencia: <a href="http://www.citma.gva.es/web/calidad-ambiental/registro-de-instalaciones-de-la-comunitat-valenciana-55450">http://www.citma.gva.es/web/calidad-ambiental/registro-de-instalaciones-de-la-comunitat-valenciana-55450</a></li> <li>▪ Asturias: <a href="http://www.asturias.es/portal/site/medioambiente/menuitem.1340904a2df84e62fe47421ca6108a0c/?vgnextoid=db053bae1df45410VgnVCM10000098030a0aRCRD&amp;vgnnextchannel=8230e70c87f45410VgnVCM10000098030a0aRCRD&amp;i18n.http.lang=es">http://www.asturias.es/portal/site/medioambiente/menuitem.1340904a2df84e62fe47421ca6108a0c/?vgnextoid=db053bae1df45410VgnVCM10000098030a0aRCRD&amp;vgnnextchannel=8230e70c87f45410VgnVCM10000098030a0aRCRD&amp;i18n.http.lang=es</a></li> <li>▪ Balearic Islands, Ceuta and Melilla: Available through the national platform - <a href="http://www.prtr-es.es/Informes/InventarioInstalacionesIPPC.aspx">http://www.prtr-es.es/Informes/InventarioInstalacionesIPPC.aspx</a></li> </ul>
<b>QUESTION 3 – PERMIT APPLICATIONS</b>
Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.
No changes were reported.
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>

<b>Spain</b>
4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.
No changes were reported.
4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.
Spain reported difficulties linked to the time limits for mandatory reports when various authorities are involved. In terms of legislation and guidance produced on this issue, the Member State refers to its response to question 2.2 for up-to-date website links to the web pages of the different regions, although there appears to have been no update to the legislation or guidance since 2002.
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
No permit applications were formally refused between 2011 and 2012. There have been no changes since the previous reporting period to the procedure for ensuring that non-complying installations are not granted permits.
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
No changes to the procedures and criteria for setting permit conditions, the general principle for determining BAT or the implementation of Article 9 (4) have been made since the previous reporting period.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes since the previous reporting period. BREFs are used for setting BAT and for permit conditions.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u> No changes have been reported since the previous reporting period – environmental management systems are taken into account when setting permit conditions.
<u>Restoration upon definitive cessation of activities</u> No changes were reported.
<u>Energy efficiency</u> No changes were reported.
<u>Article 9(3) application</u> No changes have been reported since the previous reporting period – the Member State has opted to use the derogation permitted within Article 9(3).
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.

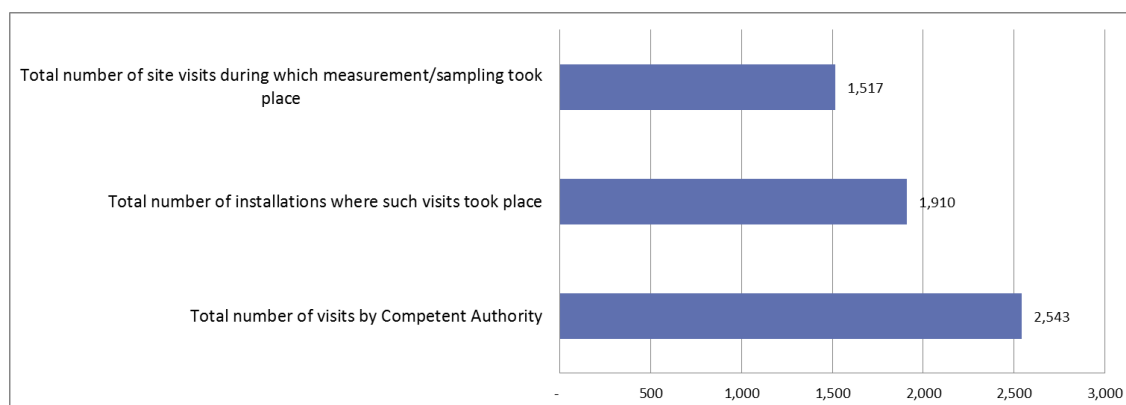
<b>Spain</b>
No cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period. No changes to the provisions are reported.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No changes have been reported since the previous reporting period and the frequency for reconsideration and updating of permit conditions continues to be covered under national legislation.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
No changes were reported – the representative frequency for the reconsideration of permit conditions is once every 8 years at least.
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.
No changes were reported.
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.
Operators in Spain must inform authorities of the results of release monitoring either via email, submissions to an electronic database or by paper. No changes to the reporting requirements have been made.
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.
Periodic monitoring reports must be submitted by all operators – the frequency at which these reports are required is not specified.
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.
<u>Inspection components</u>
Spain indicated that most of the environmental inspections are routine inspections carried out primarily to evaluate compliance with permit conditions and ELVs. Non-routine inspections are usually due to complaints, installation launches or are carried out at the request of other departments/areas of the environmental authority. Routine inspections always follow the guidelines laid down in the inspection plans and programmes which fall within the remit of the Autonomous Communities. In many cases these

## Spain

guidelines have not been updated since the previous reporting period however in some instances these have been updated, including in the case of Cantabria<sup>6</sup> and Galicia<sup>7</sup>.

The response from Spain also included a link to where more information about environmental inspections can be found<sup>8</sup>.

The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that only 33% of the total IPPC installations were visited during the reporting period. No reason was provided by the Member State to explain why although one possibility is that the Member State prioritises inspections at installations with a higher environmental risk. On average each IPPC installation visited received one site visit per annum with sampling/ monitoring taking place during 60% of these visits.



### Accidents, incidents and non-compliance

During the reporting period, a total of 174 penalty proceedings were initiated, mostly on account of shortcomings/partial non-compliance with permit conditions. Economic sanctions were imposed in every case.

## QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)

Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.

Spain reported no instance of the use of Article 18 during the reporting period.

## QUESTION 11 – GENERAL OBSERVATIONS

11.1. Are there any particular implementation issues that give rise to concerns in your Member State?

An additional comment was made concerning the fact that the Directive does not clearly state when an installation should be decommissioned, and the subsequent issues that have arisen where installations fall outside the scope of the Directive and have been forced to either shut down a part of the process (partial closure of the installation) or to reduce their production capacity.

11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?

No further observations related to the implementation of Directive 2010/75/EU were made in the questionnaire response.

## SUMMARY OF CHANGES

By the end of the reporting period, Spain reported **5,767 IPPC installations**, of which all held a complying permit. The Member State reported 59 installations with a substantial change without a permit in the

<sup>6</sup> <http://boc.cantabria.es/boces/verAnuncioAction.do?idAnuBlob=261745>

<sup>7</sup> [http://www.cmati.xunta.es/seccion-organizacion/c/SX\\_de\\_Calidade\\_e\\_Avaliacion\\_Ambiental?content=SX\\_Calidade\\_Avaliacion\\_Ambiental/Inspeccion\\_ambiental/seccion.html&std=plans-inspeccion-ambiental.html](http://www.cmati.xunta.es/seccion-organizacion/c/SX_de_Calidade_e_Avaliacion_Ambiental?content=SX_Calidade_Avaliacion_Ambiental/Inspeccion_ambiental/seccion.html&std=plans-inspeccion-ambiental.html)

<sup>8</sup> <http://www.magrama.gob.es/es/calidad-y-evaluacion-ambiental/temas/medio-ambiente-industrial/inspeccion-ambiental/redia/>

Spain
<p>reporting period. 755 permits were reconsidered in this time (13% of total IPPC installations), and 363 were updated.</p> <p>Spain has reported ongoing difficulties in implementing the IPPC Directive since 2006. One example provided is the fact that the Directive does not clearly state when an installation should be decommissioned, and the subsequent issues that have arisen where installations fall outside the scope of the Directive and have been forced to either shut down a part of the process (partial closure of the installation) or to reduce their production capacity.</p> <p><u>General description and legislation</u></p> <p>No changes were reported.</p> <p><u>Permitting application procedure</u></p> <p>No permit applications were formally refused between 2011 and 2012. Spain has reported difficulties in this respect linked to the time limits for mandatory reports when various authorities are involved.</p> <p><u>Environmental quality standards</u></p> <p>No cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period. No changes to the provisions are reported.</p> <p><u>Inspection and enforcement</u></p> <p>Data for installations and sites visited for Spain are as follows:</p> <ul style="list-style-type: none"> <li>▪ Total number of site visits during which measurements/ sampling took place: 1,517;</li> <li>▪ Total number of installations where such visits took place: 1,910;</li> <li>▪ Total number of visits by Competent Authorities: 2,543.</li> </ul> <p>During the reporting period, a total of 174 penalty proceedings were initiated, mostly on account of shortcomings/partial non-compliance with permit conditions. Economic sanctions were imposed in every case.</p>

## 1.27 Sweden

### 1.27.1 Analysis of the completeness

*Table 50: Completeness assessment of responses reported by Sweden – IPPC Directive*

Question title	Question number	Completeness	Comment
General description	1		
Numbers of installations and permits	2	2.1	
		2.2.	
Permit applications	3		
Coordination of the permitting procedure and conditions	4	4.1	
		4.2	
		4.3	
Appropriateness and adequacy of permit conditions	5.1	1	
		2	
		3	
	5.2	1	
		2	
	5.3	a	
		b	
		c	
		d	
	Environmental Quality Standards	6	
Changes to installations	7		
	8	8.1	

Reconsideration and updating of permit conditions		8.2			
		8.3			
Compliance with permit conditions	9	9.1			
		9.2			
		9.3	1		
			2		
			3		
4					
5					
Transboundary cooperation	10				
General observations	11	11.1			
		11.2			

Sweden has submitted a complete response to the questionnaire.

### 1.27.2 Analysis of Sweden's response

The table below contains the detailed analysis of the responses provided by Sweden to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

Table 51: Sweden's response – analysis table

Sweden																
<b>QUESTION 1 – GENERAL DESCRIPTION</b>																
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.																
Sweden has reported no difficulties in implementing the IPPC Directive.																
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>																
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.																
By the end of the reporting period, Sweden reported <b>1,035 IPPC installations</b> , of which all but three held a complying permit. No information was included concerning the number of installations with substantial change without a permit, or that were reconsidered or updated in this time. Although it is noted that compared to the previous reporting period there is one less IPPC installation with a permit.																
	<table border="1"> <thead> <tr> <th>Category</th> <th>Number of installations</th> </tr> </thead> <tbody> <tr> <td>Total IPPC installations</td> <td>1035</td> </tr> <tr> <td>Installations with a complying permit</td> <td>1032</td> </tr> <tr> <td>Installation with substantial change without a permit</td> <td></td> </tr> <tr> <td>Permit reconsideration</td> <td></td> </tr> <tr> <td>Permit update</td> <td></td> </tr> </tbody> </table>				Category	Number of installations	Total IPPC installations	1035	Installations with a complying permit	1032	Installation with substantial change without a permit		Permit reconsideration		Permit update	
Category	Number of installations															
Total IPPC installations	1035															
Installations with a complying permit	1032															
Installation with substantial change without a permit																
Permit reconsideration																
Permit update																
No sectoral breakdown is provided in the response.																



<b>Sweden</b>
2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.
The list of IPPC installations in Sweden is not publically available. Due to the fact that there has only been one change since the previous reporting period, Sweden refers back to the list provided in the previous questionnaire response while noting one less installation under code 5.4 (all requested information is provided including, the names, location and main activity).
<b>QUESTION 3 – PERMIT APPLICATIONS</b>
Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.
No changes were reported.
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>
4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.
No changes were reported.
4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.
No difficulties were reported.
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
No permit applications were formally refused between 2011 and 2012. There have been no changes since the previous reporting period to the procedure for ensuring that non-complying installations are not granted permits.
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
No changes to the procedures and criteria for setting permit conditions, the general principle for determining BAT or the implementation of Article 9 (4) have been made since the previous reporting period.
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
No changes since the previous reporting period. Along with other documents (not specified by the Member State), BREFs are used for determining BAT. BREFs are not used for setting permit conditions.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u>

<b>Sweden</b>
No changes have been reported since the previous reporting period – environmental management systems are not taken into account when setting permit conditions. <u>Restoration upon definitive cessation of activities</u> No changes were reported. <u>Energy efficiency</u> No changes were reported. <u>Article 9(3) application</u> No changes have been reported since the previous reporting period – the Member State has opted to not use the derogation permitted within Article 9(3).
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
No cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period. No changes to the provisions were reported.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
No changes have been reported since the previous reporting period.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
No changes were reported – the representative frequency for the reconsideration of permit conditions varies.
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.
No changes were reported.
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.
Operators in Sweden must inform authorities of the results of release monitoring via email. No changes to the reporting requirements have been made.
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.
Periodic monitoring reports must be submitted by all operators – the frequency at which these reports are required is usually annually but can be more frequent on a case by case basis.
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the

<b>Sweden</b>
total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.
<p><u>Inspection components</u></p> <p>No changes were reported to the main environmental inspection components. No numerical data are available concerning visits made by competent authorities and samples taken.</p> <p><u>Accidents, incidents and non-compliance</u></p> <p>No changes were reported.</p>
<b>QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)</b>
Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.
Sweden has made use of Article 18 during the reporting period. There are no changes to the procedure used since the previous reporting period.
<b>QUESTION 11 – GENERAL OBSERVATIONS</b>
11.1. Are there any particular implementation issues that give rise to concerns in your Member State?
No implementation issues were raised by the Member State.
11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?
No further observations related to the implementation of Directive 2010/75/EU were made in the questionnaire response.
<b>SUMMARY OF CHANGES</b>
<p>By the end of the reporting period, Sweden reported <b>1,035 IPPC installations</b>, of which all but three held a complying permit. It is noted that compared to the previous reporting period there is one less IPPC installation with a permit.</p> <p>Sweden has reported no difficulties in implementing the IPPC Directive.</p> <p><u>General description and legislation</u></p> <p>No changes reported.</p> <p><u>Permitting application procedure</u></p> <p>No permit applications were formally refused between 2011 and 2012.</p> <p><u>Environmental quality standards</u></p> <p>No cases have arisen where BAT were not sufficient to satisfy an environmental quality standard during the reporting period.</p> <p><u>Inspection and enforcement</u></p> <p>No numerical data are available concerning visits made by competent authorities and samples taken.</p> <p><u>Transboundary cooperation</u></p> <p>Sweden has made use of Article 18 during the reporting period. There are no changes to the procedure used since the previous reporting period.</p>

## 1.28 United Kingdom

### 1.28.1 Analysis of the completeness

*Table 52: Completeness assessment of responses reported by UK – IPPC Directive*

Question title	Question number	Completeness	Comment
General description	1		

Numbers of installations and permits	2	2.1				
		2.2.				
Permit applications	3					
Coordination of the permitting procedure and conditions	4	4.1				
		4.2				
		4.3				
Appropriateness and adequacy of permit conditions	5	5.1	1			
			2			
			3			
	5.2	1				
		2				
	5.3	a				
		b				
		c				
d						
Environmental Quality Standards	6					
Changes to installations	7					
Reconsideration and updating of permit conditions	8	8.1				
		8.2				
		8.3				
Compliance with permit conditions	9	9.1				
		9.2				
	9.3	1				
		2				
		3				
		4				
		5				
Transboundary cooperation	10					
General observations	11	11.1				
		11.2				

The UK submitted a complete response to the IPPC questionnaire.

### 1.28.2 Analysis of the UK responses

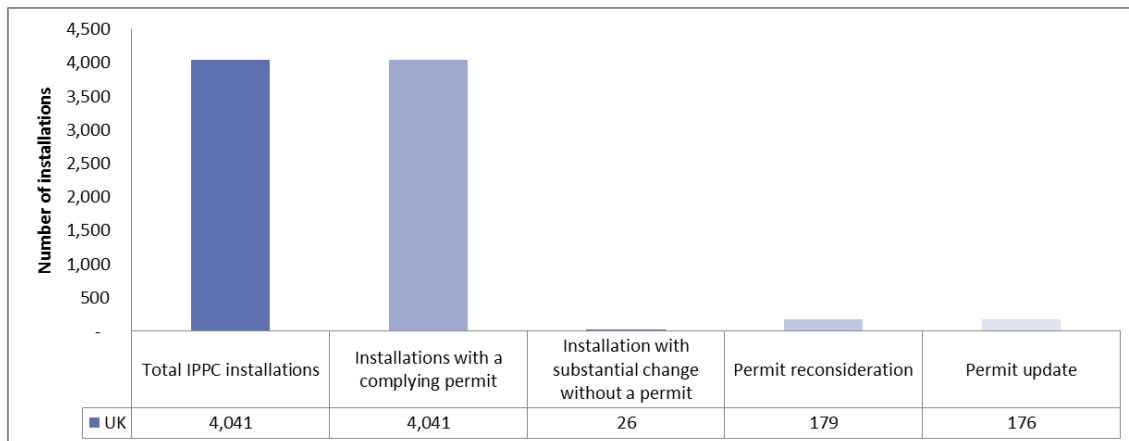
The table below contains the detailed analysis of the responses provided by the UK to the IPPC questionnaire. It presents a summary of the responses for each question, as well as further comments and descriptive analysis of the responses given.

*Table 53: UK response – analysis table*

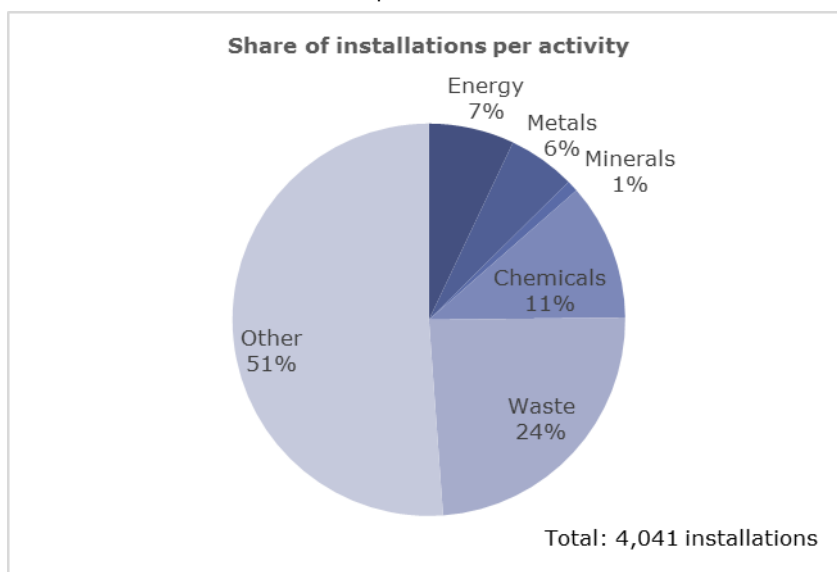
<b>UK</b>
<b>QUESTION 1 – GENERAL DESCRIPTION</b>
Have there been any difficulties in implementing Directive 2008/1/EC due to the limited availability or capacity of staff resource? If yes, please describe as well as any plans to address them in view of the transition to Directive 2010/75/EU.
The UK reported that despite constraints and challenges met for securing the necessary resources, there has been no difficulty in implementing the IPPC Directive.
<b>QUESTION 2 – NUMBERS OF INSTALLATIONS AND PERMITS (Articles 2(3), 2(4), 4)</b>
2.1. Give details of the numbers of installations and permits by type of activity at the end of the reporting period.

**UK**

By the end of the reporting period, the UK reported **4,041 IPPC installations**, all of which held a complying permit. The Member State reported 26 installations with substantial change without valid permits. 179 permits were reconsidered, and 176 were updated.



The sectoral break-down of IPPC installations is presented in the chart below.



2.2. Identification of IPPC installations. Please provide the names, location and main activity (Annex I) of the IPPC installations in your Member State – either by providing a link to a publicly available website, or if this is not available a list of all individual installations operating at the end of the reporting period. If neither is available, please provide an explanation as to why this is the case.

The responses given to Questions 2.1 and 2.2 are almost matching and the information submitted by the UK indicates the challenges it has had to report matching lists. In response to question 2.2, the UK lists all reused information (including, the names, location and main activity) for a total of 3,988 installations split as follows:

- 3,311 IPPC installations in England and Wales;
- 400 installations in Scotland; and
- 502 installations in Northern Ireland.

The information reported by England and Wales indicates that the list includes all currently effective permits and that the system does not allow extraction from the list of those that have been permitted since August 2012. This explains why the list submitted in question 2.2 includes 3,311 installations vs 3,281 installations reported in question 2.1. Scotland has listed in question 2.2 a total of 402 installations. Most of the

<b>UK</b>
additional installations are listed in the information reported by Northern Ireland (502 listed in 2.2 vs 358 included in 2.1). There is no information provided to explain the discrepancies in number.
<b>QUESTION 3 – PERMIT APPLICATIONS</b>
Describe any general binding rules, guidance documents or application forms produced to ensure that applications contain all the information required by Article 6, either generally or in relation to specific issues.
There has been no change to the permit application procedure during the reporting period.
<b>QUESTION 4 – COORDINATION OF THE PERMITTING PROCEDURE AND CONDITIONS (Articles 7 and 8)</b>
4.1. Describe any changes made since the last reporting period to the organisational structure of the permitting procedures, in particular concerning the levels of competent authorities and distribution of competencies.
There has been no significant change to the coordination of the permitting procedure and conditions.
4.2. Are there any difficulties in ensuring full coordination of the permitting procedure and conditions as required by Article 7, especially where more than one competent authority is involved? Describe any legislation or guidance documents produced on this issue.
No difficulty has been reported by the UK.
4.3. What legal provisions, procedures or guidance are used to ensure that competent authorities refuse to grant a permit in cases where an installation does not comply with the requirements of the Directive? If available, give information on the numbers and circumstances in which permits have been refused.
There has been no changes made to the provisions to ensure that non-complying installations are not granted permits. The UK indicated that no data is available on the number of permits not granted during the reporting period.
<b>QUESTION 5 – APPROPRIATENESS AND ADEQUACY OF PERMIT CONDITIONS (Articles 3(1)(d) and (f), 9, 17(1) and (2))</b>
5.1. Describe any general binding rules or specific guidelines for competent authorities that have been issued for the procedures and criteria for setting emission limit values and other permit conditions, the general principles for the determination of best available techniques, and the implementation of Article 9(4).
There has been no change in the UK on the procedures and criteria for setting ELVs and other permit conditions, determining BAT and the implementation of Article 9(4).
5.2. Issues related to the BAT reference documents (BREFs): How, in general terms, is the information published by the Commission concerning BREFs taken into account when determining BAT (either in general or in specific cases)? How are the BREFs concretely used for setting permit conditions?
There has been no change in the UK on the use of BREFs for determining BAT and setting permit conditions.
5.3. Other issues relating to permit conditions: (a) Have environmental management systems been taken into account in setting permit conditions? If so, how? (b) What types of permit conditions have typically been applied for the purposes of (Article 3(1)(f) (site restoration upon definitive cessation of activities) and how have they been implemented in practice? (c) What types of permit conditions relating to energy efficiency have typically been determined (Article 3(1)(d))? (d) Has the possibility to choose not to impose energy efficiency requirements under Article 9(3) been used, and if so, how?
<u>Environmental Management System</u> There has been no change in the UK to the use of Environmental Management System.
<u>Restoration upon definitive cessation of activities</u> There has been no change to the provisions on restoration upon definitive cessation of activities in the last reporting period.
<u>Energy efficiency</u> There has been no change to the provisions on energy efficiency in the last reporting period.
<u>Article 9(3) application</u>

<b>UK</b>
The Member State has opted to use the derogation permitted within Article 9(3) on the following basis: <ul style="list-style-type: none"> <li>▪ The UK indicated that for the installations covered by the EU Emissions Trading Scheme, only basic energy efficiency best practices have to be taken into account.</li> <li>▪ In Scotland, all IPPC installations must meet a set of basic energy requirements for energy efficiency.</li> </ul>
<b>QUESTION 6 – ENVIRONMENTAL QUALITY STANDARDS (Article 10)</b>
Have cases arisen where Article 10 applies and the use of BAT is insufficient to satisfy an environmental quality standard? If so, give examples of such cases and the additional measures taken.
The UK reported that during the reporting period no case has arisen where BAT were not sufficient to satisfy an environmental quality standard.
<b>QUESTION 7 – CHANGES TO INSTALLATIONS (Articles 12 and 2(10))</b>
How do competent authorities decide whether a 'change in operation' may have consequences for the environment (Article 2(10)), and whether such a change is a 'substantial change' that 'may have significant negative effects on human beings or the environment' (Article 2(11))? Give reference to relevant legal provisions, guidance or procedures.
There has been no change to the definition of change in operation and substantial change in the UK. The response included information on the procedure and indicated that when notified of a change, permitting officers will consider all of the impacts of the proposed change (not only environmental) to decide whether it is substantial or not. Impacts such as heat, noise, vibration, and increase in waste, energy consumption and risk of accident are also taken into account. The sensitivity of receptors is also taken into consideration.
<b>QUESTION 8 – RECONSIDERATION AND UPDATING OF PERMIT CONDITIONS (Article 13)</b>
8.1. Is the frequency of reconsideration and, where necessary, updating of permit conditions, specified in national or sub-national law, or determined by other means, such as time limits in permits? If so, what are those other means? Give reference to the relevant legislation, guidance or procedures.
There has been no change to the frequency of reconsideration and updating permit conditions in the last reporting period.
8.2. What is the representative frequency for the reconsideration of permit conditions? Where differences between installations or sectors exist, please provide details if available.
The representative frequency for reconsideration of permit conditions is 6-10 years.
8.3. What does the process of reconsidering and updating permit conditions consist of? How is the provision to reconsider permit conditions in cases of substantial changes in the BAT implemented? Give reference to the relevant legislation, guidance or procedures.
There has been no change to the process of reconsidering and updating the permits with or without substantial changes in BAT.
<b>QUESTION 9 – COMPLIANCE WITH PERMIT CONDITIONS (Article 14)</b>
9.1. How is the requirement that operators regularly inform authorities of the results of release monitoring implemented in practice? Give reference to the relevant legislation, guidance or procedures.
The UK indicated that its operators inform authorities of the results of release monitoring via: e-mail, updating of on-line database, providing printed information and any other way suitable.
9.2. Is a periodic monitoring report submitted by all operators? Provide information on the representative frequency for the submission of such information. In cases of differences between sectors, provide illustrative information where available.
Periodic monitoring reports are submitted by all operators, the frequency varies and can be: annual, more frequent than annual, set on case by case reporting, continuous (via update of an online database) or any other frequency that is suitable.
9.3. If not already submitted in the reporting under Recommendation 2001/331/EC providing for minimum criteria for environmental inspections, please provide the available information regarding the

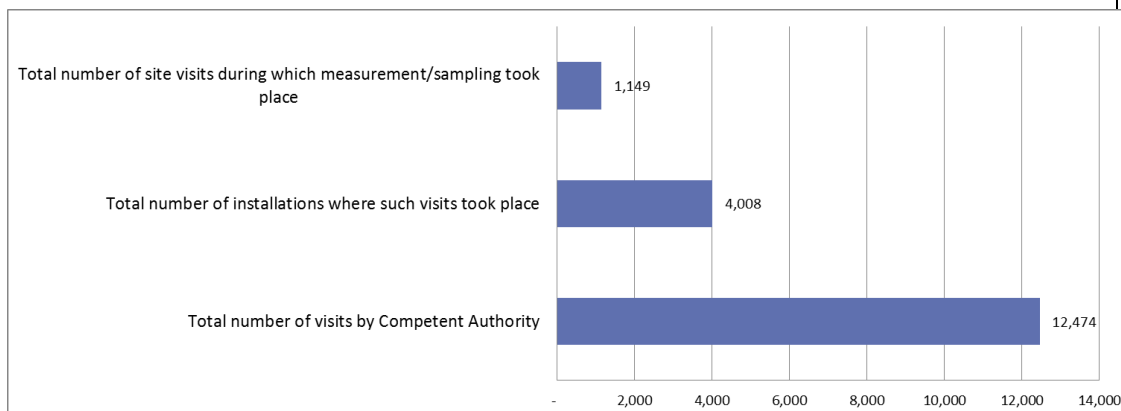
**UK**

following issues during the reporting period: (1) the main features of an environmental inspection performed by competent authorities; (2) the total number of site visits by competent authorities; (3) the total number of installations where such site visits took place; (4) the total number of site visits during which emission measurements and/ or sampling of waste by or on behalf of the competent authorities took place; (5) the types of actions taken as a result of accidents, incidents, and non-compliance with permit conditions.

Inspection components

There has been no change to the main environmental inspection components.

The numerical data concerning visits made by competent authorities and samples taken are set out below. Note that 99% of the total IPPC installations were visited in the reporting period. No reason was provided by the Member State to explain why all installations were not visited although one possibility is that the Member State prioritises inspections at installations with a higher environmental risk. Many installations appear to have received more than one visit in the reporting period. On average each IPPC installation visited received three site visits per annum with sampling/ monitoring taking place during 9% of these visits.



Accidents, incidents and non-compliance

There has been no change to the type of sanctions available for non-compliance.

No data was available on the number of sanctions issued during the reporting period.

**QUESTION 10 – TRANSBOUNDARY COOPERATION (Article 18)**

Have Article 18 requirements been used in respect to transboundary information and cooperation? Please provide examples to illustrate the general procedures used.

The UK reported no instance of the use of Article 18 during the reporting period.

**QUESTION 11 – GENERAL OBSERVATIONS**

11.1. Are there any particular implementation issues that give rise to concerns in your Member State?

No implementation issues were raised by the Member State.

11.2. Is there any particular information related to the implementation of Directive 2010/75/EU in your Member State that is relevant for interpreting the information provided under this questionnaire?

No further observations were included in the UK report.

**SUMMARY OF CHANGES AND CONCLUSIONS**

General description and legislation

- The UK has reported a total of 4,041 installations by the end of the reporting period. All of these installations were covered by a permit in full compliance with the IPPC Directive.
- No difficulties were reported with the implementation of the Directive or for the co-ordination of the permitting process between the different statutory bodies involved.

Permit application and conditions (incl. BREFS)



**UK**

- There has been no change to the permit application and the setting of permit conditions, including environmental management system and energy efficiency.
- There has been no case where BAT were not sufficient to satisfy an environmental quality standard.

Reconsideration and update of permits

- There has been no change in the frequency for reconsidering and updating the permit conditions. The representative frequency for reconsideration of permit conditions is 6-10 years.

Inspection and enforcement

- There has been no change to the provisions on inspection and enforcement. Data for installations and sites visited for the UK are as follows:
  - Total number of site visits during which measurements/ sampling took place: 1,149.
  - Total number of installations where such visits took place: 4,008.
  - Total number of visits by Competent Authorities: 12,474.

Transboundary cooperation

- The UK reported no change to the provisions on transboundary cooperation, during the reporting period there has not been any case of transboundary cooperation.