

Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (Recast) (Text with EEA relevance)

CHAPTER III

**SPECIAL PROVISIONS FOR COMBUSTION PLANTS**

*Article 37*

**Malfunction or breakdown of the abatement equipment**

1 Member States shall ensure that provision is made in the permits for procedures relating to malfunction or breakdown of the abatement equipment.

2 In the case of a breakdown, the competent authority shall require the operator to reduce or close down operations if a return to normal operation is not achieved within 24 hours, or to operate the plant using low polluting fuels.

The operator shall notify the competent authority within 48 hours after the malfunction or breakdown of the abatement equipment.

The cumulative duration of unabated operation shall not exceed 120 hours in any 12-month period.

The competent authority may grant a derogation from the time limits set out in the first and third subparagraphs in one of the following cases:

- a there is an overriding need to maintain energy supplies;
- b the combustion plant with the breakdown would be replaced for a limited period by another plant which would cause an overall increase in emissions.