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EUROPEAN COMMISSION

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**OPINION OF THE COMMISSION**

**Pursuant to Article 294(7)(c) of the Treaty on the Functioning of the European Union,  
on the European Parliament's amendments to the Council Position regarding the  
Proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on  
industrial emissions (integrated pollution prevention and control)(recast)**

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### **1. BACKGROUND**

#### **Procedure**

On 21 December 2007 the Commission submitted a proposal for a Directive on industrial emissions (integrated pollution prevention and control) to the European Parliament and Council for adoption by ordinary legislative procedure as laid down in Article 294 of the Treaty on the functioning of the European Union.

The Economic and Social Committee gave its opinion on 14 January 2009. The Committee of the Regions adopted its opinion on 08 October 2008.

The European Parliament adopted its first reading position on 10 March 2009.

The Council reached a political agreement on 25 June 2009 and adopted its Common Position on 15 February 2010.

The European Parliament adopted its second reading position on 07 July 2010.

### **2. OBJECTIVE OF THE COMMISSION PROPOSAL**

The proposal for a Directive on industrial emissions clarifies and strengthens existing legislative requirements, including those on implementing best available techniques. It does this by recasting seven Directives related to industrial emissions into one single Directive. This will help to reduce the risks to human health and the environment caused by industrial pollution and to create a more level playing field for industry.

### **3. COMMISSION COMMENTS**

#### **3.1 General**

At its Plenary Session on 7 July 2010, the European Parliament adopted a compromise package agreed with the Council in the hope of reaching a second reading agreement.

These amendments concern:

- the method for adopting Best Available Technique conclusions and the flexibility granted to competent authorities to deviate from such conclusions in setting emission limit values,
- the provision of temporary flexibilities to the Large Combustion Plant sector for compliance with the revised emission limit values applicable to such plants,
- a mechanism to allow the Commission to propose new minimum requirements including emission limit values for activities based on the environmental impact and state of implementation of best available techniques,
- clarification of provisions concerning general binding rules, the review of permit conditions, inspections and access to information.

The Commission accepts the compromise package as it is in line with the overall purpose and general characteristics of the proposal.

### **3.2 Amended Proposal**

Pursuant to Article 293(2) of the Treaty on the Functioning of the European Union, the Commission amends its Proposal as set out above.