

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 I

COMMON PROVISIONS

Article 1

Subject matter

This Directive lays down rules on integrated prevention and control of pollution arising from industrial activities.

It also lays down rules designed to prevent or, where that is not practicable, to reduce emissions into air, water and land and to prevent the generation of waste, in order to achieve a high level of protection of the environment taken as a whole.

Article 2

Scope

1 This Directive shall apply to the industrial activities giving rise to pollution referred to in Chapters II to VI.

2 This Directive shall not apply to research activities, development activities or the testing of new products and processes.

Article 3

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 the following substances:
 - (a) radioactive substances as defined in Article 1 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 ionising radiation⁽¹⁾;
 - (b) genetically modified micro-organisms as defined in Article 2(b) of Directive 2009/41/EC of the European Parliament and the Council of 6 May 2009 on the contained use of genetically modified micro-organisms⁽²⁾;
 - (c) genetically modified organisms as defined in point 2 of Article 2 of 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⁾;

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- (2) 'pollution' means the direct or indirect introduction, as a result of human activity, of substances, vibrations, heat or noise into 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 within which one or more activities listed in Annex I or in Part 1 of Annex VII are carried out, and any other directly associated activities on the same site which have a technical connection with the activities listed in those Annexes and which could have an effect on emissions and pollution;
- (4) 'emission' means the direct or indirect release of substances, vibrations, heat or noise from individual or diffuse sources in the installation into air, water or land;
- (5) 'emission limit value' 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;
- (6) '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 Union law;
- (7) 'permit' means a written authorisation to operate all or part of an installation or combustion plant, waste incineration plant or waste co-incineration plant;
- (8) 'general binding rules' means emission limit values or other conditions, at least at sector level, that are adopted with the intention of being used directly to set permit conditions;
- (9) 'substantial change' means a change in the nature or functioning, or an extension, of an installation or combustion plant, waste incineration plant or waste co-incineration plant which may have significant negative effects on human health or the environment;
- (10) 'best available techniques' means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing the basis for emission limit values and other permit conditions designed to prevent and, where that is not practicable, to reduce emissions and the impact on the environment as a whole:
 - (a) 'techniques' includes 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;
- (11) 'BAT reference document' means a document, resulting from the exchange of information organised pursuant to Article 13, drawn up for defined activities and describing, in particular, applied techniques, present emissions and consumption levels, techniques considered for the determination of best available techniques as well

- as BAT conclusions and any emerging techniques, giving special consideration to the criteria listed in Annex III;
- (12) ‘BAT conclusions’ means a document containing the parts of a BAT reference document laying down the conclusions on best available techniques, their description, information to assess their applicability, the emission levels associated with the best available techniques, associated monitoring, associated consumption levels and, where appropriate, relevant site remediation measures;
- (13) ‘emission levels associated with the best available techniques’ means the range of emission levels obtained under normal operating conditions using a best available technique or a combination of best available techniques, as described in BAT conclusions, expressed as an average over a given period of time, under specified reference conditions;
- (14) ‘emerging technique’ means a novel technique for an industrial activity that, if commercially developed, could provide either a higher general level of protection of the environment or at least the same level of protection of the environment and higher cost savings than existing best available techniques;
- (15) ‘operator’ means any natural or legal person who operates or controls in whole or in part the installation or combustion plant, waste incineration plant or waste co-incineration plant or, where this is provided for in national law, to whom decisive economic power over the technical functioning of the installation or plant has been delegated;
- (16) ‘the public’ means one or more natural or legal persons and, in accordance with national law or practice, their associations, organisations or groups;
- (17) ‘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 granting 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;
- (18) ‘hazardous substances’ means substances or mixtures as defined in Article 3 of Regulation (EC) No 1272/2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures⁽⁴⁾;
- (19) ‘baseline report’ means information on the state of soil and groundwater contamination by relevant hazardous substances;
- (20) ‘groundwater’ means groundwater as defined in point 2 of Article 2 of Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy⁽⁵⁾;
- (21) ‘soil’ means the top layer of the Earth’s crust situated between the bedrock and the surface. The soil is composed of mineral particles, organic matter, water, air and living organisms;
- (22) ‘environmental inspection’ means all actions, including site visits, monitoring of emissions and checks of internal reports and follow-up documents, verification of self-monitoring, checking of the techniques used and adequacy of the environment management of the installation, undertaken by or on behalf of the competent authority

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- to check and promote compliance of installations with their permit conditions and, where necessary, to monitor their environmental impact;
- (23) ‘poultry’ means poultry as defined in point 1 of Article 2 of Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs⁽⁶⁾;
- (24) ‘fuel’ means any solid, liquid or gaseous combustible material;
- (25) ‘combustion plant’ means any technical apparatus in which fuels are oxidised in order to use the heat thus generated;
- (26) ‘stack’ means a structure containing one or more flues providing a passage for waste gases in order to discharge them into the air;
- (27) ‘operating hours’ means the time, expressed in hours, during which a combustion plant, in whole or in part, is operating and discharging emissions into the air, excluding start-up and shut-down periods;
- (28) ‘rate of desulphurisation’ means the ratio over a given period of time of the quantity of sulphur which is not emitted into air by a combustion plant to the quantity of sulphur contained in the solid fuel which is introduced into the combustion plant facilities and which is used in the plant over the same period of time;
- (29) ‘indigenous solid fuel’ means a naturally occurring solid fuel fired in a combustion plant specifically designed for that fuel and extracted locally;
- (30) ‘determinative fuel’ means the fuel which, amongst all fuels used in a multi-fuel firing combustion plant using the distillation and conversion residues from the refining of crude-oil for own consumption, alone or with other fuels, has the highest emission limit value as set out in Part 1 of Annex V, or, in the case of several fuels having the same emission limit value, the fuel having the highest thermal input amongst those fuels;
- (31) ‘biomass’ means any of the following:
- (a) products consisting of any vegetable matter from agriculture or forestry which can be used as a fuel for the purpose of recovering its energy content;
 - (b) the following waste:
 - (i) vegetable waste from agriculture and forestry;
 - (ii) vegetable waste from the food processing industry, if the heat generated is recovered;
 - (iii) fibrous vegetable waste from virgin pulp production and from production of paper from pulp, if it is co-incinerated at the place of production and the heat generated is recovered;
 - (iv) cork waste;
 - (v) wood waste with the exception of wood waste which may contain halogenated organic compounds or heavy metals as a result of treatment with wood preservatives or coating and which includes, in particular, such wood waste originating from construction and demolition waste;

- (32) ‘multi-fuel firing combustion plant’ means any combustion plant which may be fired simultaneously or alternately by two or more types of fuel;
- (33) ‘gas turbine’ means any rotating machine which converts thermal energy into mechanical work, consisting mainly of a compressor, a thermal device in which fuel is oxidised in order to heat the working fluid, and a turbine;
- (34) ‘gas engine’ means an internal combustion engine which operates according to the Otto cycle and uses spark ignition or, in case of dual fuel engines, compression ignition to burn fuel;
- (35) ‘diesel engine’ means an internal combustion engine which operates according to the diesel cycle and uses compression ignition to burn fuel;
- (36) ‘small isolated system’ means a small isolated system as defined in point 26 of Article 2 of Directive 2003/54/EC of the European Parliament and of the Council of 26 June 2003 concerning common rules for the internal market in electricity⁽⁷⁾;
- (37) ‘waste’ means waste as defined in point 1 of Article 3 of Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste⁽⁸⁾;
- (38) ‘hazardous waste’ means hazardous waste as defined in point 2 of Article 3 of Directive 2008/98/EC;
- (39) ‘mixed municipal waste’ means waste from households as well as commercial, industrial and institutional waste which, because of its nature and composition, is similar to waste from households, but excluding fractions indicated under heading 20 01 of the Annex to Decision 2000/532/EC⁽⁹⁾ that are collected separately at source and excluding the other waste indicated under heading 20 02 of that Annex;
- (40) ‘waste incineration plant’ means any stationary or mobile technical unit and equipment dedicated to the thermal treatment of waste, with or without recovery of the combustion heat generated, through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated;
- (41) ‘waste co-incineration plant’ means any stationary or mobile technical unit whose main purpose is the generation of energy or production of material products and which uses waste as a regular or additional fuel or in which waste is thermally treated for the purpose of disposal through the incineration by oxidation of waste as well as other thermal treatment processes, such as pyrolysis, gasification or plasma process, if the substances resulting from the treatment are subsequently incinerated;
- (42) ‘nominal capacity’ means the sum of the incineration capacities of the furnaces of which a waste incineration plant or a waste co-incineration plant is composed, as specified by the constructor and confirmed by the operator, with due account being taken of the calorific value of the waste, expressed as the quantity of waste incinerated per hour;
- (43) ‘dioxins and furans’ means all polychlorinated dibenzo-p-dioxins and dibenzofurans listed in Part 2 of Annex VI;
- (44) ‘organic compound’ means any compound containing at least the element carbon and one or more of hydrogen, halogens, oxygen, sulphur, phosphorus, silicon or nitrogen, with the exception of carbon oxides and inorganic carbonates and bicarbonates;

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- (45) ‘volatile organic compound’ means any organic compound as well as the fraction of creosote, having at 293,15 K a vapour pressure of 0,01 kPa or more, or having a corresponding volatility under the particular conditions of use;
- (46) ‘organic solvent’ means any volatile organic compound which is used for any of the following:
- (a) alone or in combination with other agents, and without undergoing a chemical change, to dissolve raw materials, products or waste materials;
 - (b) as a cleaning agent to dissolve contaminants;
 - (c) as a dissolver;
 - (d) as a dispersion medium;
 - (e) as a viscosity adjuster;
 - (f) as a surface tension adjuster;
 - (g) as a plasticiser;
 - (h) as a preservative;
- (47) ‘coating’ means coating as defined in point 8 of Article 2 of Directive 2004/42/EC of the European Parliament and of the Council of 21 April 2004 on the limitation of emissions of volatile organic compounds due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products⁽¹⁰⁾.

Article 4

Obligation to hold a permit

1 Member States shall take the necessary measures to ensure that no installation or combustion plant, waste incineration plant or waste co-incineration plant is operated without a permit.

By way of derogation from the first subparagraph, Member States may set a procedure for the registration of installations covered only by Chapter V.

The procedure for registration shall be specified in a binding act and include at least a notification to the competent authority by the operator of the intention to operate an installation.

2 Member States may opt to provide that a permit cover two or more installations or parts of installations operated by the same operator on the same site.

Where a permit covers two or more installations, it shall contain conditions to ensure that each installation complies with the requirements of this Directive.

3 Member States may opt to provide that a permit cover several parts of an installation operated by different operators. In such cases, the permit shall specify the responsibilities of each operator.

Article 5

Granting of a permit

1 Without prejudice to other requirements laid down in national or Union law, the competent authority shall grant a permit if the installation complies with the requirements of this Directive.

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

3 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, 7 and 9 of that Directive shall be examined and used for the purposes of granting the permit.

Article 6

General binding rules

Without prejudice to the obligation to hold a permit, Member States may include requirements for certain categories of installations, combustion plants, waste incineration plants or waste co-incineration plants in general binding rules.

Where general binding rules are adopted, the permit may simply include a reference to such rules.

Article 7

Incidents and accidents

Without prejudice to Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage⁽¹¹⁾, in the event of any incident or accident significantly affecting the environment, Member States shall take the necessary measures to ensure that:

- (a) the operator informs the competent authority immediately;
- (b) the operator immediately takes the measures to limit the environmental consequences and to prevent further possible incidents or accidents;
- (c) the competent authority requires the operator to take any appropriate complementary measures that the competent authority considers necessary to limit the environmental consequences and to prevent further possible incidents or accidents.

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Article 8

Non-compliance

1 Member States shall take the necessary measures to ensure that the permit conditions are complied with.

- 2 In the event of a breach of the permit conditions, Member States shall ensure that:
- a the operator immediately informs the competent authority;
 - b the operator immediately takes the measures necessary to ensure that compliance is restored within the shortest possible time;
 - c the competent authority requires the operator to take any appropriate complementary measures that the competent authority considers necessary to restore compliance.

Where the breach of the permit conditions poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon the environment, and until compliance is restored in accordance with points (b) and (c) of the first subparagraph, the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof shall be suspended.

Article 9

Emission of greenhouse gases

1 Where emissions of a greenhouse gas from an installation are specified in Annex I to Directive 2003/87/EC 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 necessary to ensure that no significant local pollution is caused.

2 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.

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

4 Paragraphs 1 to 3 shall not apply to installations which are temporarily excluded from the scheme for greenhouse gas emission allowance trading within the Union in accordance with Article 27 of Directive 2003/87/EC.

CHAPTER II

PROVISIONS FOR ACTIVITIES LISTED IN ANNEX I

Article 10

Scope

This Chapter shall apply to the activities set out in Annex I and, where applicable, reaching the capacity thresholds set out in that Annex.

Article 11

General principles governing the basic obligations of the operator

Member States shall take the necessary measures to provide that installations are operated in accordance with the following principles:

- (a) all the appropriate preventive measures are taken against pollution;
- (b) the best available techniques are applied;
- (c) no significant pollution is caused;
- (d) the generation of waste is prevented in accordance with Directive 2008/98/EC;
- (e) where waste is generated, it is, in order of priority and in accordance with Directive 2008/98/EC, prepared for re-use, recycled, recovered or, where that is technically and economically impossible, it is disposed of while avoiding or reducing any impact on the environment;
- (f) energy is used efficiently;
- (g) the necessary measures are taken to prevent accidents and limit their consequences;
- (h) the necessary measures are taken upon definitive cessation of activities to avoid any risk of pollution and return the site of operation to the satisfactory state defined in accordance with Article 22.

Article 12

Applications for permits

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

- 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 where applicable, a baseline report in accordance with Article 22(2);
- f 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;
- g the proposed technology and other techniques for preventing or, where this is not possible, reducing emissions from the installation;
- h measures for the prevention, preparation for re-use, recycling and recovery of waste generated by the installation;
- i further measures planned to comply with the general principles of the basic obligations of the operator as provided for in Article 11;
- j measures planned to monitor emissions into the environment;
- k the main alternatives to the proposed technology, techniques and measures studied by the applicant in outline.

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An application for a permit shall also include a non-technical summary of the details referred to in the first subparagraph.

2 Where information supplied in accordance with the requirements provided for in Directive 85/337/EEC or a safety report prepared in accordance with Directive 96/82/EC or other information produced in response to other legislation fulfils any of the requirements of paragraph 1, that information may be included in, or attached to, the application.

Article 13

BAT reference documents and exchange of information

1 In order to draw up, review and, where necessary, update BAT reference documents, the Commission shall organise an exchange of information between Member States, the industries concerned, non-governmental organisations promoting environmental protection and the Commission.

2 The exchange of information shall, in particular, address the following:

- a the performance of installations and techniques in terms of emissions, expressed as short- and long-term averages, where appropriate, and the associated reference conditions, consumption and nature of raw materials, water consumption, use of energy and generation of waste;
- b the techniques used, associated monitoring, cross-media effects, economic and technical viability and developments therein;
- c best available techniques and emerging techniques identified after considering the issues mentioned in points (a) and (b).

3 The Commission shall establish and regularly convene a forum composed of representatives of Member States, the industries concerned and non-governmental organisations promoting environmental protection.

The Commission shall obtain the opinion of the forum on the practical arrangements for the exchange of information and, in particular, on the following:

- a the rules of procedure of the forum;
- b the work programme for the exchange of information;
- c guidance on the collection of data;
- d guidance on the drawing up of BAT reference documents and on their quality assurance including the suitability of their content and format.

The guidance referred to in points (c) and (d) of the second subparagraph shall take account of the opinion of the forum and shall be adopted in accordance with the regulatory procedure referred to in Article 75(2).

4 The Commission shall obtain and make publicly available the opinion of the forum on the proposed content of the BAT reference documents and shall take into account this opinion for the procedures laid down in paragraph 5.

5 Decisions on the BAT conclusions shall be adopted in accordance with the regulatory procedure referred to in Article 75(2).

6 After the adoption of a decision in accordance with paragraph 5, the Commission shall without delay make the BAT reference document publicly available and ensure that BAT conclusions are made available in all the official languages of the Union.

7 Pending the adoption of a relevant decision in accordance with paragraph 5, the conclusions on best available techniques from BAT reference documents adopted by the Commission prior to the date referred to in Article 83 shall apply as BAT conclusions for the purposes of this Chapter except for Article 15(3) and (4).

Article 14

Permit conditions

1 Member States shall ensure that the permit includes all measures necessary for compliance with the requirements of Articles 11 and 18.

Those measures shall include at least the following:

- a emission limit values for polluting substances listed in Annex II, and for other polluting substances, which are 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;
- b appropriate requirements ensuring protection of the soil and groundwater and measures concerning the monitoring and management of waste generated by the installation;
- c suitable emission monitoring requirements specifying:
 - (i) measurement methodology, frequency and evaluation procedure; and
 - (ii) where Article 15(3)(b) is applied, that results of emission monitoring are available for the same periods of time and reference conditions as for the emission levels associated with the best available techniques;
- d an obligation to supply the competent authority regularly, and at least annually, with:
 - (i) information on the basis of results of emission monitoring referred to in point (c) and other required data that enables the competent authority to verify compliance with the permit conditions; and
 - (ii) where Article 15(3)(b) is applied, a summary of the results of emission monitoring which allows a comparison with the emission levels associated with the best available techniques;
- e appropriate requirements for the regular maintenance and surveillance of measures taken to prevent emissions to soil and groundwater pursuant to point (b) and appropriate requirements concerning the periodic monitoring of soil and groundwater in relation to relevant hazardous substances likely to be found on site and having regard to the possibility of soil and groundwater contamination at the site of the installation;
- f measures relating to conditions other than normal operating conditions such as start-up and shut-down operations, leaks, malfunctions, momentary stoppages and definitive cessation of operations;
- g provisions on the minimisation of long-distance or transboundary pollution;
- h conditions for assessing compliance with the emission limit values or a reference to the applicable requirements specified elsewhere.

2 For the purpose of paragraph 1(a), emission limit values may be supplemented or replaced by equivalent parameters or technical measures ensuring an equivalent level of environmental protection.

3 BAT conclusions shall be the reference for setting the permit conditions.

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4 Without prejudice to Article 18, the competent authority may set stricter permit conditions than those achievable by the use of the best available techniques as described in the BAT conclusions. Member States may establish rules under which the competent authority may set such stricter conditions.

5 Where the competent authority sets permit conditions on the basis of a best available technique not described in any of the relevant BAT conclusions, it shall ensure that:

- a that technique is determined by giving special consideration to the criteria listed in Annex III; and
- b the requirements of Article 15 are complied with.

Where the BAT conclusions referred to in the first subparagraph do not contain emission levels associated with the best available techniques, the competent authority shall ensure that the technique referred to in the first subparagraph ensures a level of environmental protection equivalent to the best available techniques described in the BAT conclusions.

6 Where an activity or a type of production process carried out within an installation is not covered by any of the BAT conclusions or where those conclusions do not address all the potential environmental effects of the activity or process, the competent authority shall, after prior consultations with the operator, set the permit conditions on the basis of the best available techniques that it has determined for the activities or processes concerned, by giving special consideration to the criteria listed in Annex III.

7 For installations referred to in point 6.6 of Annex I, paragraphs 1 to 6 of this Article shall apply without prejudice to the legislation relating to animal welfare.

Article 15

Emission limit values, equivalent parameters and technical measures

1 The emission limit values for polluting substances shall apply at the point where the emissions leave the installation, and any dilution prior to that point shall be disregarded when determining those values.

With regard to indirect releases of polluting substances into water, the effect of a water treatment plant may be taken into account when determining the emission limit values of the installation concerned, provided that an equivalent level of protection of the environment as a whole is guaranteed and provided this does not lead to higher levels of pollution in the environment.

2 Without prejudice to Article 18, the emission limit values and the equivalent parameters and technical measures referred to in Article 14(1) and (2) shall be based on the best available techniques, without prescribing the use of any technique or specific technology.

3 The competent authority shall set emission limit values that ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques as laid down in the decisions on BAT conclusions referred to in Article 13(5) through either of the following:

- a setting emission limit values that do not exceed the emission levels associated with the best available techniques. Those emission limit values shall be expressed for the same or shorter periods of time and under the same reference conditions as those emission levels associated with the best available techniques; or
- b setting different emission limit values than those referred to under point (a) in terms of values, periods of time and reference conditions.

Where point (b) is applied, the competent authority shall, at least annually, assess the results of emission monitoring in order to ensure that emissions under normal operating conditions have not exceeded the emission levels associated with the best available techniques.

4 By way of derogation from paragraph 3, and without prejudice to Article 18, the competent authority may, in specific cases, set less strict emission limit values. Such a derogation may apply only where an assessment shows that the achievement of emission levels associated with the best available techniques as described in BAT conclusions would lead to disproportionately higher costs compared to the environmental benefits due to:

- a the geographical location or the local environmental conditions of the installation concerned; or
- b the technical characteristics of the installation concerned.

The competent authority shall document in an annex to the permit conditions the reasons for the application of the first subparagraph including the result of the assessment and the justification for the conditions imposed.

The emission limit values set in accordance with the first subparagraph shall, however, not exceed the emission limit values set out in the Annexes to this Directive, where applicable.

The competent authority shall in any case ensure that no significant pollution is caused and that a high level of protection of the environment as a whole is achieved.

On the basis of information provided by Member States in accordance with Article 72(1), in particular concerning the application of this paragraph, the Commission may, where necessary, assess and further clarify, through guidance, the criteria to be taken into account for the application of this paragraph.

The competent authority shall re-assess the application of the first subparagraph as part of each reconsideration of the permit conditions pursuant to Article 21.

5 The competent authority may grant temporary derogations from the requirements of paragraphs 2 and 3 of this Article and from Article 11(a) and (b) for the testing and use of emerging techniques for a total period of time not exceeding 9 months, provided that after the period specified, either the technique is stopped or the activity achieves at least the emission levels associated with the best available techniques.

Article 16

Monitoring requirements

1 The monitoring requirements referred to in Article 14(1)(c) shall, where applicable, be based on the conclusions on monitoring as described in the BAT conclusions.

2 The frequency of the periodic monitoring referred to in Article 14(1)(e) shall be determined by the competent authority in a permit for each individual installation or in general binding rules.

Without prejudice to the first subparagraph, periodic monitoring shall be carried out at least once every 5 years for groundwater and 10 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination.

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Article 17

General binding rules for activities listed in Annex I

- 1 When adopting general binding rules, Member States shall ensure an integrated approach and a high level of environmental protection equivalent to that achievable with individual permit conditions.
- 2 General binding rules shall be based on the best available techniques, without prescribing the use of any technique or specific technology in order to ensure compliance with Articles 14 and 15.
- 3 Member States shall ensure that general binding rules are updated to take into account developments in best available techniques and in order to ensure compliance with Article 21.
- 4 General binding rules adopted in accordance with paragraphs 1 to 3 shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication.

Article 18

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 be included in the permit, without prejudice to other measures which may be taken to comply with environmental quality standards.

Article 19

Developments in best available techniques

Member States shall ensure that the competent authority follows or is informed of developments in best available techniques and of the publication of any new or updated BAT conclusions and shall make that information available to the public concerned.

Article 20

Changes by operators to installations

- 1 Member States shall take the necessary measures to ensure that the operator informs the competent authority of any planned change in the nature or functioning, or an extension of the installation which may have consequences for the environment. Where appropriate, the competent authority shall update the permit.
 - 2 Member States shall take the necessary measures to ensure that no substantial change planned by the operator is made without a permit granted in accordance with this Directive.
- The application for a permit and the decision by the competent authority shall cover those parts of the installation and those details listed in Article 12 which may be affected by the substantial change.

3 Any change in the nature or functioning or an extension of an installation shall be deemed to be substantial if the change or extension in itself reaches the capacity thresholds set out in Annex I.

Article 21

Reconsideration and updating of permit conditions by the competent authority

1 Member States shall take the necessary measures to ensure that the competent authority periodically reconsiders in accordance with paragraphs 2 to 5 all permit conditions and, where necessary to ensure compliance with this Directive, updates those conditions.

2 At the request of the competent authority, the operator shall submit all the information necessary for the purpose of reconsidering the permit conditions, including, in particular, results of emission monitoring and other data, that enables a comparison of the operation of the installation with the best available techniques described in the applicable BAT conclusions and with the emission levels associated with the best available techniques.

When reconsidering permit conditions, the competent authority shall use any information resulting from monitoring or inspections.

3 Within 4 years of publication of decisions on BAT conclusions in accordance with Article 13(5) relating to the main activity of an installation, the competent authority shall ensure that:

- a all the permit conditions for the installation concerned are reconsidered and, if necessary, updated to ensure compliance with this Directive, in particular, with Article 15(3) and (4), where applicable;
- b the installation complies with those permit conditions.

The reconsideration shall take into account all the new or updated BAT conclusions applicable to the installation and adopted in accordance with Article 13(5) since the permit was granted or last reconsidered.

4 Where an installation is not covered by any of the BAT conclusions, the permit conditions shall be reconsidered and, if necessary, updated where developments in the best available techniques allow for the significant reduction of emissions.

5 The permit conditions shall be reconsidered and, where necessary, updated at least in the following cases:

- 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 the operational safety requires other techniques to be used;
- c where it is necessary to comply with a new or revised environmental quality standard in accordance with Article 18.

Article 22

Site closure

1 Without prejudice to Directive 2000/60/EC, Directive 2004/35/EC, Directive 2006/118/EC of the European Parliament and of the Council of 12 December 2006 on the protection of groundwater against pollution and deterioration⁽¹²⁾ and to relevant Union law on

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soil protection, the competent authority shall set permit conditions to ensure compliance with paragraphs 3 and 4 of this Article upon definitive cessation of activities.

2 Where the activity involves the use, production or release of relevant hazardous substances and having regard to the possibility of soil and groundwater contamination at the site of the installation, the operator shall prepare and submit to the competent authority a baseline report before starting operation of an installation or before a permit for an installation is updated for the first time after 7 January 2013.

The baseline report shall contain the information necessary to determine the state of soil and groundwater contamination so as to make a quantified comparison with the state upon definitive cessation of activities provided for under paragraph 3.

The baseline report shall contain at least the following information:

- a information on the present use and, where available, on past uses of the site;
- b where available, existing information on soil and groundwater measurements that reflect the state at the time the report is drawn up or, alternatively, new soil and groundwater measurements having regard to the possibility of soil and groundwater contamination by those hazardous substances to be used, produced or released by the installation concerned.

Where information produced pursuant to other national or Union law fulfils the requirements of this paragraph that information may be included in, or attached to, the submitted baseline report.

The Commission shall establish guidance on the content of the baseline report.

3 Upon definitive cessation of the activities, the operator shall assess the state of soil and groundwater contamination by relevant hazardous substances used, produced or released by the installation. Where the installation has caused significant pollution of soil or groundwater by relevant hazardous substances compared to the state established in the baseline report referred to in paragraph 2, the operator shall take the necessary measures to address that pollution so as to return the site to that state. For that purpose, the technical feasibility of such measures may be taken into account.

Without prejudice to the first subparagraph, upon definitive cessation of the activities, and where the contamination of soil and groundwater at the site poses a significant risk to human health or the environment as a result of the permitted activities carried out by the operator before the permit for the installation is updated for the first time after 7 January 2013 and taking into account the conditions of the site of the installation established in accordance with Article 12(1)(d), the operator shall take the necessary actions aimed at the removal, control, containment or reduction of relevant hazardous substances, so that the site, taking into account its current or approved future use, ceases to pose such a risk.

4 Where the operator is not required to prepare a baseline report referred to in paragraph 2, the operator shall, upon definitive cessation of the activities, take the necessary actions aimed at the removal, control, containment or reduction of relevant hazardous substances, so that the site, taking into account its current or approved future use, ceases to pose any significant risk to human health or the environment due to the contamination of soil and groundwater as a result of the permitted activities and taking into account the conditions of the site of the installation established in accordance with Article 12(1)(d).

Article 23

Environmental inspections

1 Member States shall set up a system of environmental inspections of installations addressing the examination of the full range of relevant environmental effects from the installations concerned.

Member States shall ensure that operators afford the competent authorities all necessary assistance to enable those authorities to carry out any site visits, to take samples and to gather any information necessary for the performance of their duties for the purposes of this Directive.

2 Member States shall ensure that all installations are covered by an environmental inspection plan at national, regional or local level and shall ensure that this plan is regularly reviewed and, where appropriate, updated.

3 Each environmental inspection plan shall include the following:

- a a general assessment of relevant significant environmental issues;
- b the geographical area covered by the inspection plan;
- c a register of the installations covered by the plan;
- d procedures for drawing up programmes for routine environmental inspections pursuant to paragraph 4;
- e procedures for non-routine environmental inspections pursuant to paragraph 5;
- f where necessary, provisions on the cooperation between different inspection authorities.

4 Based on the inspection plans, the competent authority shall regularly draw up programmes for routine environmental inspections, including the frequency of site visits for different types of installations.

The period between two site visits shall be based on a systematic appraisal of the environmental risks of the installations concerned and shall not exceed 1 year for installations posing the highest risks and 3 years for installations posing the lowest risks.

If an inspection has identified an important case of non-compliance with the permit conditions, an additional site visit shall be carried out within 6 months of that inspection.

The systematic appraisal of the environmental risks shall be based on at least the following criteria:

- a the potential and actual impacts of the installations concerned on human health and the environment taking into account the levels and types of emissions, the sensitivity of the local environment and the risk of accidents;
- b the record of compliance with permit conditions;
- c the participation of the operator in the Union eco-management and audit scheme (EMAS), pursuant to Regulation (EC) No 1221/2009⁽¹³⁾.

The Commission may adopt guidance on the criteria for the appraisal of environmental risks.

5 Non-routine environmental inspections shall be carried out to investigate serious environmental complaints, serious environmental accidents, incidents and occurrences of non-compliance as soon as possible and, where appropriate, before the granting, reconsideration or update of a permit.

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6 Following each site visit, the competent authority shall prepare a report describing the relevant findings regarding compliance of the installation with the permit conditions and conclusions on whether any further action is necessary.

The report shall be notified to the operator concerned within 2 months of the site visit taking place. The report shall be made publicly available by the competent authority in accordance with Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information⁽¹⁴⁾ within 4 months of the site visit taking place.

Without prejudice to Article 8(2), the competent authority shall ensure that the operator takes all the necessary actions identified in the report within a reasonable period.

Article 24

Access to information and public participation in the permit procedure

1 Member States shall ensure that the public concerned are given early and effective opportunities to participate in the following procedures:

- a the granting of a permit for new installations;
- b the granting of a permit for any substantial change;
- c the granting or updating of a permit for an installation where the application of Article 15(4) is proposed;
- d the updating of a permit or permit conditions for an installation in accordance with Article 21(5)(a).

The procedure set out in Annex IV shall apply to such participation.

2 When a decision on granting, reconsideration or updating of a permit has been taken, the competent authority shall make available to the public, including via the Internet in relation to points (a), (b) and (f), the following information:

- a the content of the decision, including a copy of the permit and any subsequent updates;
- b the reasons on which the decision is based;
- c the results of the consultations held before the decision was taken and an explanation of how they were taken into account in that decision;
- d the title of the BAT reference documents relevant to the installation or activity concerned;
- e how the permit conditions referred to in Article 14, including the emission limit values, have been determined in relation to the best available techniques and emission levels associated with the best available techniques;
- f where a derogation is granted in accordance with Article 15(4), the specific reasons for that derogation based on the criteria laid down in that paragraph and the conditions imposed.

3 The competent authority shall also make available to the public, including via the Internet at least in relation to point (a):

- a relevant information on the measures taken by the operator upon definitive cessation of activities in accordance with Article 22;
- b the results of emission monitoring as required under the permit conditions and held by the competent authority.

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

Article 25

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 Article 24 when one of the following conditions is met:

- a they have a sufficient interest;
- 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 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).

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

4 Paragraphs 1, 2 and 3 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 Member States shall ensure that practical information is made available to the public on access to administrative and judicial review procedures.

Article 26

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 which is likely to be significantly affected so requests, the Member State in whose territory the application for a permit pursuant to Article 4 or Article 20(2) was submitted shall forward to the other Member State any information required to be given or made available pursuant to Annex IV at the same time as it makes it available to the public.

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.

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2 Within the framework of their bilateral relations, Member States shall ensure 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 shall 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 24(2). 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 27

Emerging techniques

1 Member States shall, where appropriate, encourage the development and application of emerging techniques, in particular for those emerging techniques identified in BAT reference documents.

2 The Commission shall establish guidance to assist Member States in encouraging the development and application of emerging techniques as referred to in paragraph 1.

CHAPTER III

SPECIAL PROVISIONS FOR COMBUSTION PLANTS

Article 28

Scope

This Chapter shall apply to combustion plants, the total rated thermal input of which is equal to or greater than 50 MW, irrespective of the type of fuel used.

This Chapter shall not apply to the following combustion plants:

- (a) plants in which the products of combustion are used for the direct heating, drying, or any other treatment of objects or materials;
- (b) post-combustion plants designed to purify the waste gases by combustion which are not operated as independent combustion plants;
- (c) facilities for the regeneration of catalytic cracking catalysts;
- (d) facilities for the conversion of hydrogen sulphide into sulphur;
- (e) reactors used in the chemical industry;
- (f) coke battery furnaces;
- (g) cowpers;
- (h) any technical apparatus used in the propulsion of a vehicle, ship or aircraft;

- (i) gas turbines and gas engines used on offshore platforms;
- (j) plants which use any solid or liquid waste as a fuel other than waste referred to in point (b) of point 31 of Article 3.

Article 29

Aggregation rules

1 Where the waste gases of two or more separate combustion plants are discharged through a common stack, the combination formed by such plants shall be considered as a single combustion plant and their capacities added for the purpose of calculating the total rated thermal input.

2 Where two or more separate combustion plants which have been granted a permit for the first time on or after 1 July 1987, or the operators of which have submitted a complete application for a permit on or after that date, are installed in such a way that, taking technical and economic factors into account, their waste gases could in the judgement of the competent authority, be discharged through a common stack, the combination formed by such plants shall be considered as a single combustion plant and their capacities added for the purpose of calculating the total rated thermal input.

3 For the purpose of calculating the total rated thermal input of a combination of combustion plants referred to in paragraphs 1 and 2, individual combustion plants with a rated thermal input below 15 MW shall not be considered.

Article 30

Emission limit values

1 Waste gases from combustion plants shall be discharged in a controlled way by means of a stack, containing one or more flues, the height of which is calculated in such a way as to safeguard human health and the environment.

2 All permits for installations containing combustion plants which have been granted a permit before 7 January 2013, or the operators of which have submitted a complete application for a permit before that date, provided that such plants are put into operation no later than 7 January 2014, shall include conditions ensuring that emissions into air from these plants do not exceed the emission limit values set out in Part 1 of Annex V.

All permits for installations containing combustion plants which had been granted an exemption as referred to in Article 4(4) of Directive 2001/80/EC and which are in operation after 1 January 2016, shall include conditions ensuring that emissions into the air from these plants do not exceed the emission limit values set out in Part 2 of Annex V.

3 All permits for installations containing combustion plants not covered by paragraph 2 shall include conditions ensuring that emissions into the air from these plants do not exceed the emission limit values set out in Part 2 of Annex V.

4 The emission limit values set out in Parts 1 and 2 of Annex V as well as the minimum rates of desulphurisation set out in Part 5 of that Annex shall apply to the emissions of each common stack in relation to the total rated thermal input of the entire combustion plant. Where Annex V provides that emission limit values may be applied for a part of a combustion plant with a limited number of operating hours, those limit values shall apply to the emissions of

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that part of the plant, but shall be set in relation to the total rated thermal input of the entire combustion plant.

5 The competent authority may grant a derogation for a maximum of 6 months from the obligation to comply with the emission limit values provided for in paragraphs 2 and 3 for sulphur dioxide in respect of a combustion plant which to this end normally uses low-sulphur fuel, in cases where the operator is unable to comply with those limit values because of an interruption in the supply of low-sulphur fuel resulting from a serious shortage.

Member States shall immediately inform the Commission of any derogation granted under the first subparagraph.

6 The competent authority may grant a derogation from the obligation to comply with the emission limit values provided for in paragraphs 2 and 3 in cases where a combustion plant using only gaseous fuel has to resort exceptionally to the use of other fuels because of a sudden interruption in the supply of gas and for this reason would need to be equipped with a waste gas purification facility. The period for which such a derogation is granted shall not exceed 10 days except where there is an overriding need to maintain energy supplies.

The operator shall immediately inform the competent authority of each specific case referred to in the first subparagraph.

Member States shall inform the Commission immediately of any derogation granted under the first subparagraph.

7 Where a combustion plant is extended, the emission limit values set out in Part 2 of Annex V shall apply to the extended part of the plant affected by the change and shall be set in relation to the total rated thermal input of the entire combustion plant. In the case of a change to a combustion plant, which may have consequences for the environment and which affects a part of the plant with a rated thermal input of 50 MW or more, the emission limit values as set out in Part 2 of Annex V shall apply to the part of the plant which has changed in relation to the total rated thermal input of the entire combustion plant.

8 The emission limit values set out in Parts 1 and 2 of Annex V shall not apply to the following combustion plants:

- a diesel engines;
- b recovery boilers within installations for the production of pulp.

9 For the following combustion plants, on the basis of the best available techniques, the Commission shall review the need to establish Union-wide emission limit values and to amend the emission limit values set out in Annex V:

- a the combustion plants referred to in paragraph 8;
- b combustion plants within refineries firing the distillation and conversion residues from the refining of crude-oil for own consumption, alone or with other fuels, taking into account the specificity of the energy systems of refineries;
- c combustion plants firing gases other than natural gas;
- d combustion plants in chemical installations using liquid production residues as non-commercial fuel for own consumption.

The Commission shall, by 31 December 2013, report the results of this review to the European Parliament and to the Council accompanied, if appropriate, by a legislative proposal.

Article 31

Desulphurisation rate

1 For combustion plants firing indigenous solid fuel, which cannot comply with the emission limit values for sulphur dioxide referred to in Article 30(2) and (3) due to the characteristics of this fuel, Member States may apply instead the minimum rates of desulphurisation set out in Part 5 of Annex V, in accordance with the compliance rules set out in Part 6 of that Annex and with prior validation by the competent authority of the technical report referred to in Article 72(4)(a).

2 For combustion plants firing indigenous solid fuel, which co-incinerate waste, and which cannot comply with the C_{proc} values for sulphur dioxide set out in points 3.1 or 3.2 of Part 4 of Annex VI due to the characteristics of the indigenous solid fuel, Member States may apply instead the minimum rates of desulphurisation set out in Part 5 of Annex V, in accordance with the compliance rules set out in Part 6 of that Annex. If Member States choose to apply this paragraph, C_{waste} as referred to in point 1 of Part 4 of Annex VI shall be equal to 0 mg/Nm³.

3 The Commission shall, by 31 December 2019, review the possibility of applying minimum rates of desulphurisation set out in Part 5 of Annex V, taking into account, in particular, the best available techniques and benefits obtained from reduced sulphur dioxide emissions.

Article 32

Transitional National Plan

1 During the period from 1 January 2016 to 30 June 2020, Member States may draw up and implement a transitional national plan covering combustion plants which were granted the first permit before 27 November 2002 or the operators of which had submitted a complete application for a permit before that date, provided that the plant was put into operation no later than 27 November 2003. For each of the combustion plants covered by the plan, the plan shall cover emissions of one or more of the following pollutants: nitrogen oxides, sulphur dioxide and dust. For gas turbines, only nitrogen oxides emissions shall be covered by the plan.

The transitional national plan shall not include any of the following combustion plants:

- a those to which Article 33(1) applies;
- b those within refineries firing low calorific gases from the gasification of refinery residues or the distillation and conversion residues from the refining of crude oil for own consumption, alone or with other fuels;
- c those to which Article 35 applies;
- d those which are granted an exemption as referred to in Article 4(4) of Directive 2001/80/EC.

2 Combustion plants covered by the plan may be exempted from compliance with the emission limit values referred to in Article 30(2) for the pollutants which are subject to the plan or, where applicable, with the rates of desulphurisation referred to in Article 31.

The emission limit values for sulphur dioxide, nitrogen oxides and dust set out in the permit for the combustion plant applicable on 31 December 2015, pursuant in particular to the requirements of Directives 2001/80/EC and 2008/1/EC, shall at least be maintained.

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Combustion plants with a total rated thermal input of more than 500 MW firing solid fuels, which were granted the first permit after 1 July 1987, shall comply with the emission limit values for nitrogen oxides set out in Part 1 of Annex V.

3 For each of the pollutants it covers, the transitional national plan shall set a ceiling defining the maximum total annual emissions for all of the plants covered by the plan on the basis of each plant's total rated thermal input on 31 December 2010, its actual annual operating hours and its fuel use, averaged over the last 10 years of operation up to and including 2010.

The ceiling for the year 2016 shall be calculated on the basis of the relevant emission limit values set out in Annexes III to VII to Directive 2001/80/EC or, where applicable, on the basis of the rates of desulphurisation set out in Annex III to Directive 2001/80/EC. In the case of gas turbines, the emission limit values for nitrogen oxides set out for such plants in Part B of Annex VI to Directive 2001/80/EC shall be used. The ceilings for the years 2019 and 2020 shall be calculated on the basis of the relevant emission limit values set out in Part 1 of Annex V to this Directive or, where applicable, the relevant rates of desulphurisation set out in Part 5 of Annex V to this Directive. The ceilings for the years 2017 and 2018 shall be set providing a linear decrease of the ceilings between 2016 and 2019.

Where a plant included in the transitional national plan is closed or no longer falls within the scope of Chapter III, this shall not result in an increase in total annual emissions from the remaining plants covered by the plan.

4 The transitional national plan shall also contain provisions on monitoring and reporting that comply with the implementing rules established in accordance with Article 41(b), as well as the measures foreseen for each of the plants in order to ensure timely compliance with the emission limit values that will apply from 1 July 2020.

5 Not later than 1 January 2013, Member States shall communicate their transitional national plans to the Commission.

The Commission shall evaluate the plans and, where the Commission has raised no objections within 12 months of receipt of a plan, the Member State concerned shall consider its plan to be accepted.

When the Commission considers a plan not to be in accordance with the implementing rules established in accordance with Article 41(b), it shall inform the Member State concerned that its plan cannot be accepted. In relation to the evaluation of a new version of a plan which a Member State communicates to the Commission, the time period referred to in the second subparagraph shall be 6 months.

6 Member States shall inform the Commission of any subsequent changes to the plan.

Article 33

Limited life time derogation

1 During the period from 1 January 2016 to 31 December 2023, combustion plants may be exempted from compliance with the emission limit values referred to in Article 30(2) and with the rates of desulphurisation referred to in Article 31, where applicable, and from their inclusion in the transitional national plan referred to in Article 32 provided that the following conditions are fulfilled:

- a the operator of the combustion plant undertakes, in a written declaration submitted by 1 January 2014 at the latest to the competent authority, not to operate the plant for more

- than 17 500 operating hours, starting from 1 January 2016 and ending no later than 31 December 2023;
- b the operator is required to submit each year to the competent authority a record of the number of operating hours since 1 January 2016;
 - c the emission limit values for sulphur dioxides, nitrogen oxides and dust set out in the permit for the combustion plant applicable on 31 December 2015, pursuant in particular to the requirements of Directives 2001/80/EC and 2008/1/EC, shall at least be maintained during the remaining operational life of the combustion plant. Combustion plants with a total rated thermal input of more than 500 MW firing solid fuels, which were granted the first permit after 1 July 1987, shall comply with the emission limit values for nitrogen oxides set out in Part 1 of Annex V; and
 - d the combustion plant has not been granted an exemption as referred to in Article 4(4) of Directive 2001/80/EC.

2 At the latest on 1 January 2016, each Member State shall communicate to the Commission a list of any combustion plants to which paragraph 1 applies, including their total rated thermal input, the fuel types used and the applicable emission limit values for sulphur dioxide, nitrogen oxides and dust. For plants subject to paragraph 1, Member States shall communicate annually to the Commission a record of the number of operating hours since 1 January 2016.

3 In case of a combustion plant being, on 6 January 2011, part of a small isolated system and accounting at that date for at least 35 % of the electricity supply within that system, which is unable, due to its technical characteristics, to comply with the emission limit values referred to in Article 30(2), the number of operating hours referred to in paragraph 1(a) of this Article shall be 18 000, starting from 1 January 2020 and ending no later than 31 December 2023, and the date referred to in paragraph 1(b) and paragraph 2 of this Article shall be 1 January 2020.

4 In case of a combustion plant with a total rated thermal input of more than 1 500 MW which started operating before 31 December 1986 and fires indigenous solid fuel with a net calorific value of less than 5 800 kJ/kg, a moisture content greater than 45 % by weight, a combined moisture and ash content greater than 60 % by weight and a calcium oxide content in ash greater than 10 %, the number of operating hours referred to in paragraph 1(a) shall be 32 000.

Article 34

Small isolated systems

1 Until 31 December 2019, combustion plants being, on 6 January 2011, part of a small isolated system may be exempted from compliance with the emission limit values referred to in Article 30(2) and the rates of desulphurisation referred to in Article 31, where applicable. Until 31 December 2019, the emission limit values set out in the permits of these combustion plants, pursuant in particular to the requirements of Directives 2001/80/EC and 2008/1/EC, shall at least be maintained.

2 Combustion plants with a total rated thermal input of more than 500 MW firing solid fuels, which were granted the first permit after 1 July 1987, shall comply with the emission limit values for nitrogen oxides set out in Part 1 of Annex V.

3 Where there are, on the territory of a Member State combustion plants covered by this Chapter that are part of a small isolated system, that Member State shall report to the Commission before 7 January 2013 a list of those combustion plants, the total annual

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energy consumption of the small isolated system and the amount of energy obtained through interconnection with other systems.

Article 35

District heating plants

1 Until 31 December 2022, a combustion plant may be exempted from compliance with the emission limit values referred to in Article 30(2) and the rates of desulphurisation referred to in Article 31 provided that the following conditions are fulfilled:

- a the total rated thermal input of the combustion plant does not exceed 200 MW;
- b the plant was granted a first permit before 27 November 2002 or the operator of that plant had submitted a complete application for a permit before that date, provided that it was put into operation no later than 27 November 2003;
- c at least 50 % of the useful heat production of the plant, as a rolling average over a period of 5 years, is delivered in the form of steam or hot water to a public network for district heating; and
- d the emission limit values for sulphur dioxide, nitrogen oxides and dust set out in its permit applicable on 31 December 2015, pursuant in particular to the requirements of Directives 2001/80/EC and 2008/1/EC, are at least maintained until 31 December 2022.

2 At the latest on 1 January 2016, each Member State shall communicate to the Commission a list of any combustion plants to which paragraph 1 applies, including their total rated thermal input, the fuel types used and the applicable emission limit values for sulphur dioxide, nitrogen oxides and dust. In addition, Member States shall, for any combustion plants to which paragraph 1 applies and during the period mentioned in that paragraph, inform the Commission annually of the proportion of useful heat production of each plant which was delivered in the form of steam or hot water to a public network for district heating, expressed as a rolling average over the preceding 5 years.

Article 36

Geological storage of carbon dioxide

1 Member States shall ensure that operators of all combustion plants with a rated electrical output of 300 megawatts or more for which the original construction licence or, in the absence of such a procedure, the original operating licence is granted after the entry into force of Directive 2009/31/EC of the European Parliament and of the Council of 23 April 2009 on the geological storage of carbon dioxide⁽¹⁵⁾, have assessed whether the following conditions are met:

- a suitable storage sites are available,
- b transport facilities are technically and economically feasible,
- c it is technically and economically feasible to retrofit for carbon dioxide capture.

2 If the conditions laid down in paragraph 1 are met, the competent authority shall ensure that suitable space on the installation site for the equipment necessary to capture and compress carbon dioxide is set aside. The competent authority shall determine whether the conditions are met on the basis of the assessment referred to in paragraph 1 and other available information, particularly concerning the protection of the environment and human health.

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.

Article 38

Monitoring of emissions into air

1 Member States shall ensure that the monitoring of air polluting substances is carried out in accordance with Part 3 of Annex V.

2 The installation and functioning of the automated monitoring equipment shall be subject to control and to annual surveillance tests as set out in Part 3 of Annex V.

3 The competent authority shall determine the location of the sampling or measurement points to be used for the monitoring of emissions.

4 All monitoring results shall be recorded, processed and presented in such a way as to enable the competent authority to verify compliance with the operating conditions and emission limit values which are included in the permit.

Article 39

Compliance with emission limit values

The emission limit values for air shall be regarded as being complied with if the conditions set out in Part 4 of Annex V are fulfilled.

Article 40

Multi-fuel firing combustion plants

1 In the case of a multi-fuel firing combustion plant involving the simultaneous use of two or more fuels, the competent authority shall set the emission limit values in accordance with the following steps:

- a taking the emission limit value relevant for each individual fuel and pollutant corresponding to the total rated thermal input of the entire combustion plant as set out in Parts 1 and 2 of Annex V;
- b determining fuel-weighted emission limit values, which are obtained by multiplying the individual emission limit value referred to in point (a) by the thermal input delivered by each fuel, and dividing the product of multiplication by the sum of the thermal inputs delivered by all fuels,
- c aggregating the fuel-weighted emission limit values.

2 In the case of multi-fuel firing combustion plants covered by Article 30(2), which use the distillation and conversion residues from the refining of crude-oil for own consumption, alone or with other fuels, the following emission limit values may be applied instead of the emission limit values set according to paragraph 1:

- a where, during the operation of the combustion plant, the proportion contributed by the determinative fuel to the sum of the thermal inputs delivered by all fuels is 50 % or more, the emission limit value set in Part 1 of Annex V for the determinative fuel;
- b where the proportion contributed by the determinative fuel to the sum of the thermal inputs delivered by all fuels is less than 50 %, the emission limit value determined in accordance with the following steps:
 - (i) taking the emission limit values set out in Part 1 of Annex V for each of the fuels used, corresponding to the total rated thermal input of the combustion plant;
 - (ii) calculating the emission limit value of the determinative fuel by multiplying the emission limit value, determined for that fuel according to point (i), by a factor of two, and subtracting from this product the emission limit value of the fuel used with the lowest emission limit value as set out in Part 1 of Annex V, corresponding to the total rated thermal input of the combustion plant;
 - (iii) determining the fuel-weighted emission limit value for each fuel used by multiplying the emission limit value determined under points (i) and (ii) by the thermal input of the fuel concerned and by dividing the product of this multiplication by the sum of the thermal inputs delivered by all fuels;
 - (iv) aggregating the fuel-weighted emission limit values determined under point (iii).

3 In the case of multi-fuel firing combustion plants covered by Article 30(2), which use the distillation and conversion residues from the refining of crude-oil for own consumption, alone or with other fuels, the average emission limit values for sulphur dioxide set out in Part 7 of Annex V may be applied instead of the emission limit values set according to paragraphs 1 or 2 of this Article.

Article 41

Implementing rules

Implementing rules shall be established concerning:

- (a) the determination of the start-up and shut-down periods referred to in point 27 of Article 3 and in point 1 of Part 4 of Annex V; and
- (b) the transitional national plans referred to in Article 32 and, in particular, the setting of emission ceilings and related monitoring and reporting.

Those implementing rules shall be adopted in accordance with the regulatory procedure referred to in Article 75(2). The Commission shall make appropriate proposals not later than 7 July 2011.

CHAPTER IV

SPECIAL PROVISIONS FOR WASTE INCINERATION PLANTS AND WASTE CO-INCINERATION PLANTS

Article 42

Scope

1 This Chapter shall apply to waste incineration plants and waste co-incineration plants which incinerate or co-incinerate solid or liquid waste.

This Chapter shall not apply to gasification or pyrolysis plants, if the gases resulting from this thermal treatment of waste are purified to such an extent that they are no longer a waste prior to their incineration and they can cause emissions no higher than those resulting from the burning of natural gas.

For the purposes of this Chapter, waste incineration plants and waste co-incineration plants shall include all incineration lines or co-incineration lines, waste reception, storage, on site pretreatment facilities, waste-, fuel- and air-supply systems, boilers, facilities for the treatment of waste gases, on-site facilities for treatment or storage of residues and waste water, stacks, devices and systems for controlling incineration or co-incineration operations, recording and monitoring incineration or co-incineration conditions.

If processes other than oxidation, such as pyrolysis, gasification or plasma process, are applied for the thermal treatment of waste, the waste incineration plant or waste co-incineration plant shall include both the thermal treatment process and the subsequent incineration process.

If waste co-incineration takes place in such a way that the main purpose of the plant is not the generation of energy or production of material products but rather the thermal treatment of waste, the plant shall be regarded as a waste incineration plant.

2 This Chapter shall not apply to the following plants:

- a plants treating only the following wastes:

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- (i) waste listed in point (b) of point 31 of Article 3;
 - (ii) radioactive waste;
 - (iii) animal carcasses as regulated by Regulation (EC) No 1774/2002 of the European Parliament and of the Council of 3 October 2002 laying down health rules concerning animal by-products not intended for human consumption⁽¹⁶⁾;
 - (iv) waste resulting from the exploration for, and the exploitation of, oil and gas resources from off-shore installations and incinerated on board the installations;
- b experimental plants used for research, development and testing in order to improve the incineration process and which treat less than 50 tonnes of waste per year.

Article 43

Definition of residue

For the purposes of this Chapter, ‘residue’ shall mean any liquid or solid waste which is generated by a waste incineration plant or waste co-incineration plant.

Article 44

Applications for permits

An application for a permit for a waste incineration plant or waste co-incineration plant shall include a description of the measures which are envisaged to guarantee that the following requirements are met:

- (a) the plant is designed, equipped and will be maintained and operated in such a manner that the requirements of this Chapter are met taking into account the categories of waste to be incinerated or co-incinerated;
- (b) the heat generated during the incineration and co-incineration process is recovered as far as practicable through the generation of heat, steam or power;
- (c) the residues will be minimised in their amount and harmfulness and recycled where appropriate;
- (d) the disposal of the residues which cannot be prevented, reduced or recycled will be carried out in conformity with national and Union law.

Article 45

Permit conditions

- 1 The permit shall include the following:
 - a a list of all types of waste which may be treated using at least the types of waste set out in the European Waste List established by Decision 2000/532/EC, if possible, and containing information on the quantity of each type of waste, where appropriate;
 - b the total waste incinerating or co-incinerating capacity of the plant;
 - c the limit values for emissions into air and water;

- d the requirements for the pH, temperature and flow of waste water discharges;
 - e the sampling and measurement procedures and frequencies to be used to comply with the conditions set for emission monitoring;
 - f the maximum permissible period of any technically unavoidable stoppages, disturbances, or failures of the purification devices or the measurement devices, during which the emissions into the air and the discharges of waste water may exceed the prescribed emission limit values.
- 2 In addition to the requirements set out in paragraph 1, the permit granted to a waste incineration plant or waste co-incineration plant using hazardous waste shall include the following:
- a a list of the quantities of the different categories of hazardous waste which may be treated;
 - b the minimum and maximum mass flows of those hazardous wastes, their lowest and maximum calorific values and their maximum contents of polychlorinated biphenyls, pentachlorophenol, chlorine, fluorine, sulphur, heavy metals and other polluting substances.
- 3 Member States may list the categories of waste to be included in the permit which can be co-incinerated in certain categories of waste co-incineration plants.
- 4 The competent authority shall periodically reconsider and, where necessary, update permit conditions.

Article 46

Control of emissions

1 Waste gases from waste incineration plants and waste co-incineration plants shall be discharged in a controlled way by means of a stack the height of which is calculated in such a way as to safeguard human health and the environment.

2 Emissions into air from waste incineration plants and waste co-incineration plants shall not exceed the emission limit values set out in parts 3 and 4 of Annex VI or determined in accordance with Part 4 of that Annex.

If in a waste co-incineration plant more than 40 % of the resulting heat release comes from hazardous waste, or the plant co-incinerates untreated mixed municipal waste, the emission limit values set out in Part 3 of Annex VI shall apply.

3 Discharges to the aquatic environment of waste water resulting from the cleaning of waste gases shall be limited as far as practicable and the concentrations of polluting substances shall not exceed the emission limit values set out in Part 5 of Annex VI.

4 The emission limit values shall apply at the point where waste waters from the cleaning of waste gases are discharged from the waste incineration plant or waste co-incineration plant.

When waste waters from the cleaning of waste gases are treated outside the waste incineration plant or waste co-incineration plant at a treatment plant intended only for the treatment of this sort of waste water, the emission limit values set out in Part 5 of Annex VI shall be applied at the point where the waste waters leave the treatment plant. Where the waste water from the cleaning of waste gases is treated collectively with other sources of waste water, either on site or off site, the operator shall make the appropriate mass balance calculations, [^{X1} using the results of the measurements set out in point 3 of

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Part 6 of Annex VI in order to determine the emission levels in the final waste water discharge] that can be attributed to the waste water arising from the cleaning of waste gases.

Under no circumstances shall dilution of waste water take place for the purpose of complying with the emission limit values set out in Part 5 of Annex VI.

5 Waste incineration plant sites and waste co-incineration plant sites, including associated storage areas for waste, shall be designed and operated in such a way as to prevent the unauthorised and accidental release of any polluting substances into soil, surface water and groundwater.

Storage capacity shall be provided for contaminated rainwater run-off from the waste incineration plant site or waste co-incineration plant site or for contaminated water arising from spillage or fire-fighting operations. The storage capacity shall be adequate to ensure that such waters can be tested and treated before discharge where necessary.

6 Without prejudice to Article 50(4)(c), the waste incineration plant or waste co-incineration plant or individual furnaces being part of a waste incineration plant or waste co-incineration plant shall under no circumstances continue to incinerate waste for a period of more than 4 hours uninterrupted where emission limit values are exceeded.

The cumulative duration of operation in such conditions over 1 year shall not exceed 60 hours.

The time limit set out in the second subparagraph shall apply to those furnaces which are linked to one single waste gas cleaning device.

Editorial Information

- X1** Substituted by [Corrigendum to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions \(integrated pollution prevention and control\) \(Official Journal of the European Union L 334 of 17 December 2010\)](#).

Article 47

Breakdown

In the case of a breakdown, the operator shall reduce or close down operations as soon as practicable until normal operations can be restored.

Article 48

Monitoring of emissions

1 Member States shall ensure that the monitoring of emissions is carried out in accordance with Parts 6 and 7 of Annex VI.

2 The installation and functioning of the automated measuring systems shall be subject to control and to annual surveillance tests as set out in point 1 of Part 6 of Annex VI.

3 The competent authority shall determine the location of the sampling or measurement points to be used for monitoring of emissions.

4 All monitoring results shall be recorded, processed and presented in such a way as to enable the competent authority to verify compliance with the operating conditions and emission limit values which are included in the permit.

5 As soon as appropriate measurement techniques are available within the Union, the Commission shall, by means of delegated acts in accordance with Article 76 and subject to the conditions laid down in Articles 77 and 78, set the date from which continuous measurements of emissions into the air of heavy metals and dioxins and furans are to be carried out.

Article 49

Compliance with emission limit values

The emission limit values for air and water shall be regarded as being complied with if the conditions described in Part 8 of Annex VI are fulfilled.

Article 50

Operating conditions

1 Waste incineration plants shall be operated in such a way as to achieve a level of incineration such that the total organic carbon content of slag and bottom ashes is less than 3 % or their loss on ignition is less than 5 % of the dry weight of the material. If necessary, waste pre-treatment techniques shall be used.

2 Waste incineration plants shall be designed, equipped, built and operated in such a way that the gas resulting from the incineration of waste is raised, after the last injection of combustion air, in a controlled and homogeneous fashion and even under the most unfavourable conditions, to a temperature of at least 850 °C for at least two seconds.

Waste co-incineration plants shall be designed, equipped, built and operated in such a way that the gas resulting from the co-incineration of waste is raised in a controlled and homogeneous fashion and even under the most unfavourable conditions, to a temperature of at least 850 °C for at least two seconds.

If hazardous waste with a content of more than 1 % of halogenated organic substances, expressed as chlorine, is incinerated or co-incinerated, the temperature required to comply with the first and second subparagraphs shall be at least 1 100 °C.

In waste incineration plants, the temperatures set out in the first and third subparagraphs shall be measured near the inner wall of the combustion chamber. The competent authority may authorise the measurements at another representative point of the combustion chamber.

3 Each combustion chamber of a waste incineration plant shall be equipped with at least one auxiliary burner. This burner shall be switched on automatically when the temperature of the combustion gases after the last injection of combustion air falls below the temperatures set out in paragraph 2. It shall also be used during plant start-up and shut-down operations in order to ensure that those temperatures are maintained at all times during these operations and as long as unburned waste is in the combustion chamber.

The auxiliary burner shall not be fed with fuels which can cause higher emissions than those resulting from the burning of gas oil as defined in Article 2(2) of Council Directive

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1999/32/EC of 26 April 1999 relating to a reduction in the sulphur content of certain liquid fuels⁽¹⁷⁾, liquefied gas or natural gas.

4 Waste incineration plants and waste co-incineration plants shall operate an automatic system to prevent waste feed in the following situations:

- a at start-up, until the temperature set out in paragraph 2 of this Article or the temperature specified in accordance with Article 51(1) has been reached;
- b whenever the temperature set out in paragraph 2 of this Article or the temperature specified in accordance with Article 51(1) is not maintained;
- c whenever the continuous measurements show that any emission limit value is exceeded due to disturbances or failures of the waste gas cleaning devices.

5 Any heat generated by waste incineration plants or waste co-incineration plants shall be recovered as far as practicable.

6 Infectious clinical waste shall be placed straight in the furnace, without first being mixed with other categories of waste and without direct handling.

7 Member States shall ensure that the waste incineration plant or waste co-incineration plant is operated and controlled by a natural person who is competent to manage the plant.

Article 51

Authorisation to change operating conditions

1 Conditions different from those laid down in Article 50(1), (2) and (3) and, as regards the temperature, paragraph 4 of that Article and specified in the permit for certain categories of waste or for certain thermal processes, may be authorised by the competent authority provided the other requirements of this Chapter are met. Member States may lay down rules governing these authorisations.

2 For waste incineration plants, the change of the operating conditions shall not cause more residues or residues with a higher content of organic polluting substances compared to those residues which could be expected under the conditions laid down in Article 50(1), (2) and (3).

3 Emissions of total organic carbon and carbon monoxide from waste co-incineration plants, authorised to change operating conditions according to paragraph 1 shall also comply with the emission limit values set out in Part 3 of Annex VI.

Emissions of total organic carbon from bark boilers within the pulp and paper industry co-incinerating waste at the place of its production which were in operation and had a permit before 28 December 2002 and which are authorised to change operating conditions according to paragraph 1 shall also comply with the emission limit values set out in Part 3 of Annex VI.

4 Member States shall communicate to the Commission all operating conditions authorised under paragraphs 1, 2 and 3 and the results of verifications made as part of the information provided in accordance with the reporting requirements under Article 72.

Article 52

Delivery and reception of waste

1 The operator of the waste incineration plant or waste co-incineration plant shall take all necessary precautions concerning the delivery and reception of waste in order to prevent or to limit as far as practicable the pollution of air, soil, surface water and groundwater as well as other negative effects on the environment, odours and noise, and direct risks to human health.

2 The operator shall determine the mass of each type of waste, if possible according to the European Waste List established by Decision 2000/532/EC, prior to accepting the waste at the waste incineration plant or waste co-incineration plant.

3 Prior to accepting hazardous waste at the waste incineration plant or waste co-incineration plant, the operator shall collect available information about the waste for the purpose of verifying compliance with the permit requirements specified in Article 45(2).

That information shall cover the following:

- a all the administrative information on the generating process contained in the documents mentioned in paragraph 4(a);
- b the physical, and as far as practicable, chemical composition of the waste and all other information necessary to evaluate its suitability for the intended incineration process;
- c the hazardous characteristics of the waste, the substances with which it cannot be mixed, and the precautions to be taken in handling the waste.

4 Prior to accepting hazardous waste at the waste incineration plant or waste co-incineration plant, at least the following procedures shall be carried out by the operator:

- a the checking of the documents required by Directive 2008/98/EC and, where applicable, those required by Regulation (EC) No 1013/2006 of the European Parliament and of the Council of 14 June 2006 on shipments of waste⁽¹⁸⁾ and by legislation on transport of dangerous goods;
- b the taking of representative samples, unless inappropriate as far as possible before unloading, to verify conformity with the information provided for in paragraph 3 by carrying out controls and to enable the competent authorities to identify the nature of the wastes treated.

The samples referred to in point (b) shall be kept for at least 1 month after the incineration or co-incineration of the waste concerned.

5 The competent authority may grant exemptions from paragraphs 2, 3 and 4 to waste incineration plants or waste co-incineration plants which are a part of an installation covered by Chapter II and only incinerate or co-incinerate waste generated within that installation.

Article 53

Residues

1 Residues shall be minimised in their amount and harmfulness. Residues shall be recycled, where appropriate, directly in the plant or outside.

2 Transport and intermediate storage of dry residues in the form of dust shall take place in such a way as to prevent dispersal of those residues in the environment.

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3 Prior to determining the routes for the disposal or recycling of the residues, appropriate tests shall be carried out to establish the physical and chemical characteristics and the polluting potential of the residues. Those tests shall concern the total soluble fraction and heavy metals soluble fraction.

Article 54

Substantial change

A change of operation of a waste incineration plant or a waste co-incineration plant treating only non-hazardous waste in an installation covered by Chapter II which involves the incineration or co-incineration of hazardous waste shall be regarded as a substantial change.

Article 55

Reporting and public information on waste incineration plants and waste co-incineration plants

1 Applications for new permits for waste incineration plants and waste co-incineration plants shall be made available to the public at one or more locations for an appropriate period to enable the public to comment on the applications before the competent authority reaches a decision. That decision, including at least a copy of the permit, and any subsequent updates, shall also be made available to the public.

2 For waste incineration plants or waste co-incineration plants with a nominal capacity of 2 tonnes or more per hour, the report referred to in Article 72 shall include information on the functioning and monitoring of the plant and give account of the running of the incineration or co-incineration process and the level of emissions into air and water in comparison with the emission limit values. That information shall be made available to the public.

3 A list of waste incineration plants or waste co-incineration plants with a nominal capacity of less than 2 tonnes per hour shall be drawn up by the competent authority and shall be made available to the public.

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⁽¹⁹⁾,
- (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;
- (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:

- (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:

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- 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.

CHAPTER VI

**SPECIAL PROVISIONS FOR INSTALLATIONS
PRODUCING TITANIUM DIOXIDE***Article 66***Scope**

This Chapter shall apply to installations producing titanium dioxide.

*Article 67***Prohibition of the disposal of waste**

Member States shall prohibit the disposal of the following waste into any water body, sea or ocean:

- (a) solid waste;
- (b) the mother liquors arising from the filtration phase following hydrolysis of the titanyl sulphate solution from installations applying the sulphate process; including the acid waste associated with such liquors, containing overall more than 0,5 % free sulphuric acid and various heavy metals and including such mother liquors which have been diluted until they contain 0,5 % or less free sulphuric acid;
- (c) waste from installations applying the chloride process containing more than 0,5 % free hydrochloric acid and various heavy metals, including such waste which has been diluted until it contains 0,5 % or less free hydrochloric acid;
- (d) filtration salts, sludges and liquid waste arising from the treatment (concentration or neutralisation) of the waste mentioned under points (b) and (c) and containing various heavy metals, but not including neutralised and filtered or decanted waste containing only traces of heavy metals and which, before any dilution, has a pH value above 5,5.

*Article 68***Control of emissions into water**

Emissions from installations into water shall not exceed the emission limit values set out in Part 1 of Annex VIII.

*Article 69***Prevention and control of emissions into air**

- 1 The emission of acid droplets from installations shall be prevented.
- 2 Emissions into air from installations shall not exceed the emission limit values set out in Part 2 of Annex VIII.

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Article 70

Monitoring of emissions

- 1 Member States shall ensure the monitoring of emissions into water in order to enable the competent authority to verify compliance with the permit conditions and Article 68.
- 2 Member States shall ensure the monitoring of emissions into air in order to enable the competent authority to verify compliance with the permit conditions and Article 69. Such monitoring shall include at least monitoring of emissions as set out in Part 3 of Annex VIII.
- 3 Monitoring shall be carried out in accordance with CEN standards or, if CEN standards are not available, ISO, national or other international standards which ensure the provision of data of an equivalent scientific quality.

CHAPTER VII

COMMITTEE, TRANSITIONAL AND FINAL PROVISIONS

Article 71

Competent authorities

Member States shall designate the competent authorities responsible for carrying out the obligations arising from this Directive.

Article 72

Reporting by Member States

- 1 Member States shall ensure that information is made available to the Commission on the implementation of this Directive, on representative data on emissions and other forms of pollution, on emission limit values, on the application of best available techniques in accordance with Articles 14 and 15, in particular on the granting of exemptions in accordance with Article 15(4), and on progress made concerning the development and application of emerging techniques in accordance with Article 27. Member States shall make the information available in an electronic format.
- 2 The type, format and frequency of information to be made available pursuant to paragraph 1 shall be established in accordance with the regulatory procedure referred to in Article 75(2). This shall include the determination of the specific activities and pollutants for which data referred to in paragraph 1 shall be made available.
- 3 For all combustion plants covered by Chapter III of this Directive, Member States shall, from 1 January 2016, establish an annual inventory of the sulphur dioxide, nitrogen oxides and dust emissions and energy input.
Taking into account the aggregation rules set out in Article 29, the competent authority shall obtain the following data for each combustion plant:
 - a the total rated thermal input (MW) of the combustion plant;

- b the type of combustion plant: boiler, gas turbine, gas engine, diesel engine, other (specifying the type);
- c the date of the start of operation of the combustion plant;
- d the total annual emissions (tonnes per year) of sulphur dioxide, nitrogen oxides and dust (as total suspended particles);
- e the number of operating hours of the combustion plant;
- f the total annual amount of energy input, related to the net calorific value (TJ per year), broken down in terms of the following categories of fuel: coal, lignite, biomass, peat, other solid fuels (specifying the type), liquid fuels, natural gas, other gases (specifying the type).

The annual plant-by-plant data contained in these inventories shall be made available to the Commission upon request.

A summary of the inventories shall be made available to the Commission every 3 years within 12 months from the end of the three-year period considered. This summary shall show separately the data for combustion plants within refineries.

The Commission shall make available to the Member States and to the public a summary of the comparison and evaluation of those inventories in accordance with Directive 2003/4/EC within 24 months from the end of the three-year period considered.

4 Member States shall, from 1 January 2016, report the following data annually to the Commission:

- a for combustion plants to which Article 31 applies, the sulphur content of the indigenous solid fuel used and the rate of desulphurisation achieved, averaged over each month. For the first year where Article 31 is applied, the technical justification of the non-feasibility of complying with the emission limit values referred to in Article 30(2) and (3) shall also be reported; and
- b for combustion plants which do not operate more than 1 500 operating hours per year as a rolling average over a period of 5 years, the number of operating hours per year.

Article 73

Review

1 By 7 January 2016, and every 3 years thereafter, the Commission shall submit to the European Parliament and to the Council a report reviewing the implementation of this Directive on the basis of the information referred to in Article 72.

That report shall include an assessment of the need for Union action through the establishment or updating of Union-wide minimum requirements for emission limit values and for rules on monitoring and compliance for activities within the scope of the BAT conclusions adopted during the previous three-year period, on the basis of the following criteria:

- a the impact of the activities concerned on the environment as a whole; and
- b the state of implementation of best available techniques for the activities concerned.

That assessment shall consider the opinion of the forum referred to in Article 13(4).

Chapter III and Annex V of this Directive shall be considered to represent the Union-wide minimum requirements in the case of large combustion plants.

The report shall be accompanied by a legislative proposal where appropriate. Where the assessment referred to in the second subparagraph identifies such a need, the legislative proposal shall include provisions establishing or updating Union-wide

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minimum requirements for emission limit values and for rules on monitoring and compliance assessment for the activities concerned.

2 The Commission shall, by 31 December 2012, review the need to control emissions from:

- a the combustion of fuels in installations with a total rated thermal input below 50 MW;
- b the intensive rearing of cattle; and
- c the spreading of manure.

The Commission shall report the results of that review to the European Parliament and to the Council accompanied by a legislative proposal where appropriate.

3 The Commission shall report to the European Parliament and the Council, by 31 December 2011, on the establishment in Annex I of:

- a differentiated capacity thresholds for the rearing of different poultry species, including the specific case of quail;
- b capacity thresholds for the simultaneous rearing of different types of animals within the same installation.

The Commission shall report the results of that review to the European Parliament and to the Council accompanied by a legislative proposal where appropriate.

Article 74

Amendments of Annexes

In order to allow the provisions of this Directive to be adapted to scientific and technical progress on the basis of best available techniques, the Commission shall adopt delegated acts in accordance with Article 76 and subject to the conditions laid down in Articles 77 and 78 as regards the adaptation of Parts 3 and 4 of Annex V, Parts 2, 6, 7 and 8 of Annex VI and Parts 5, 6, 7 and 8 of Annex VII to such scientific and technical progress.

Article 75

Committee procedure

1 The Commission shall be assisted by a committee.

2 Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at 3 months.

Article 76

Exercise of the delegation

1 The power to adopt the delegated acts referred to in Article 48(5) and Article 74 shall be conferred on the Commission for a period of 5 years from 6 January 2011. The Commission shall draw up a report in respect of the delegated power at the latest 6 months before the end of the five-year period. The delegation of power shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council revokes it in accordance with Article 77.

2 As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

3 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 77 and 78.

Article 77

Revocation of the delegation

1 The delegation of power referred to in Article 48(5) and Article 74 may be revoked at any time by the European Parliament or by the Council.

2 The institution which has commenced an internal procedure for deciding whether to revoke a delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated power which could be subject to revocation and possible reasons for a revocation.

3 The decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect immediately or on a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the *Official Journal of the European Union*.

Article 78

Objections to delegated acts

1 The European Parliament or the Council may object to a delegated act within a period of 2 months from the date of notification.

At the initiative of the European Parliament or the Council that period shall be extended by 2 months.

2 If, on expiry of the period referred to in paragraph 1, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the *Official Journal of the European Union* and shall enter into force on the date stated therein.

The delegated act may be published in the *Official Journal of the European Union* and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.

3 If either the European Parliament or the Council objects to the delegated act within the period referred to in paragraph 1, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.

Article 79

Penalties

Member States shall determine penalties applicable to infringements of the national provisions adopted pursuant to this Directive. The penalties thus provided for shall be effective, proportionate and dissuasive. Member States shall notify those provisions to the Commission by 7 January 2013 and shall notify it without delay of any subsequent amendment affecting them.

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Article 80

Transposition

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with Article 2, points (8), (11) to (15), (18) to (23), (26) to (30), (34) to (38) and (41) of Article 3, Article 4(2) and (3), Article 7, Articles 8 and 10, Article 11(e) and (h), Article 12(1)(e) and (h), Article 13(7), point (ii) of Article 14(1)(c), points (d), (e), (f) and (h) of Article 14(1), Article 14(2) to (7), Article 15(2) to (5), Articles 16, 17 and 19, Article 21(2) to (5), Articles 22, 23, 24, 27, 28 and 29, Article 30(1), (2), (3), (4), (7) and (8), Articles 31, 32, 33, 34, 35, 36, 38 and 39, Article 40(2) and (3), Articles 42 and 43, Article 45(1), Article 58, Article 59(5), Article 63, Article 65(3), Articles 69, 70, 71, 72 and 79, and with the first subparagraph and points 1.1, 1.4, 2.5(b), 3.1, 4, 5, 6.1(c), 6.4(b), 6.10 and 6.11 of Annex I, Annex II, point 12 of Annex III, Annex V, point (b) of Part 1, points 2.2, 2.4, 3.1 and 3.2 of Part 4, points 2.5 and 2.6 of Part 6 and point 1.1(d) of Part 8 of Annex VI, point 2 of Part 4, point 1 of Part 5, point 3 of Part 7 of Annex VII, points 1 and 2(c) of Part 1, points 2 and 3 of Part 2 and Part 3 of Annex VIII by 7 January 2013.

They shall apply those measures from that same date.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

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

Article 81

Repeal

1 Directives 78/176/EEC, 82/883/EEC, 92/112/EEC, 1999/13/EC, 2000/76/EC and 2008/1/EC, as amended by the acts listed in Annex IX, Part A are repealed with effect from 7 January 2014, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law and application of the Directives set out in Annex IX, Part B.

2 Directive 2001/80/EC as amended by the acts listed in Annex IX, Part A is repealed with effect from 1 January 2016, without prejudice to the obligations of the Member States relating to the time limits for transposition into national law and application of the Directives set out in Annex IX, Part B.

3 References to the repealed Directives shall be construed as references to this Directive and shall be read in accordance with the correlation table set out in Annex X.

Article 82

Transitional provisions

1 In relation to installations carrying out activities referred to in Annex I, point 1.1 for activities with a total rated thermal input exceeding 50 MW, points 1.2 and 1.3, point 1.4(a),

points 2.1 to 2.6, points 3.1 to 3.5, points 4.1 to 4.6 for activities concerning production by chemical processing, points 5.1 and 5.2 for activities covered by Directive 2008/1/EC, point 5.3 (a)(i) and (ii), point 5.4, point 6.1(a) and (b), points 6.2 and 6.3, point 6.4(a), point 6.4(b) for activities covered by Directive 2008/1/EC, point 6.4(c) and points 6.5 to 6.9 which are in operation and hold a permit before 7 January 2013 or the operators of which have submitted a complete application for a permit before that date, provided that those installations are put into operation no later than 7 January 2014, Member States shall apply the laws, regulations and administrative provisions adopted in accordance with Article 80(1) from 7 January 2014 with the exception of Chapter III and Annex V.

2 In relation to installations carrying out activities referred to in Annex I, point 1.1 for activities with a total rated thermal input of 50 MW, point 1.4(b), points 4.1 to 4.6 for activities concerning production by biological processing, points 5.1 and 5.2 for activities not covered by Directive 2008/1/EC, point 5.3(a)(iii) to (v), point 5.3(b), points 5.5 and 5.6, point 6.1(c), point 6.4(b) for activities not covered by Directive 2008/1/EC and points 6.10 and 6.11 which are in operation before 7 January 2013, Member States shall apply the laws, regulations and administrative provisions adopted in accordance with this Directive from 7 July 2015 with the exception of Chapters III and IV and Annexes V and VI.

3 In relation to combustion plants referred to in Article 30(2), Member States shall, from 1 January 2016, apply the laws, regulations and administrative provisions adopted in accordance with Article 80(1) to comply with Chapter III and Annex V.

4 In relation to combustion plants referred to in Article 30(3), Member States shall no longer apply Directive 2001/80/EC from 7 January 2013.

5 In relation to combustion plants which co-incinerate waste, point 3.1 of Part 4 of Annex VI shall apply until:

a 31 December 2015, for combustion plants referred to in Article 30(2);

[^{XI}b 6 January 2013, for combustion plants referred to in Article 30(3).]

6 Point 3.2 of Part 4 of Annex VI shall apply in relation to combustion plants which co-incinerate waste, as from:

a 1 January 2016, for combustion plants referred to in Article 30(2)

b 7 January 2013, for combustion plants referred to in Article 30(3).

7 Article 58 shall apply from 1 June 2015. Until that date, 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 or the risk phrases R45, R46, R49, R60 or R61, shall be replaced, as far as possible, by less harmful substances or mixtures within the shortest possible time.

8 Article 59(5) shall apply from 1 June 2015. Until that date, the emissions of either volatile organic compounds which are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F or the risk phrases R45, R46, R49, R60 or R61 or halogenated volatile organic compounds which are assigned or need to carry the hazard statements H341 or H351 or the risk phrases R40 or R68, 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.

9 Point 2 of Part 4 of Annex VII shall apply from 1 June 2015. Until that date, for emissions of halogenated volatile organic compounds which are assigned or need to carry the hazard statements H341 or H351 or the risk phrases R40 or R68, where the mass flow of the sum of the compounds causing the hazard statements H341 or H351 or the labelling R40 or R68

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is greater than, or equal to, 100 g/h, an emission limit value of 20 mg/Nm³ shall be complied with. The emission limit value refers to the mass sum of the individual compounds.

Editorial Information

- X1** Substituted by [Corrigendum to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions \(integrated pollution prevention and control\) \(Official Journal of the European Union L 334 of 17 December 2010\)](#).

Article 83

Entry into force

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

Article 84

Addressees

This Directive is addressed to the Member States.

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- (1) [OJ L 159, 29.6.1996, p. 1.](#)
- (2) [OJ L 125, 21.5.2009, p. 75.](#)
- (3) [OJ L 106, 17.4.2001, p. 1.](#)
- (4) [OJ L 353, 31.12.2008, p. 1.](#)
- (5) [OJ L 327, 22.12.2000, p. 1.](#)
- (6) [OJ L 303, 31.10.1990, p. 6.](#)
- (7) [OJ L 176, 15.7.2003, p. 37.](#)
- (8) [OJ L 312, 22.11.2008, p. 3.](#)
- (9) Commission Decision 2000/532/EC of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(a) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive 91/689/EEC on hazardous waste ([OJ L 226, 6.9.2000, p. 3.](#))
- (10) [OJ L 143, 30.4.2004, p. 87.](#)
- (11) [OJ L 143, 30.4.2004, p. 56.](#)
- (12) [OJ L 372, 27.12.2006, p. 19.](#)
- (13) Regulation (EC) No 1221/2009 of the European Parliament and of the Council of 25 November 2009 on the voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) ([OJ L 342, 22.12.2009, p. 1.](#))
- (14) [OJ L 41, 14.2.2003, p. 26.](#)
- (15) [OJ L 140, 5.6.2009, p. 114.](#)
- (16) [OJ L 273, 10.10.2002, p. 1.](#)
- (17) [OJ L 121, 11.5.1999, p. 13.](#)
- (18) [OJ L 190, 12.7.2006, p. 1.](#)
- (19) [OJ L 396, 30.12.2006, p. 1.](#)