

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 V

**SPECIAL PROVISIONS FOR INSTALLATIONS
AND ACTIVITIES USING ORGANIC SOLVENTS**

Article 56

Scope

This chapter shall apply to activities listed in Part 1 of Annex VII and, where applicable, reaching the consumption thresholds set out in Part 2 of that Annex.

Article 57

Definitions

For the purposes of this Chapter, the following definitions shall apply:

- (1) ‘existing installation’ means an installation in operation on 29 March 1999 or which was granted a permit or registered before 1 April 2001 or the operator of which submitted a complete application for a permit before 1 April 2001, provided that that installation was put in operation no later than 1 April 2002;
- (2) ‘waste gases’ means the final gaseous discharge containing volatile organic compounds or other pollutants from a stack or abatement equipment into air;
- (3) ‘fugitive emissions’ means any emissions not in waste gases of volatile organic compounds into air, soil and water as well as solvents contained in any products, unless otherwise stated in Part 2 of Annex VII;
- (4) ‘total emissions’ means the sum of fugitive emissions and emissions in waste gases;
- (5) ‘mixture’ means mixture as defined in Article 3(2) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and establishing a European Chemicals Agency⁽¹⁾,
- (6) ‘adhesive’ means any mixture, including all the organic solvents or mixtures containing organic solvents necessary for its proper application, which is used to adhere separate parts of a product;
- (7) ‘ink’ means a mixture, including all the organic solvents or mixtures containing organic solvents necessary for its proper application, which is used in a printing activity to impress text or images on to a surface;
- (8) ‘varnish’ means a transparent coating;

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- (9) ‘consumption’ means the total input of organic solvents into an installation per calendar year, or any other 12-month period, less any volatile organic compounds that are recovered for re-use;
- (10) ‘input’ means the quantity of organic solvents and their quantity in mixtures used when carrying out an activity, including the solvents recycled inside and outside the installation, and which are counted every time they are used to carry out the activity;
- (11) ‘re-use’ means the use of organic solvents recovered from an installation for any technical or commercial purpose and including use as a fuel but excluding the final disposal of such recovered organic solvent as waste;
- (12) ‘contained conditions’ means conditions under which an installation is operated so that the volatile organic compounds released from the activity are collected and discharged in a controlled way either via a stack or abatement equipment and are, therefore, not entirely fugitive;
- (13) ‘start-up and shut-down operations’ means operations excluding regularly oscillating activity phases whilst bringing an activity, an equipment item or a tank into or out of service or into or out of an idling state.

Article 58

Substitution of hazardous substances

Substances or mixtures which, because of their content of volatile organic compounds classified as carcinogens, mutagens, or toxic to reproduction under Regulation (EC) No 1272/2008, are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F, shall be replaced, as far as possible by less harmful substances or mixtures within the shortest possible time.

Article 59

Control of emissions

1 Member States shall take the necessary measures to ensure that each installation complies with either of the following:

- a the emission of volatile organic compounds from installations shall not exceed the emission limit values in waste gases and the fugitive emission limit values, or the total emission limit values, and other requirements laid down in Parts 2 and 3 of Annex VII are complied with;
- b the requirements of the reduction scheme set out in Part 5 of Annex VII provided that an equivalent emission reduction is achieved compared to that achieved through the application of the emission limit values referred to in point (a).

Member States shall report to the Commission in accordance with Article 72(1) on the progress in achieving the equivalent emission reduction referred to in point (b).

2 By way of derogation from paragraph 1(a), where the operator demonstrates to the competent authority that for an individual installation the emission limit value for fugitive emissions is not technically and economically feasible, the competent authority may allow emissions to exceed that emission limit value provided that significant risks to human health or the environment are not to be expected and that the operator demonstrates to the competent authority that the best available techniques are being used.

3 By way of derogation from paragraph 1, for coating activities covered by item 8 of the table in Part 2 of Annex VII which cannot be carried out under contained conditions, the competent authority may allow the emissions of the installation not to comply with the requirements set out in that paragraph if the operator demonstrates to the competent authority that such compliance is not technically and economically feasible and that the best available techniques are being used.

4 Member States shall report to the Commission on the derogations referred to in paragraphs 2 and 3 of this Article in accordance with Article 72(2).

5 The emissions of either volatile organic compounds which are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F or halogenated volatile organic compounds which are assigned or need to carry the hazard statements H341 or H351, shall be controlled under contained conditions as far as technically and economically feasible to safeguard public health and the environment and shall not exceed the relevant emission limit values set out in Part 4 of Annex VII.

6 Installations where two or more activities are carried out, each of which exceeds the thresholds in Part 2 of Annex VII shall:

- a as regards the substances specified in paragraph 5, meet the requirements of that paragraph for each activity individually;
- b as regards all other substances, either:
 - (i) meet the requirements of paragraph 1 for each activity individually; or
 - (ii) have total emissions of volatile organic compounds not exceeding those which would have resulted had point (i) been applied.

7 All appropriate precautions shall be taken to minimise emissions of volatile organic compounds during start-up and shut-down operations.

Article 60

Monitoring of emissions

Member States shall, either by specification in the permit conditions or by general binding rules, ensure that measurements of emissions are carried out in accordance with Part 6 of Annex VII.

Article 61

Compliance with emission limit values

The emission limit values in waste gases shall be regarded as being complied with if the conditions set out in Part 8 of Annex VII are fulfilled.

Article 62

Reporting on compliance

The operator shall supply the competent authority, on request, with data enabling the competent authority to verify compliance with either of the following:

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- (a) emission limit values in waste gases, fugitive emission limit values and total emission limit values;
- (b) the requirements of the reduction scheme under Part 5 of Annex VII;
- (c) the derogations granted in accordance with Article 59(2) and (3).

This may include a solvent management plan prepared in accordance with Part 7 of Annex VII.

Article 63

Substantial change to existing installations

1 A change of the maximum mass input of organic solvents by an existing installation averaged over 1 day, where the installation is operated at its design output under conditions other than start-up and shut-down operations and maintenance of equipment, shall be considered as substantial if it leads to an increase of emissions of volatile organic compounds of more than:

- a 25 % for an installation carrying out either activities which fall within the lower threshold band of items 1, 3, 4, 5, 8, 10, 13, 16 or 17 of the table in Part 2 of Annex VII or, activities which fall under one of the other items of Part 2 of Annex VII, and with a solvent consumption of less than 10 tonnes per year;
- b 10 % for all other installations.

2 Where an existing installation undergoes a substantial change, or falls within the scope of this Directive for the first time following a substantial change, that part of the installation which undergoes the substantial change shall be treated either as a new installation or as an existing installation, provided that the total emissions of the whole installation do not exceed those that would have resulted had the substantially changed part been treated as a new installation.

3 In case of a substantial change, the competent authority shall check compliance of the installation with the requirements of this Directive.

Article 64

Exchange of information on substitution of organic solvents

The Commission shall organise an exchange of information with the Member States, the industry concerned and non-governmental organisations promoting environmental protection on the use of organic solvents and their potential substitutes and techniques which have the least potential effects on air, water, soil, ecosystems and human health.

The exchange of information shall be organised on all of the following:

- (a) fitness for use;
- (b) potential effects on human health and occupational exposure in particular;
- (c) potential effects on the environment;
- (d) the economic consequences, in particular the costs and benefits of the options available.

Article 65

Access to information

1 The decision of the competent authority, including at least a copy of the permit, and any subsequent updates, shall be made available to the public.

The general binding rules applicable for installations and the list of installations subject to permitting and registration shall be made available to the public.

2 The results of the monitoring of emissions as required under Article 60 and held by the competent authority shall be made available to the public.

3 Paragraphs 1 and 2 of this Article shall apply, subject to the restrictions laid down in Article 4(1) and (2) of Directive 2003/4/EC.

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- (1) [OJ L 396, 30.12.2006, p. 1.](#)