

Directive 2008/1/EC of the European Parliament and of the Council of 15 January 2008 concerning integrated pollution prevention and control (Codified version) (Text with EEA relevance) (repealed)

Article 1

Purpose and scope

The purpose of this Directive is to achieve integrated prevention and control of pollution arising from the activities listed in Annex I. It lays down measures designed to prevent or, where that is not practicable, to reduce emissions in the air, water and land from the abovementioned activities, including measures concerning waste, in order to achieve a high level of protection of the environment taken as a whole, without prejudice to Directive 85/337/EEC and other relevant Community provisions.

Article 2

Definitions

For the purposes of this Directive the following definitions shall apply:

1. 'substance' means any chemical element and its compounds, with the exception of radioactive substances within the meaning of Council Directive 96/29/Euratom of 13 May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation⁽¹⁾ and genetically modified organisms within the meaning of Council Directive 90/219/EEC of 23 April 1990 on the contained use of genetically modified micro-organisms⁽²⁾ and Directive 2001/18/EC of the European Parliament and of the Council of 12 March 2001 on the deliberate release into the environment of genetically modified organisms⁽³⁾;
2. 'pollution' means the direct or indirect introduction, as a result of human activity, of substances, vibrations, heat or noise into the air, water or land which may be harmful to human health or the quality of the environment, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment;
3. 'installation' means a stationary technical unit where one or more activities listed in Annex I are carried out, and any other directly associated activities which have a technical connection with the activities carried out on that site and which could have an effect on emissions and pollution;
4. 'existing installation' means an installation which on 30 October 1999, in accordance with legislation existing before that date, was in operation or was authorised or, in the view of the competent authority, was the subject of a full request for authorisation, provided that that installation was put into operation no later than 30 October 2000;
5. 'emission' means the direct or indirect release of substances, vibrations, heat or noise from individual or diffuse sources in the installation into the air, water or land;
6. 'emission limit values' means the mass, expressed in terms of certain specific parameters, concentration and/or level of an emission, which may not be exceeded during one or more periods of time; emission limit values may also be laid down for

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certain groups, families or categories of substances, in particular for those listed in Annex III. The emission limit values for substances normally apply at the point where the emissions leave the installation, any dilution being disregarded when determining them; with regard to indirect releases into water, the effect of a water treatment plant may be taken into account when determining the emission limit values of the installation involved, provided that an equivalent level is guaranteed for the protection of the environment as a whole and provided this does not lead to higher levels of pollution in the environment, without prejudice to Directive 2006/11/EC or the Directives implementing it;

7. 'environmental quality standard' means the set of requirements which must be fulfilled at a given time by a given environment or particular part thereof, as set out in Community legislation;
8. 'competent authority' means the authority or authorities or bodies responsible under the legal provisions of the Member States for carrying out the obligations arising from this Directive;
9. 'permit' means that part or the whole of a written decision (or several such decisions) granting authorisation to operate all or part of an installation, subject to certain conditions which guarantee that the installation complies with the requirements of this Directive. A permit may cover one or more installations or parts of installations on the same site operated by the same operator;
10. 'change in operation' means a change in the nature or functioning, or an extension, of the installation which may have consequences for the environment;
11. 'substantial change' means a change in operation which, in the opinion of the competent authority, may have significant negative effects on human beings or the environment; for the purposes of this definition, any change to or extension of an operation shall be deemed to be substantial if the change or extension in itself meets the thresholds, if any, set out in Annex I;
12. 'best available techniques' means the most effective and advanced stage in the development of activities and their methods of operation which indicate the practical suitability of particular techniques for providing in principle the basis for emission limit values designed to prevent and, where that is not practicable, generally to reduce emissions and the impact on the environment as a whole:
 - (a) 'techniques' shall include both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;
 - (b) 'available techniques' means those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the Member State in question, as long as they are reasonably accessible to the operator;
 - (c) 'best' means most effective in achieving a high general level of protection of the environment as a whole.

In determining the best available techniques, special consideration should be given to the items listed in Annex IV;

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13. ‘operator’ means any natural or legal person who operates or controls the installation or, where this is provided for in national legislation, to whom decisive economic power over the technical functioning of the installation has been delegated;
14. ‘the public’ means one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups;
15. ‘the public concerned’ means the public affected or likely to be affected by, or having an interest in, the taking of a decision on the issuing or the updating of a permit or of permit conditions; for the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest.

Article 3

General principles governing the basic obligations of the operator

- 1 Member States shall take the necessary measures to provide that the competent authorities ensure that installations are operated in such a way that:
 - a all the appropriate preventive measures are taken against pollution, in particular through application of the best available techniques;
 - b no significant pollution is caused;
 - c waste production is avoided in accordance with Directive 2006/12/EC of the European Parliament and of the Council of 5 April 2006 on waste⁽⁴⁾; where waste is produced, it is recovered or, where that is technically and economically impossible, it is disposed of while avoiding or reducing any impact on the environment;
 - d energy is used efficiently;
 - e the necessary measures are taken to prevent accidents and limit their consequences;
 - f the necessary measures are taken upon definitive cessation of activities to avoid any pollution risk and return the site of operation to a satisfactory state.
- 2 For the purposes of compliance with this Article, it shall be sufficient if Member States ensure that the competent authorities take account of the general principles set out in paragraph 1 when they determine the conditions of the permit.

Article 4

Permits for new installations

Member States shall take the necessary measures to ensure that no new installation is operated without a permit issued in accordance with this Directive, without prejudice to the exceptions provided for in Directive 2001/80/EC of the European Parliament and of the Council of 23 October 2001 on the limitation of emissions of certain pollutants into the air from large combustion plants⁽⁵⁾.

Article 5

Requirements for the granting of permits for existing installations

- 1 Member States shall take the necessary measures to ensure that the competent authorities see to it, by means of permits in accordance with Articles 6 and 8 or, as appropriate,

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by reconsidering and, where necessary, by updating the conditions, that existing installations operate in accordance with the requirements of Articles 3, 7, 9, 10 and 13, Article 14(a) and (b) and Article 15(2) not later than 30 October 2007, without prejudice to specific Community legislation.

2 Member States shall take the necessary measures to apply the provisions of Articles 1, 2, 11 and 12, Article 14(c), Article 15(1) and (3), Articles 17, 18 and Article 19(2) to existing installations as from 30 October 1999.

Article 6

Applications for permits

1 Member States shall take the necessary measures to ensure that an application to the competent authority for a permit includes a description of:

- a the installation and its activities;
- b the raw and auxiliary materials, other substances and the energy used in or generated by the installation;
- c the sources of emissions from the installation;
- d the conditions of the site of the installation;
- e the nature and quantities of foreseeable emissions from the installation into each medium as well as identification of significant effects of the emissions on the environment;
- f the proposed technology and other techniques for preventing or, where this not possible, reducing emissions from the installation;
- g where necessary, measures for the prevention and recovery of waste generated by the installation;
- h further measures planned to comply with the general principles of the basic obligations of the operator as provided for in Article 3;
- i measures planned to monitor emissions into the environment;
- j the main alternatives, if any, studied by the applicant in outline.

An application for a permit shall also include a non-technical summary of the details referred to in points (a) to (j).

2 Where information supplied in accordance with the requirements provided for in Directive 85/337/EEC or a safety report prepared in accordance with Council Directive 96/82/EC of 9 December 1996 on the control of major-accident hazards involving dangerous substances⁽⁶⁾ or other information produced in response to other legislation fulfils any of the requirements of this Article, that information may be included in, or attached to, the application.

Article 7

Integrated approach to issuing permits

Member States shall take the measures necessary to ensure that the conditions of, and procedure for the grant of, the permit are fully coordinated where more than one competent authority is involved, in order to guarantee an effective integrated approach by all authorities competent for this procedure.

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Article 8

Decisions

Without prejudice to other requirements laid down in national or Community legislation, the competent authority shall grant a permit containing conditions guaranteeing that the installation complies with the requirements of this Directive or, if it does not, shall refuse to grant the permit.

All permits granted and modified permits must include details of the arrangements made for air, water and land protection as referred to in this Directive.

Article 9

Conditions of the permit

1 Member States shall ensure that the permit includes all measures necessary for compliance with the requirements of Articles 3 and 10 for the granting of permits in order to achieve a high level of protection for the environment as a whole by means of protection of the air, water and land.

2 In the case of a new installation or a substantial change where Article 4 of Directive 85/337/EEC applies, any relevant information obtained or conclusion arrived at pursuant to Articles 5, 6 and 7 of that Directive shall be taken into consideration for the purposes of granting the permit.

3 The permit shall include emission limit values for polluting substances, in particular those listed in Annex III, likely to be emitted from the installation concerned in significant quantities, having regard to their nature and their potential to transfer pollution from one medium to another (water, air and land). If necessary, the permit shall include appropriate requirements ensuring protection of the soil and ground water and measures concerning the management of waste generated by the installation. Where appropriate, limit values may be supplemented or replaced by equivalent parameters or technical measures.

For installations under point 6.6 in Annex I, emission limit values laid down in accordance with this paragraph shall take into account practical considerations appropriate to these categories of installation.

Where emissions of a greenhouse gas from an installation are specified in Annex I to Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community⁽⁷⁾ in relation to an activity carried out in that installation, the permit shall not include an emission limit value for direct emissions of that gas unless it is necessary to ensure that no significant local pollution is caused.

For activities listed in Annex I to Directive 2003/87/EC, Member States may choose not to impose requirements relating to energy efficiency in respect of combustion units or other units emitting carbon dioxide on the site.

Where necessary, the competent authorities shall amend the permit as appropriate.

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The third, fourth and fifth subparagraphs shall not apply to installations temporarily excluded from the scheme for greenhouse gas emission allowance trading within the Community in accordance with Article 27 of Directive 2003/87/EC.

4 Without prejudice to Article 10, the emission limit values and the equivalent parameters and technical measures referred to in paragraph 3 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.

5 The permit shall contain suitable release monitoring requirements, specifying measurement methodology and frequency, evaluation procedure and an obligation to supply the competent authority with data required for checking compliance with the permit.

For installations under point 6.6 in Annex I, the measures referred to in this paragraph may take account of costs and benefits.

6 The permit shall contain measures relating to conditions other than normal operating conditions. Thus, where there is a risk that the environment may be affected, appropriate provision shall be made for start-up, leaks, malfunctions, momentary stoppages and definitive cessation of operations.

The permit may also contain temporary derogations from the requirements of paragraph 4 if a rehabilitation plan approved by the competent authority ensures that these requirements will be met within six months and if the project leads to a reduction of pollution.

7 The permit may contain such other specific conditions for the purposes of this Directive as the Member State or competent authority may think fit.

8 Without prejudice to the obligation to implement a permit procedure pursuant to this Directive, Member States may prescribe certain requirements for certain categories of installations in general binding rules instead of including them in individual permit conditions, provided that an integrated approach and an equivalent high level of environmental protection as a whole are ensured.

Article 10

Best available techniques and environmental quality standards

Where an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, additional measures shall in particular be required in the permit, without prejudice to other measures which might be taken to comply with environmental quality standards.

Article 11

Developments in best available techniques

Member States shall ensure that the competent authority follows or is informed of developments in best available techniques.

Article 12

Changes by operators to installations

1 Member States shall take the necessary measures to ensure that the operator informs the competent authorities of any planned change in the operation. Where appropriate, the competent authorities shall update the permit or the conditions.

2 Member States shall take the necessary measures to ensure that no substantial change planned by the operator is made without a permit issued in accordance with this Directive. The application for a permit and the decision by the competent authority must cover those parts of the installation and those aspects listed in Article 6 that may be affected by the change. The relevant provisions of Article 3, Articles 6 to 10 and Article 15(1), (2) and (3) shall apply *mutatis mutandis*.

Article 13

Reconsideration and updating of permit conditions by the competent authority

1 Member States shall take the necessary measures to ensure that competent authorities periodically reconsider and, where necessary, update permit conditions.

2 The reconsideration shall be undertaken in any event where:

- a the pollution caused by the installation is of such significance that the existing emission limit values of the permit need to be revised or new such values need to be included in the permit;
- b substantial changes in the best available techniques make it possible to reduce emissions significantly without imposing excessive costs;
- c the operational safety of the process or activity requires other techniques to be used;
- d new provisions of Community or national legislation so dictate.

Article 14

Compliance with permit conditions

Member States shall take the necessary measures to ensure that:

- (a) the conditions of the permit are complied with by the operator when operating the installation;
- (b) the operator regularly informs the competent authority of the results of the monitoring of releases and without delay of any incident or accident significantly affecting the environment;
- (c) operators of installations afford the representatives of the competent authority all necessary assistance to enable them to carry out any inspections within the installation, to take samples and to gather any information necessary for the performance of their duties for the purposes of this Directive.

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Article 15

Access to information and public participation in the permit procedure

1 Member States shall ensure that the public concerned is given early and effective opportunities to participate in the procedure for:

- a issuing a permit for new installations;
- b issuing a permit for any substantial change;
- c updating of a permit or permit conditions for an installation in accordance with Article 13(2)(a).

The procedure set out in Annex V shall apply for the purposes of such participation.

2 The results of monitoring of releases as required under the permit conditions referred to in Article 9 and held by the competent authority shall be made available to the public.

3 Paragraphs 1 and 2 shall apply subject to the restrictions laid down in Article 4(1), (2) and (4) of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information⁽⁸⁾.

4 When a decision has been taken, the competent authority shall inform the public in accordance with the appropriate procedures and shall make available to the public the following information:

- a the content of the decision, including a copy of the permit and of any conditions and any subsequent updates; and
- b having examined the concerns and opinions expressed by the public concerned, the reasons and considerations on which the decision is based, including information on the public participation process.

Article 16

Access to justice

1 Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, acts or omissions subject to the public participation provisions of this Directive when:

- a they have a sufficient interest; or
- b they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition.

2 Member States shall determine at what stage the decisions, acts or omissions may be challenged.

3 What constitutes a sufficient interest and impairment of a right shall be determined by the Member States, consistently with the objective of giving the public concerned wide access to justice. To this end, the interest of any non-governmental organisation promoting environmental protection and meeting any requirements under national law shall be deemed sufficient for the purpose of paragraph 1(a).

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Such organisations shall also be deemed to have rights capable of being impaired for the purpose of paragraph 1(b).

4 The provisions of this Article shall not exclude the possibility of a preliminary review procedure before an administrative authority and shall not affect the requirement of exhaustion of administrative review procedures prior to recourse to judicial review procedures, where such a requirement exists under national law.

Any such procedure shall be fair, equitable, timely and not prohibitively expensive.

5 In order to further the effectiveness of the provisions of this Article, Member States shall ensure that practical information is made available to the public on access to administrative and judicial review procedures.

Article 17

Exchange of information

1 With a view to exchanging information, Member States shall take the necessary measures to send the Commission every three years, and for the first time before 30 April 2001, the available representative data on the limit values laid down by specific category of activities in accordance with Annex I and, if appropriate, the best available techniques from which those values are derived in accordance with, in particular, Article 9. On subsequent occasions the data shall be supplemented in accordance with the procedures laid down in paragraph 3 of this Article.

2 The Commission shall organise an exchange of information between Member States and the industries concerned on best available techniques, associated monitoring, and developments in them.

Every three years the Commission shall publish the results of the exchanges of information.

3 At intervals of three years, and for the first time for the period 30 October 1999 to 30 October 2002 inclusive, Member States shall send information to the Commission on the implementation of this Directive in the form of a report. The report shall be drawn up on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Article 6(2) of Council Directive 91/692/EEC of 23 December 1991 standardising and rationalising reports on the implementation of certain Directives relating to the environment⁽⁹⁾. The questionnaire or outline shall be sent to the Member States six months before the start of the period covered by the report. The report shall be submitted to the Commission within nine months of the end of the three-year period covered by it.

The Commission shall publish a Community report on the implementation of the Directive within nine months of receiving the reports from the Member States.

The Commission shall submit the Community report to the European Parliament and to the Council, accompanied by proposals if necessary.

4 Member States shall establish or designate the authority or authorities which are to be responsible for the exchange of information under paragraphs 1, 2 and 3 and shall inform the Commission accordingly.

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Article 18

Transboundary effects

1 Where a Member State is aware that the operation of an installation is likely to have significant negative effects on the environment of another Member State, or where a Member State likely to be significantly affected so requests, the Member State in whose territory the application for a permit pursuant to Article 4 or Article 12(2) was submitted shall forward to the other Member State any information required to be given or made available pursuant to Annex V at the same time as it makes it available to its own nationals. Such information shall serve as a basis for any consultations necessary in the framework of the bilateral relations between the two Member States on a reciprocal and equivalent basis.

2 Within the framework of their bilateral relations, Member States shall see to it that in the cases referred to in paragraph 1 the applications are also made available for an appropriate period of time to the public of the Member State likely to be affected so that it will have the right to comment on them before the competent authority reaches its decision.

3 The results of any consultations pursuant to paragraphs 1 and 2 must be taken into consideration when the competent authority reaches a decision on the application.

4 The competent authority shall inform any Member State which has been consulted pursuant to paragraph 1 of the decision reached on the application and shall forward to it the information referred to in Article 15(4). That Member State shall take the measures necessary to ensure that that information is made available in an appropriate manner to the public concerned in its own territory.

Article 19

Community emission limit values

1 Where the need for Community action has been identified, on the basis, in particular, of the exchange of information provided for in Article 17, the European Parliament and the Council, acting on a proposal from the Commission, shall set emission limit values, in accordance with the procedures laid down in the Treaty, for:

- a the categories of installations listed in Annex I except for the landfills covered by points 5,1 and 5,4 of that Annex,
- and
- b the polluting substances referred to in Annex III.

2 In the absence of Community emission limit values defined pursuant to this Directive, the relevant emission limit values contained in the Directives listed in Annex II and in other Community legislation shall be applied as minimum emission limit values pursuant to this Directive for the installations listed in Annex I.

3 Without prejudice to the requirements of this Directive, the technical requirements applicable for the landfills covered by points 5,1 and 5,4 of Annex I, have been fixed in Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste⁽¹⁰⁾.

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Article 20

Transitional provisions

1 The provisions of Directive 84/360/EEC, the provisions of Articles 4, 5 and 6(2) of Directive 2006/11/EC and the relevant provisions concerning authorisation systems in the Directives listed in Annex II shall apply, without prejudice to the exceptions provided for in Directive 2001/80/EC, to existing installations in respect of activities listed in Annex I until the measures required pursuant to Article 5 of this Directive have been taken by the competent authorities.

2 The relevant provisions concerning authorisation systems in the Directives listed in Annex II shall not, in respect of the activities listed in Annex I, apply to installations which are not existing installations within the meaning of point 4 of Article 2.

3 Directive 84/360/EEC shall be repealed on 30 October 2007.

Acting on a proposal from the Commission, the Council or the European Parliament and the Council shall, where necessary, amend the relevant provisions of the Directives listed in Annex II in order to adapt them to the requirements of this Directive before 30 October 2007.

Article 21

Communication

Member States shall communicate to the Commission the texts of the main provisions of national law which they adopt in the field covered by this Directive.

Article 22

Repeal

Directive 96/61/EC, as amended by the acts listed in Annex VI, Part A, is repealed, without prejudice to the obligations of the Member States relating to the time-limits for transposition into national law of the Directives as set out in Annex VI, Part B.

References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation table in Annex VII.

Article 23

Entry into force

This Directive shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

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Article 24

Addressees

This Directive is addressed to the Member States.

Done at Strasbourg, 15 January 2008.

For the European Parliament

The President

H.-G. PÖTTERING

For the Council

The President

J. LENARČIČ

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- (1) [OJ L 159, 29.6.1996, p. 1.](#)
- (2) [OJ L 117, 8.5.1990, p. 1.](#) Directive as last amended by Commission Decision 2005/174/EC ([OJ L 59, 5.3.2005, p. 20.](#))
- (3) [OJ L 106, 17.4.2001, p. 1.](#) Directive as last amended by Regulation (EC) No 1830/2003 ([OJ L 268, 18.10.2003, p. 24.](#))
- (4) [OJ L 114, 27.4.2006, p. 9.](#)
- (5) [OJ L 309, 27.11.2001, p. 1.](#) Directive as last amended by Council Directive 2006/105/EC ([OJ L 363, 20.12.2006, p. 368.](#))
- (6) [OJ L 10, 14.1.1997, p. 13.](#) Directive as last amended by Regulation (EC) No 1882/2003 of the European Parliament and of the Council ([OJ L 284, 31.10.2003, p. 1.](#))
- (7) [OJ L 275, 25.10.2003, p. 32.](#) Directive as amended by Directive 2004/101/EC ([OJ L 338, 13.11.2004, p. 18.](#))
- (8) [OJ L 41, 14.2.2003, p. 26.](#)
- (9) [OJ L 377, 31.12.1991, p. 48.](#) Directive as amended by Regulation (EC) No 1882/2003.
- (10) [OJ L 182, 16.7.1999, p. 1.](#) Directive as amended by Regulation (EC) No 1882/2003.