
Changes to legislation: There are currently no known outstanding effects for the Commission Implementing Decision of 12 December 2012 establishing the type, format and frequency of information to be made available by the Member States for the purposes of reporting on the implementation of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (notified under document C(2012) 9181) (Text with EEA relevance) (2012/795/EU), ANNEX I. (See end of Document for details)

ANNEX I

Questionnaire on the implementation of Directive 2010/75/ EU as referred to in the second paragraph of Article 1

General notes:

- (a) The replies to this questionnaire shall cover the period from 7 January 2013 to 31 December 2013.
- (b) Where a question seeks information on time-variable parameters, the response should indicate the situation as of 31 December 2013.
- (c) In the replies to the questions below, information shall only be given on the changes made by Member States in order to implement the provisions of Directive 2010/75/EU mentioned in its Article 80(1).
- (d) In this questionnaire, ‘Member State policy or guidance’ shall be understood as having the meaning of any existing implementation measure that is produced or applied at national, regional or local level. Should a Member State wish to include information concerning legislation that transposes Directive 2010/75/EU into national law, this would not negate the need for Member States to meet the requirements of Article 80(2) of Directive 2010/75/EU.

1. **Non-compliance (Article 8)**

What criteria may be used to decide whether a breach of permit conditions ‘poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon the environment’?

2. **Permit conditions (Article 14)**

Provide a summary of any Member State policy or guidance on the following issues and, if published on the internet, a link to where this can be found:

- 2.1. How is it ensured that BAT conclusions are the reference for setting permit conditions (Article 14(3))?
- 2.2. How may competent authorities set stricter permit conditions than those achievable by the use of the best available techniques (BAT) as described in BAT conclusions (Article 14(4))?

3. **Emission limit values, equivalent parameters and technical measures (Article 15)**

Provide a summary of any Member State policy or guidance on the following issues and, if published on the internet, a link to where this can be found:

- 3.1. How are emission limit values set in relation to the ‘emission levels associated with the best available techniques’ set out in the BAT conclusions (Article 15(3))?
- 3.2. How are derogations from Article 15(3) granted (Article 15(4))?
- 3.3. How is the cost-benefit assessment to allow such derogations undertaken and what are considered to be ‘disproportionately higher costs compared to the environmental benefits’? (Article 15(4))?
- 3.4. Are there any limitations on the magnitude or duration of derogations (Article 15(4))?

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- 3.5. How are temporary derogations granted, from the requirements of Article 11(a) and (b) and from Article 15(2) and (3), for the testing and use of emerging techniques (Article 15(5))?

4. **Monitoring requirements (Article 16)**

Provide a summary of any Member State policy or guidance on the following issues and, if published on the internet, a link to where this can be found:

- 4.1. How is it ensured that the BAT conclusions are the basis for defining monitoring requirements in permits (Article 16(1))?
- 4.2. How is the frequency of periodic monitoring for soil and groundwater determined (Article 16(2))?
- 4.3. How is a 'systematic appraisal of risk of contamination' used to justify the monitoring of soil and groundwater at less than the stipulated frequency (Article 16(2))?

5. **General Binding Rules (Article 17)**

Where general binding rules are used for implementing Directive 2010/75/EU:

- 5.1. Which requirements, activities (as listed in Annex I to Directive 2010/75/EU) and pollutants do the general binding rules cover?
- 5.2. How do general binding rules 'ensure an integrated approach and a high level of environmental protection equivalent to that achievable with individual permit conditions' (Article 17(1))?
- 5.3. How is it ensured that general binding rules are 'based on the BAT' (Article 17(2))?
- 5.4. How are general binding rules 'updated to take into account developments in BAT' (Article 17(3))?
- 5.5. What references are made to Directive 2010/75/EU in the 'official publication' of general binding rules (Article 17(4))?
- 5.6. If the general binding rules are published on the internet, provide a link to where they can be found.

6. **Developments in BAT (Article 19)**

- 6.1. How do competent authorities follow, or are informed of, the publication of any new or updated BAT conclusions?
- 6.2. How do competent authorities make that information available to the public concerned?

7. **Reconsideration and updating of permits (Article 21)**

Provide a summary of any Member State policy or guidance on the following aspects of the process for reconsidering and updating permit conditions and, if published on the internet, provide a link:

- 7.1. What information is typically requested from operators for the purposes of permit reconsideration/updating (Article 21(2))?
- 7.2. How is the 'main activity' of an installation defined and/or determined (Article 21(3))?

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- 7.3. How is the permit reconsideration/update triggered in cases of significant pollution, operational safety, or a new/revised environmental quality standard (Article 21(5))?
8. **Site closure (Article 22)**
- 8.1. How is it decided which activities require a baseline report, especially:
- (a) Which activities listed in Annex I to Directive 2010/75/EU have typically been found to involve the ‘use, production or release of relevant hazardous substances’ (Article 22(2))?
 - (b) How is regard given to the ‘possibility of soil and groundwater contamination at the site of the installation’ (Article 22(2))?
 - (c) What information are operators required to include in baseline reports (Article 22(2))?
 - (d) How has the Commission’s guidance on ‘the content of the baseline report’ been used in this context (Article 22(2))?
- 8.2. Upon the definitive cessation of activities:
- (a) How do operators ‘assess the state of soil and groundwater contamination’ (Article 22(3))?
 - (b) How is it decided whether an installation has caused ‘significant pollution of soil or groundwater’ (Article 22(3))?
 - (c) How is it decided whether any contamination of soil or groundwater ‘poses a significant risk to human health or the environment’ (Article 22(3))?
 - (d) How is it decided what necessary ‘measures’ or ‘actions’ are required of operators (Article 22(3) and (4))?
9. **Environmental inspections (Article 23)**
- 9.1. What ‘environmental inspection plans’ have been drawn up? What do they contain? Where are they publicly available? If published on the internet, provide a link (Article 23(2))?
- 9.2. What ‘programmes for routine environmental inspections’ have been drawn up? What do they contain? Where are they publicly available? If published on the internet, provide a link. (Article 23(4))?
- 9.3. How are the environmental risks of installations ‘systematically appraised’ for the purposes of deciding the site visit frequency? Provide a summary and reference to any relevant guidance. (Article 23(4))?
- 9.4. Under what circumstances are ‘non-routine environmental inspections’ carried out (Article 23(5))?
- 9.5. What information do the site visit reports typically contain? How are these reports notified to the operator? How are they made publicly available? Are there any circumstances under which such reports have not been made publicly available, considering the provisions of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC⁽¹⁾ (Article 23(6))?

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9.6. What mechanisms exist for ensuring that operators complete the ‘necessary actions’ identified in the site visit report (Article 23(6))?

10. **Access to information and public participation (Article 24)**

10.1. How is the public given ‘early and effective opportunity’ to participate in decision making on the granting/updating of permit conditions, especially where derogations under Article 15(4) are proposed (Article 24(1))?

10.2. How is information made available to the public (Article 24(2) and (3))?

10.3. Is all relevant information made available on the internet (Article 24(2)(a),(b) and (f) and Article 24(3)(a))?

11. **Emerging techniques (Article 27)**

How do Member States encourage the development and application of emerging techniques, in particular those identified in BAT reference documents (Article 27(1))?

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(1) [OJ L 41, 14.2.2003, p. 26.](#)

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