



European Union Network for the Implementation  
and Enforcement of Environmental Law

# **“Interrelationship between IPPC, EIA, SEVESO Directives and EMAS Regulation”**

## ***Final report***

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This report reflects the standpoint of the IMPEL network but not necessarily the view of national administrations nor the Commission. The report was adopted during the IMPEL Plenary meeting of 17/18 December 1998.

## ***INTRODUCTION***

### **Why this report?**

1. On 24 September 1996, the Council adopted Directive 96/61/EC concerning integrated pollution prevention and control (the IPPC Directive). Ten weeks later, on 9 December 1996, the adoption of Council Directive 96/82/EC on the control of major-accident hazards involving dangerous substances (the Seveso II Directive) followed. Finally, on 3 March 1997, the Council adopted Directive 97/11/EC amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (the EIA Directive).
2. Member States, therefore, had to transpose three major instruments into their national legislation, within two to three years. In addition, the IPPC Directive introduced a system that was new to many Member States. Its characteristics and the obligation to co-ordinate the permitting procedures in order to issue - ideally - one single permit for the operation of an installation were new. This theme of "integration" proved to be an incentive to have an overall "integrative" approach to the transposition of the three instruments.
3. In considering how to facilitate the practical application of the IPPC Directive, some Member States have also taken into account Council Regulation No 1836/93 allowing voluntary participation by companies in the industrial sector in a Community eco-management and audit scheme (EMAS).
4. The competent authorities in charge of transposition, implementation and application of the instruments found themselves confronted with various questions: how do the four instruments fit together? Are their provisions consistent? What kind of information is requested from the developer or the operator when the installation falls into the scope of two or three Directives? How should the obligation to inform and to involve the public be dealt with? Is it possible to have a single permitting procedure which is consistent with the requirements of all three Directives? Finally, what role can EMAS play in this context?
5. This report presents the results of the discussion amongst the participants of the IMPEL project: *"Interrelationship between EIA, IPPC, Seveso Directives and EMAS Regulation"* with regard to the issues above. The report has been compiled in a series of four workshops organised by Italy as 'lead country' in the years 1997/98.

### *The consistency of IPPC, EIA, Seveso and EMAS*

6. Concern was raised about the alleged "inconsistency" of the four instruments and a general remark may be necessary here.
7. The three Directives and the Regulation reflect different stages in the development of 'green mindedness' in the Community and different political preoccupations. The Seveso II and EIA Directives are based on the experiences of the early 1980s. Their goals and scope are different and the definitions used are not identical. However, the drafting of one instrument was not done without considering the others. As the discussion of the three Directives took place more or less in parallel, all Community institutions were able

to check the texts for unwanted discrepancies. As a result - and this is important - they do not contradict each other, and it is possible for Member States to implement the four instruments. Some points, however, remain to be clarified.

#### *The key characteristics of the four instruments*

8. The EIA Directive covers a broad range of activities ranging from industrial to infrastructure projects. It introduces procedural elements to be followed such as the provision of an environmental impact statement and consultation with the public and environmental authorities within the framework of development consent procedures for the activities covered. Member States may regulate the EIA procedure as a permitting procedure or by adding it to existing permitting procedures under other pieces of Community (or national) legislation. The results of the EIA procedure have to be taken into consideration in the development consent procedure.
9. The IPPC Directive focuses on the environmental impact of the operation of new and existing installations. It does not cover infrastructure projects. Thresholds for installations sometimes differ from those used in the EIA Directive. The control of emissions to air, water and soil is complemented by provisions concerning energy use, waste flows and accident prevention. Installations under this Directive need an integrated permit and are subject to ongoing monitoring and updating of the permit conditions.
10. The aim of the Seveso II Directive is the prevention of major accidents which involve dangerous substances and the limitation of their consequences for man and the environment. "Seveso establishments" are subject to continuous inspection by competent authorities.
11. EMAS is a voluntary scheme designed to promote continuous improvements of the environmental performance and compliance with all relevant regulatory requirements regarding the environment. To achieve this aim, industrial sites are required to use an environmental management system to monitor efficiency and to report on their achievements regarding environmental performance. EMAS is targeted at the industrial sector at present. In the future, it will also be applicable to other sectors.
12. The report highlights the possibilities of using the synergies between the four instruments, mainly concerning the:
  - field of application of the instrument and the determination of the application of the different instruments;
  - required environmental information or documentation;
  - participation of the public, various authorities and, in transboundary cases, neighbour Member states;
  - decisions required and environmental management.

#### *What can you find in this report?*

- Table 1 (page 12) is a summary of the key provisions which are common to the four instruments. It allows, for example, rapid identification of the relevant articles on information requirements, the involvement of the public and monitoring.

- The first section (page 13) is a more detailed comparison of the texts of the four instruments. It should make reading the legal texts easier.
- The second section (page 34) lists the installations falling within the scope of the instruments. It is intended to give an indication of whether or not a given installation has to comply with the provisions of one or more of the Directives, and where EMAS is relevant.
- The third section (page 50) sets out the experience gained so far by Member States in the transposition and implementation of the EIA, IPPC, Seveso Directives and the EMAS Regulation.
- Last, but not least, IMPEL tries to draw some Conclusions (page 6) for efficient implementation of the four instruments and on enhanced consistency between them, wherever relevant.
- A glossary is included (page 11).

## CONCLUSIONS

### *The field of application and determination of the application of the different instruments*

1. The field of application of the EIA Directive is very broad and essentially covers all the categories of project likely to have significant effects on the environment. The IPPC Directive applies to industrial activities (e.g. in energy and waste sectors) and some agricultural activities. The Seveso Directive applies to establishments where dangerous substances are present. All these Directives apply to new projects and, where required to existing activities including changes and extensions.
2. The EMAS regulation is a voluntary instrument. It applies to operational industrial activities. It may be extended to non-industrial sectors by national legislation.
3. The field of application of the instruments is indicated for the EIA Directive by Annexes I and II, for the IPPC Directive by Annex I, for the Seveso Directive by Annex I and for the EMAS Regulation by NACE Code, section C and D, with the additions mentioned in Article 2 lit i).
4. The categories of projects listed in the EIA and IPPC annexes overlap to a large degree. The EIA Directive generally covers, in Annexes I and II, all the Annex I IPPC categories of project, except for categories 3.1 (lime links), 6.7 and 6.8. It is more difficult to identify the overlap of projects between the Seveso Directive and the EIA and IPPC Directives. However, the analysis presented in chapter 3 shows that it is likely that 'Seveso projects' are included in the EIA and IPPC Annexes.
5. Annex II EIA projects must be subject to a screening procedure by Member States to determine whether the Directive applies to them. Where IPPC projects or Seveso activities fall within the scope of the EIA Directive, a screening procedure under article 4.2 of the EIA Directive is required.
6. The question of the application of the EIA, IPPC and Seveso Directives in the case of changes or extensions of existing projects needs close scrutiny since a range of discretion is left to Member States. Annex III of the EIA Directive covers aspects to be taken into account in the determination of whether EIA is required for Annex II projects which includes changes and extensions to existing projects. Neither the IPPC nor Seveso Directive has such an annex. However, both directives refer to the significance of the effects of the proposed change on the environment. The criteria in Annex III of the EIA Directive can be a useful tool to screen substantial changes under the IPPC Directive and to screen modifications under the Seveso Directive. Where cases fall within the scope of two or three Directives, a single screening phase will contribute to the efficiency of the decision-making procedure.
7. Different approaches are used by Member States to transpose the different instruments, mainly because there are different national legal systems. Member States may choose joint transposition, but there is no obligation to do so. Of course, where joint

transposition of the instruments is undertaken at a national level, the most stringent provisions must still be met.

8. As regards the EIA and IPPC Directives, Article 2a of Directive 97/11/EC states that Member States may provide for a single procedure to fulfil the requirements of both of them. In this context, Member States may provide for a single list of projects for mandatory EIA which consists of Annexes I to the EIA Directive and all or some of the projects in Annex I of the IPPC Directive. On the other hand, it is possible to apply the EIA and IPPC provisions separately and a project may, therefore, be subject to both procedures. In these cases, the procedures can happen one after another, but the results of the EIA procedure shall be taken into account for the purpose of granting the permit under the IPPC Directive. In these cases, the application of an EIA procedure to IPPC projects may be useful but it is not a legal obligation. Another possible approach to co-ordinating the EIA and IPPC procedures is to provide for a common phase of public participation with the other procedural phases remaining separate.
9. As regards the EIA and Seveso Directives, where a new project is a Seveso activity and it also falls within the scope of the EIA Directive, the requirements of the EIA Directive also apply. In these cases, Member States may provide for a single or co-ordinated procedure which must fulfil the requirements of both Directives. Naturally, the same principle will apply with reference to all the three Directives.
10. Member States may provide for a unique or co-ordinated procedure under the EIA, IPPC and Seveso Directives and also for a single list of projects. It may be argued that in accordance with part 1 of the screening criteria in Annex III of the EIA Directive, IPPC projects should require an EIA procedure because they are considered to be large installations in EU legislation. Others may point out that the size of project is only one of the screening criteria in Annex III and that the test for EIA is the likelihood of significant environmental effects.
11. As regards the IPPC and Seveso Directives, the Seveso procedure may be integrated into the IPPC procedure where article 9.4 of Seveso Directive applies and similarly in case of modification under article 10 of Seveso Directive, where Member States have to decide whether to prohibit the bringing into use or the continued use of the establishment concerned. In these cases, a new permit under the IPPC Directive may be required.
12. The environmental information produced as a result of the EMAS process can be helpful in appraising the significance of modifications to existing installations and in determining the application of the other instruments.

### ***Required environmental information or documentation***

13. Environmental reports, information or documentation are required to be provided by the applicant in all four instruments. Therefore, synergies should be used wherever possible and links should be established to avoid duplication (e.g. article 6.2 of the IPPC Directive). The point of time at which the information has to be presented is therefore important. One way to avoid duplication is to co-ordinate the stages of the procedures where the submission of information is required and make sure there is exchange of

information and documentation between different authorities (e.g. by conferences of the authorities concerned).

14. The environmental reports or documentation of the EIA and IPPC procedures are focused on environmental effects and measures for prevention and reduction of these effects, whilst the Seveso reports are focused on the risk analysis and safety conditions (this is also an EIA and IPPC objective if the project has such characteristics). EMAS statements are principally focused on improvements of environmental performance by describing the current environmental conditions and the operational aspects required at the site level to deliver continuous improvements in environmental performance.
15. EIA, IPPC and Seveso reports are focused on aspects of the design, construction and operational phases. EMAS statements are focused on operational phases of management.
16. The differences between the different instruments relate to their different aims and objectives. The factors to be considered in assessing the impacts on the environment in an environmental report required by the EIA Directive are listed. In comparison with the EIA Directive, the IPPC Directive gives more emphasis to the Best Available Techniques and technical processes, (i.e. it refers to the effects of the emissions on the environment to be protected as a whole) whereas Seveso focuses on the risks (to limit the consequences of major accidents for man and the environment). In this context the scope of the information required under the EIA procedure is the widest and is largely comprehensive of the documentation required under the other Directives. Given these considerations, if Member States intend to provide a unique or a co-ordinated procedure, the documentation required for the EIA Directive could be considered as a basis which will eventually be supplemented by other information required by the other instruments. A voluntary scoping phase, which is only a requirement of the EIA Directive, can be a useful tool for the other instruments, especially for the information required by the IPPC and Seveso Directives.
17. Problems exist in preparing, handling and comparing information used in the different instruments since different ways of classifying the information are used. The transformation of data from one format to another can create problems and the process is very time-consuming. A uniform system to classify installations, activities and substances would prevent these difficulties.

***Participation: public/authorities and transboundary/Member States***

18. Public participation is required in all four instruments but with different characteristics and importance. In the EIA Directive, the term 'public' as well as the term 'public concerned' is used. The determination of the 'public concerned' is left to the Member states. The 'public' has to be informed and the 'public concerned' consulted before development consent is granted. In contrast, the IPPC Directive only uses the term 'public' and the obligation is only to consider their comments before the decision is made. In this context it is unclear whether this difference is intended to require a different group of the public participating in the procedures or not. The Seveso Directive also uses the term 'public'. The involvement of the public is related to the different measures to be taken, e.g. consultation is provided for external emergency plans but the only information provided is that concerning the safety report. The



EMAS regulation uses the term 'public' on several occasions: the public must be informed about the content and objective of the EMAS scheme, the sites must provide the public with information and enter into a dialogue with them about it. The Regulation also gives interested parties the right to submit observations to the competent body concerning the registration, suspension and deletion of sites.

19. The public and the public concerned should be defined taking into account the Aarhus Convention signed in June 1998.
20. Where Member States intend to provide a common phase of public participation, the environmental information to be provided must comply with the requirements of the three Directives as already noted in paragraphs 9 and 16. The documentation required for the EIA Directive could be considered as a basis to be supplemented by other information required by the other Directives.
21. The provision of information to the public should be carefully timed where joint transposition is adopted, as in any coordinated approach.
22. Information exchange between the Member States for transboundary impacts is required in the EIA, IPPC and Seveso Directives. Consultation is required under the EIA and IPPC procedures. In the EIA and IPPC Directives, the 'public' of the Member State likely to be affected also has to be involved.
23. Transboundary obligations under the three instruments (EIA, IPPC and SEVESO) may be satisfied in a single procedure and appropriate internal procedures may be considered. The ECE-Convention on the Transboundary Effects of Industrial Accidents already provides for co-ordination in the case of EIA and Seveso projects.

#### *Required decisions and environmental management*

24. All four instruments have a competent body or bodies. In the EIA Directive, the results of consultations and the information gathered pursuant to relevant procedure must be taken into consideration in the development consent process. Member States shall ensure that projects falling within the scope of the EIA Directive are made subject to a requirement for development consent. Under the IPPC Directive, in cases of new installations or substantial changes where the EIA Directive also applies, any relevant information obtained or conclusion arrived at pursuant to the relevant provisions of that Directive shall be taken into consideration for the purposes of granting the permit. The emission limit values fixed by the IPPC permit, and the equivalent parameters and technical measures, should be based on the Best Available Techniques, without prescribing the use of any technique or specific technology, but taking into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions. The decision under the Seveso Directive should prohibit the use, or bringing into use, of any establishment, installation or storage facility, or any part thereof, where the measures taken by the operator for the prevention and mitigation of major accidents are seriously deficient. In the EMAS Regulation, the decision consists of the registration of sites which comply with the EMAS Regulations. They will then appear on the list of registered sites. Member States should be

encouraged to provide for effective co-ordination and where appropriate in their system to unify competence under the same authorities.

25. The implementation of EMAS within a company helps it to comply with the regulatory instruments. It provides important organisational guarantees that the company is capable of identifying, monitoring and acting on its environmental effects and its environmental performance on a continued basis; taking the necessary measures to meet the legal requirements and reporting on all relevant matters.
26. The IPPC and EMAS Directives, have important common elements. Both aim at preventing, or at least reducing, adverse effects on the environment from industrial activities. Both stress the importance of monitoring of environmental effects, reducing environmental impacts, an integrated approach in seeking solutions for different environmental problems and specifying environmental objectives and the means to achieve them.
27. The EMAS environmental management system is an instrument which provides business operations with a set of appropriate means for achieving an effective reduction in the load on the environment. In regulatory instruments, permits set the emission limit values for the company's activities. The licence stipulates a maximum load on the environment and what reduction in this load must be achieved. The licence also has a clear external function; in setting emission limit values its relevance is not confined to the company but extends to the competent authority and third parties.
28. An EMAS registration is an important indication to the permitting authorities that the company has sufficient means to comply with permit and other legal obligations. The existence of EMAS generates confidence in the reliability of data provided by the company, this is verified externally, for instance when complying with reporting requirements under the permit, or applying for a new permit, or when applying article 13 of the IPPC Directive. In this context, the use of an EMAS may be considered as a simplifying administrative procedure provided that there is a different role for the public authorities and the public, similar to the one they have under the other regulatory instruments. In particular, EMAS could support compliance with the provisions of article 14 of the IPPC Directive under the condition that it is done without prejudice of the role of competent authorities dealing with control and inspections activities. Member States should be encouraged to investigate use of the EMAS Regulation as part of their enforcement mechanisms. Finally, it should be considered how EMAS can deal with changes in the operation of the activity within the limits of the permit: one possibility would be that the company could make changes to business operations without having to apply for a modification to the permit (or to notify changes to it) every time.

## ***Glossary***

Aims and objectives	What the instrument is intended to achieve
Field of application	Activities, projects, products, services or substances which fall under the scope of the instruments.
Determination of application	Provisions relevant for determining in which cases and conditions the instrument will apply.
Required environmental information or documentation	Specified information to be provided by the economic operators to the actors involved, including the competent authority on the activities, projects, products, services or substances concerned.
Participation	<ul style="list-style-type: none"> <li>• Information to and/or consultation of the public with the purpose to involve the public during the respective procedures provided by the instruments.</li> <li>• Information to and/or consultation of other authorities, especially environmental authorities, and other Member States likely to be affected by the transboundary effects of the activities, projects, products, services or substances.</li> </ul>
Decision	A position, taking account of the results of the information gathered and the consultation done by the authority designated by the Member States as being competent for to the instruments.
Information	Communication of the required environmental information or documentation and/or the final decision taken by the competent authority, as required by the different instruments, to the public and/or other authorities and/or other Member States and/or the Commission.
Monitoring	<p>Where provided by the instrument, collecting and assessing information on the quality of the environment in relation to operating activities.</p> <p>This applies to:</p> <ul style="list-style-type: none"> <li>• The internal monitoring performed by the operator itself and</li> <li>• The external checks done by the responsible authority.</li> </ul>

**TABLE 1 – Synthesis of the comparison between the four instruments**

The areas where most overlaps between EIA, EMAS, IPPC, and SEVESO has been identified are: aims and objectives, the field of application, determination of application, requirement environmental information or documentation, participation, the decision, monitoring and management tools, information requirements. It is recommended to take all these elements into account when investigating possibilities to co-ordinate or unify different procedures.

<b>ITEMS</b>	<b>EIA</b>	<b>IPPC</b>	<b>SEVESO</b>	<b>EMAS</b>
<b>1 Aims and objectives</b>	Art. 1.1 Art. 3	Art. 1	Art. 1	Art. 1.1 Art. 1.2
<b>2 The field of application</b>	Art. 2.1 Art. 4.1 Art. 4.2 (See also art. 1.4, 1.5, 2.3, Annex I and Annex II)	Art. 1 Art. 2.3 (See also Annex I)	Art. 2 (See also art. 4)	Art. 1.1 Art. 2.i Art. 2.k (See also art. 14)
<b>3 Determination of the application<sup>1</sup></b>	Art. 2.1 Art. 4.2 Art. 4.3 (See also Annex III)	Art. 2.10.(b) Art. 12 Art. 13	Art. 6.4 Art. 10 Art. 12	-
<b>4 Required environmental information or documentation</b>	Art. 5 (See also Annex IV)	Art. 6	Art. 6.2 Art. 7 Art. 9.1 Art. 9.2 Art. 11.2 (See also art. 9.6.a, Annex II, Annex IV)	Art. 3.f Art. 5
<b>5 Participation:</b>  - public / authorities	Art. 6	Art. 15.1	Art. 8.2 b Art. 11.3 Art. 12 Art. 13.1 Art. 13.4 Art. 13.5 Art. 13.6	Art. 18.2
- transboundary / Member States	Art. 7	Art. 17	Art. 13.2	-
<b>6 The decision</b>	Art. 8 Art. 9	Art. 8 Art. 9 Art. 13	Art. 9.4 Art. 17	Art. 8
<b>7. Monitoring</b>	-	Art. 6.1 Art. 9.5 Art. 9.6 Art. 9.7 Art. 9.8 Art. 14	Art. 5 Art. 7 Art. 17 Art. 18 (See also A.III.c.vi)	Art. 3.g Art. 4 Art. 8.3 Art. 8.4 (See also A.I.b.4)
<b>8 Information:</b> - public / authorities, - transboundary / Member States, - Commission	Art. 4.4 Art. 6 Art. 9.1 Art. 11	Art. 15 Art. 16	Art. 15 Art. 19	Art. 5.2 Art. 9 Art. 10 Art. 15

<sup>1</sup> The “determination of the application” refers to cases where Annex I of the three Directives doesn’t apply.

# 1. COMPARISON BETWEEN EIA, IPPC, SEVESO DIRECTIVES AND EMAS REGULATION

## 1.1. AIMS AND OBJECTIVES

AIMS AND OBJECTIVES			
EIA 85/337/EEC as amended by 97/11/EC	IPPC 96/61/EC	SEVESO 96/82/EC	EMAS 1836/93/EEC
<p><b>Art. 1</b> 1. This Directive shall apply to the assessment of the environmental effects of those public and private projects which are likely to have significant effects on the environment.</p> <p><b>Art. 3</b> The environmental impact assessment shall identify, describe and assess in an appropriate manner, in the light of each individual case and in accordance with Articles 4 to 11, the direct and indirect effects of a project on the following factors:            •human beings, fauna and flora;            •soil, water, air, climate and the landscape; •material assets and the cultural heritage;            •the interaction between the factors mentioned in the first, second and third indents.</p>	<p><b>Art. 1</b> <i>Purpose and scope</i> The purpose of this Directive is to achieve integrated prevention and control of pollution arising from the activities listed in Annex I. It lays down measures designed to prevent or, where that is not practicable, to reduce emissions in the air, water and land from the above mentioned activities, including measures concerning waste, in order to achieve a high level of protection of the environment taken as a whole, without prejudice to Directive 85/337/EEC and other relevant Community provisions.</p>	<p><b>Art. 1</b> <i>Aim</i> This Directive is at the prevention of major accidents which involve dangerous substances, and the limitation of their consequences for man and the environment, with a view to ensuring high levels throughout the Community, in a consistent and effective manner.</p>	<p><b>Art. 1</b> <i>The eco-management and audit scheme and its objectives</i> 1. A Community scheme allowing voluntary participation by companies performing industrial activities, hereinafter referred to as the 'Community eco-management and audit scheme or 'the scheme'. is hereby established for the evaluation and improvement of the environmental performance of industrial activities and the provision of the relevant information to the public. 2. The objective of the scheme shall be to promote continuous improvements in the environmental performance of industrial activities by:            (a) the establishment and implementation of environmental policies, programmes and management systems by companies, in relation to their sites;            (b) the systematic, objective and periodic evaluation of the performance of such elements;            (c) the provision of information of environmental performance to the public            ...</p>

## 1.2. THE FIELD OF APPLICATION

THE FIELD OF APPLICATION			
EIA 85/337/EEC as amended by 97/11/EC	IPPC 96/61/EC	SEVESO 96/82/EC	EMAS 1836/93/EEC
<p><b>Art. 2</b></p> <p>1. Member States shall adopt all measures necessary to ensure that, before consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects. These projects are defined in Article 4.</p> <p><b>Art. 4</b></p> <p>1. Subject to Article 2 (3), projects listed in Annex I shall be made subject to an assessment in accordance with Articles 5 to 10.</p> <p>2. Subject to Article 2 (3), for projects listed in Annex II, the Member States shall determine through:</p> <p>(a) a case-by-case examination,</p> <p>or</p> <p>(b) thresholds or criteria set by the Member State whether the project shall be made subject to an assessment in accordance with Articles 5 to 10. Member States may decide to apply both procedures referred to in (a) and (b).</p> <p>(See also:</p> <ul style="list-style-type: none"> <li>- art. 1.4, art. 1.5 and 2.3 for exceptions of the application;</li> <li>- Annex I;</li> <li>- Annex II)</li> </ul>	<p><b>Art. 1</b></p> <p><i>Purpose and scope</i></p> <p>The purpose of this Directive is to achieve integrated prevention and control of pollution arising from the activities listed in Annex I.</p> <p>...</p> <p><b>Art. 2</b></p> <p><i>Definitions</i></p> <p>For the purposes of this Directive:</p> <p>...</p> <p>3. 'installation' shall mean a stationary technical unit where one or more activities listed in Annex I are carried out, and any other directly associated activities which have a technical connection with the activities carried out on that site and which could have an effect on emissions and pollution;</p> <p>...</p> <p>(See also Annex I)</p>	<p><b>Art. 2</b></p> <p><i>Scope</i></p> <p>1. The Directive shall apply to establishments where dangerous substances are present in quantities equal to or in excess of the quantity listed in Annex I, Parts 1 and 2, column 2, with the exception of Articles 9, 11 and 13 which shall apply to any establishment where dangerous substances are present in quantities equal to or in excess of the quantities listed in Annex I, Parts 1 and 2, column 3.</p> <p>For the purposes of this Directive, the presence of dangerous substances shall mean the actual or anticipated presence of such substances in the establishment, or the presence of those which it is believed may be generated during loss of control of an industrial chemical process, in quantities equal or in excess of the thresholds in Parts 1 and 2 of Annex I.</p> <p>2. The provisions of this Directive shall apply without prejudice to Community provisions concerning the working environment, and, in particular, without prejudice to Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work (').</p> <p>(See also art. 4 for exceptions of the application)</p>	<p><b>Art. 1</b></p> <p><i>The eco-management and audit scheme and its objectives</i></p> <p>1. A Community scheme allowing voluntary participation by companies performing industrial activities, hereinafter referred to as the 'Community eco-management and audit scheme or 'the scheme'. is hereby established for the evaluation and improvement of the environmental performance of industrial activities and the provision of the relevant information to the public.</p> <p><b>Art. 2</b></p> <p><i>Definitions</i></p> <p>...</p> <p>(i) <i>industrial activity</i> shall: mean any activity listed under sections C and D of the classification of economic activities in the European Community (NACE rev. 1) as established by Council, Regulation (EEC) No 3037/90', with the addition of electricity, gas, steam, and hot water production and the recycling, treatment, destruction or disposal of solid or liquid waste;</p> <p>...</p> <p>(k) <i>site</i> shall mean all land on which the industrial activities under the control of a company at a given location are carried out, including any connected or associated storage of raw materials, by-products, intermediate products, end products and waste material, and any equipment and infrastructure involved in the activities, whether or not fixed;</p> <p>...</p> <p>(See art. 14 for exceptions of the application)</p>

### 1.3. DETERMINATION OF THE APPLICATION

DETERMINATION OF THE APPLICATION			
EIA 85/337/EEC as amended by 97/11/EC	IPPC 96/61/EC	SEVESO 96/82/EC	EMAS 1836/93/EEC
<p><b>Art. 2</b></p> <p>1. Member States shall adopt all measures necessary to ensure that, before consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects. These projects are defined in Article 4.</p> <p>...</p> <p><b>Art. 4</b></p> <p>...</p> <p>2. Subject to Article 2 (3), for projects listed in Annex II, the Member States shall determine through:</p> <p>(a) a case-by-case examination, or</p> <p>(b) thresholds or criteria set by the Member State whether the project shall be made subject to an assessment in accordance with Articles 5 to 10. Member States may decide to apply both procedures referred to in (a) and (b).</p> <p>3. When a case-by-case examination is carried out or thresholds or criteria are set for the purpose of paragraph 2, the relevant selection criteria set out in Annex III shall be taken into account.</p> <p>(See also Annex III)</p>	<p><b>Art. 2</b> <i>Definitions</i></p> <p>For the purpose of this Directive: ...</p> <p>10. ... (b) 'substantial change' shall mean a change in operation which, in the opinion of the competent authority, may have significant negative effects on human beings or the environment;</p> <p><b>Art. 12</b> <i>Changes by operators to installations</i></p> <p>1. Member States shall take the necessary measures to ensure that the operator informs the competent authorities of any changes planned in the operation of the installation as referred to in Article 2-(10) (a). Where appropriate, the competent authorities shall update the permit or the conditions.</p> <p>2. Member States shall take the necessary measures to ensure that no substantial change in the operation of the installation within the meaning of Article 2 (10) (b) planned by the operator is made without a permit issued in accordance with this Directive. The application for a permit and the decision by the competent authority must cover those parts of the installation and those aspects listed in Article 6 that may be affected by the change. The relevant provisions of Articles 3 and 6 to 10 and Article 15 (1), (2) and (4) shall apply mutatis mutandis.</p> <p><b>Art. 13</b> <i>Reconsideration and updating of permit conditions by the competent authority</i></p> <p>1. Member States shall take the necessary measures to ensure that competent authorities periodically reconsider and, where necessary, update permit conditions.</p> <p>2. The reconsideration shall be undertaken in any event where:</p> <p>- the pollution caused by the installation is of such</p>	<p><b>Art. 6</b> <i>Notification</i></p> <p>...</p> <p>4. In the event of:</p> <ul style="list-style-type: none"> <li>– any significant increase in the quantity or significant change in the nature or physical form of the dangerous substance present, as indicated in the notification provided by the operator pursuant to paragraph 2, or any change in the processes employing it, or</li> <li>– permanent closure of the installation,</li> </ul> <p>the operator shall immediately inform the competent authority of the change in the situation.</p> <p><b>Art. 10</b> <i>Modification of an installation, an establishment or a storage facility</i></p> <p>In the event of the modification of an installation, establishment, storage facility, or process or of the nature or quantity of dangerous substances which could have significant repercussions on major-accident hazards, the Member States shall ensure that the operator:</p> <ul style="list-style-type: none"> <li>– reviews and where necessary revises the major-accident prevention policy, and the management systems and procedures referred to in Articles 7 and 9,</li> <li>- reviews, and where necessary revises, the safety report and informs the competent authority referred to in Article 16 of the details of such revision in advance of such modification.</li> </ul> <p><b>Art. 12</b> <i>Land-use planning</i></p> <p>1. Member States shall ensure that the objectives of preventing major accidents and limiting the consequence of such accidents are taken into account in their land-use policies and/or other</p>	-

DETERMINATION OF THE APPLICATION			
EIA 85/337/EEC as amended by 97/11/EC	IPPC 96/61/EC	SEVESO 96/82/EC	EMAS 1836/93/EEC
	<p>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,</p> <ul style="list-style-type: none"> <li>- substantial changes in the best available techniques make it possible to reduce emissions significantly without imposing excessive costs,</li> <li>- the operational safety of the process or activity requires other techniques to be used,</li> <li>- new provisions of Community or national legislation so dictate</li> </ul>	<p>relevant policies. They shall pursue those objectives through controls on:</p> <ul style="list-style-type: none"> <li>(a) the siting of new establishments,</li> <li>(b) modifications to existing establishments covered by Article 10,</li> <li>(c) new developments such as transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or developments are such as to increase the risk or consequences of a major accident.</li> </ul> <p>Member States shall ensure that their land-use and/or other relevant policies and the procedures for implementing those policies take account of the need, in the long term, to maintain appropriate distances between establishments covered by this Directive and residential areas, areas of public use and areas of particular natural sensitivity or interest, and, in the case of existing establishments, of the need for additional technical measures in accordance with Article 5 so as not to increase the risks to people.</p> <p>2. Member States shall ensure that all competent authorities and planning authorities responsible for decisions in this area set up appropriate consultation procedures to facilitate implementation of the policies established under paragraph 1. The procedures shall be designed to ensure that technical advice on the risks arising from the establishment is available, either on a case-by-case or on a generic basis, when decisions are taken.</p>	



## 1.4. REQUIRED ENVIRONMENTAL INFORMATION OR DOCUMENTATION

REQUIRED ENVIRONMENTAL INFORMATION OR DOCUMENTATION			
EIA 85/337/EEC as amended by 97/11/EC	IPPC 96/61/EC	SEVESO 96/82/EC	EMAS 1836/93/EEC
<p><b>Art. 5</b></p> <p>1. In the case of projects which, pursuant to Article 4, must be subjected to an environmental impact assessment in accordance with Articles 5 to 10, Member States shall adopt the necessary measures to ensure that the developer supplies in an appropriate form the information specified in Annex IV inasmuch as:</p> <p>(a) the Member States consider that the information is relevant to a given stage of the consent procedure and to the specific characteristics of a particular project or type of project and of the environmental features likely to be affected;</p> <p>(b) the Member States consider that a developer may reasonably be required to compile this information having regard inter alia to current knowledge and methods of assessment.</p> <p>2. Member States shall take the necessary measures to ensure that, if the developer so requests before submitting an application for development consent, the competent authority shall give an opinion on the information to be supplied by the developer in accordance with paragraph 1. The competent authority shall consult the developer and authorities referred to in Article 6 (1) before it gives its opinion. The fact that the authority has given an opinion under this paragraph shall not preclude it from subsequently requiring the developer to submit further information.</p> <p>Member States may require the competent authorities to give such an opinion, irrespective of whether the developer so requests.</p> <p>3. The information to be provided by the developer in accordance with paragraph 1 shall include at least:</p> <ul style="list-style-type: none"> <li>• a description of the project comprising information on the site, design and size of the project,</li> <li>• a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects,</li> </ul>	<p><b>Art.6</b></p> <p><i>Applications for permits</i></p> <p>1. Member States shall take the necessary measures to ensure that an application to the competent authority for a permit includes a description of:</p> <ul style="list-style-type: none"> <li>- the installation and its activities,</li> <li>- the raw and auxiliary materials, other substances and the energy used in or generated by the installation,</li> <li>- the sources of emissions from the installation,</li> <li>- the conditions of the site of the installation,</li> <li>- 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,</li> <li>- the proposed technology and other techniques for preventing or, where this not possible, reducing emissions from the installation,</li> <li>- where necessary, measures for the prevention and recovery of waste generated by the installation,</li> <li>- further measures planned to comply with the general principles of the basic obligations of the operator as provided for in Article 3,</li> <li>- measures planned to monitor emissions into the environment.</li> </ul> <p>An application for a permit shall also include a non-technical summary of the details referred to in the above indents.</p> <p>2. Where information supplied in accordance with the requirements provided for in Directive 85/337/EEC or a safety report prepared in accordance with Council Directive 82/501/EEC of 24 June 1982 on the major-accident hazards of certain industrial activities (2) or other information produced in response to other legislation fulfils any of the requirements of this</p>	<p><b>Art. 6</b></p> <p><i>Notification</i></p> <p>...</p> <p>2. The notification required by paragraph 1 shall contain the following details:</p> <ul style="list-style-type: none"> <li>(a) the name or trade name of the operator and the full address of the establishment concerned;</li> <li>(b) the registered place of business of the operator, with the full address;</li> <li>(c) the name or position of the person in charge of the establishment, if different from (a);</li> <li>(d) information sufficient to identify the dangerous substances or category of substances involved;:</li> <li>(e) the quantity and physical form of the dangerous substance or substances involved;</li> <li>(f) the activity or proposed activity of the installation or storage facility;</li> <li>(g) the immediate environment of the establishment (elements liable to cause a major accident or to aggravate the consequences thereof).</li> </ul> <p><b>Art. 7</b></p> <p><i>Major-accident prevention policy</i></p> <p>1. Member States shall require the operator to draw up a document setting out his major-accident prevention policy and to ensure that it is properly implemented. The major-accident prevention policy established by the operator shall be designed to guarantee a high level of protection for man and the environment by appropriate means, structures and management systems.</p> <p>2. The document must take account of the principles contained in Annex III and be made available to the competent authorities for the purposes of, amongst other things, implementation of Articles 5 (2) and 18.</p> <p>3. This Article shall not apply to the establishments referred to in Article 9.</p>	<p><b>Art. 3</b></p> <p><i>Participation in the scheme</i></p> <p>The scheme is open to companies operating a site or sites where an industrial activity is performed. In order for a site to be registered in the scheme the company must:</p> <p>...</p> <p>(f) prepare, in accordance with Article 5, an environmental statement specific 'to each site audited. The first statement must also include the information, referred to in Annex V;</p> <p>...</p> <p><b>Art. 5</b></p> <p><i>Environmental statement</i></p> <p>1. An environmental statement shall be prepared following in initial environmental review and the completion of each subsequent audit or audit cycle for every site participating in the scheme.</p> <p>2. The environmental statement shall be designed for the public and written in a concise comprehensible form. Technical material may be appended.</p> <p>3. The environmental statement shall include, in particular, the following:</p> <ul style="list-style-type: none"> <li>(a) a description of the company's activities at the site considered;</li> <li>(b) an assessment of all the significant environmental issues of relevance to the activities concerned;</li> <li>(c) a summary of the figures on pollutant emissions, waste generation, consumption of raw material, energy and water, noise and other significant environmental aspects, as appropriate;</li> <li>(d) other factors regarding environmental performance;</li> <li>(e) a presentation of the company's environmental policy, programme and management system implemented at the site considered;</li> <li>(f) the deadline set (or submission of the next</li> </ul>

REQUIRED ENVIRONMENTAL INFORMATION OR DOCUMENTATION			
EIA 85/337/EEC as amended by 97/11/EC	IPPC 96/61/EC	SEVESO 96/82/EC	EMAS 1836/93/EEC
<ul style="list-style-type: none"> <li>the data required to identify and assess the main effects which the project is likely to have on the environment,</li> <li>an outline of the main alternatives studied by the developer and an indication of the main reasons for his choice, taking into account the environmental effects,</li> <li>a non-technical summary of the information mentioned in the previous indents.</li> </ul> <p>4. Member States shall, if necessary, ensure that any authorities holding relevant information, with particular reference to Article 3, shall make this information available to the developer.</p> <p>(See also Annex IV)</p>	<p>Article, that information may be included in, or attached to, the application.</p>	<p><b>Art. 9</b> <i>Safety report</i></p> <p>1. Member States shall require the operator to produce a safety report for the purposes of:</p> <ul style="list-style-type: none"> <li>(a) demonstrating that a major-accident prevention policy and a safety management system for implementing it have been put into effect in accordance with the information set out in Annex III;</li> <li>(b) demonstrating that the major-accident hazards have been identified and that the necessary measures have been taken to prevent such accidents and to limit their consequences for man and the environment;</li> <li>(c) demonstrating that adequate safety and reliability have been incorporated into the design, construction, operation and maintenance of any installation, storage facility, equipment and infrastructure connected with its operation which are linked (o major-accident hazards inside the establishment;</li> <li>(b) demonstrating the internal emergency plans have been drawn up and supplying information to enable the external plan to be drawn up in order to take the necessary measures in the event of a major accident;</li> <li>(e) providing sufficient information to the competent authorities to enable decisions to be made in terms of the siting of new activities or developments around existing establishments.</li> </ul> <p>2. The safety report shall contain at least the data and information listed in Annex II. It shall also contain an updated inventory of the dangerous substances present in the establishment.</p> <p>...</p> <p><b>Art. 11</b> <i>Emergency plans</i></p> <p>2. The emergency plans must be established with the objectives of:</p> <ul style="list-style-type: none"> <li>containing and controlling incidents so as to minimise the effects, and to limit damage to man, the environment and property,</li> <li>implementing the measures necessary to protect man and the environment from the effects of major accidents,</li> </ul>	<p>statement;</p> <p>(g) the name of the accredited environmental verifier.</p> <p>4. The environmental statement shall draw attention to significant changes. since the previous statement.</p> <p>5. A simplified environmental statement shall be prepared annually in intervening years, based as a minimum on the requirements set out in paragraph 3 (c) and drawing attention where appropriate to significant changes since the previous statement. Such simplified statements will require validation only at (he end of the audit or audit cycle.</p> <p>6. The annual preparation of environmental statement will, however not be required for sites:</p> <ul style="list-style-type: none"> <li>where the accredited environmental verifier considers, in particular in the case of small and medium-sized enterprises, that the nature and scale of the operations at the site are such that no further environmental statement is required until completion of the next audit, and</li> <li>where there have been few significant changes since the last environmental statement.</li> </ul>

REQUIRED ENVIRONMENTAL INFORMATION OR DOCUMENTATION			
EIA 85/337/EEC as amended by 97/11/EC	IPPC 96/61/EC	SEVESO 96/82/EC	EMAS 1836/93/EEC
		<p>– communicating the necessary information to the public and to the services or authorities concerned in the area,</p> <p>– providing for the restoration and clean-up of the environment following a major accident.</p> <p>Emergency plans shall contain the information set out in Annex IV.</p> <p>(See also Art.9.6.a, A.II, A.IV)</p>	

## 1.5. PARTICIPATION: PUBLIC/AUTHORITIES AND TRANSBOUNDARY/MEMEBER STATES

PARTICIPATION: PUBLIC/AUTHORITIES			
EIA 85/337/EEC as amended by 97/11/EC	IPPC 96/61/EC	SEVESO 96/82/EC	EMAS 1836/93/EEC
<p><b>Art. 6</b></p> <p>1. Member States shall take the measures necessary to ensure that the authorities likely to be concerned by the project by reason of their specific environmental responsibilities are given an opportunity to express their opinion on the information supplied by the developer and on the request for development consent. To this end, Member States shall designate the authorities to be consulted, either in general terms or on a case-by-case basis. The information gathered pursuant to Article 5 shall be forwarded to those authorities. Detailed arrangements for consultation shall be laid down by the Member States.</p> <p>2. Member States shall ensure that any request for development consent and any information gathered pursuant to Article 5 are made available to the public within a reasonable time in order to give the public concerned the opportunity to express an opinion before the development consent is granted.</p> <p>3. The detailed arrangements for such information and consultation shall be determined by the Member States, which may in particular, depending on the particular characteristics of the projects or sites concerned:</p> <ul style="list-style-type: none"> <li>• determine the public concerned,</li> <li>• specify the places where the information can be consulted,</li> <li>• specify the way in which the public may be informed, for example by bill-posting within a certain radius, publication in local newspapers, organisation of exhibitions with plans, drawings, tables, graphs, models,</li> <li>• determine the manner in which the public is to be consulted, for example by written submissions, by public enquiry,</li> <li>• fix appropriate time limits for the various stages of the procedure in order to ensure that a decision is taken within a reasonable period.</li> </ul>	<p><b>Art.15</b></p> <p><i>Access to information and public participation in the permit procedure</i></p> <p>1. Without prejudice to Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment (1), Member States shall take the necessary measures to ensure that applications for permits for new installations or for substantial changes are made available for an appropriate period of time to the public, to enable it to comment on them before the competent authority reaches its decision. That decision, including at least a copy of the permit, and any subsequent updates, must be made available to the public.</p> <p>...</p>	<p><b>Art. 8</b></p> <p><i>Domino effect</i></p> <p>...</p> <p>2. ... (b) provision is made for cooperation in informing the public and in supplying information to the competent authority for the preparation of external emergency plans.</p> <p><b>Art. 11</b></p> <p><i>Emergency plans</i></p> <p>...</p> <p>3. Without prejudice to the obligations of the competent authorities, Member States shall ensure that the internal emergency plans provided for in this Directive are drawn up in consultation with personnel employed inside the establishment and that the public is consulted on external emergency plans.</p> <p>...</p> <p><b>Art. 12</b></p> <p><i>Land-use planning</i></p> <p>1. Member States shall ensure that the objectives of preventing major accidents and limiting the consequence of such accidents are taken into account in their land-use policies and/or other relevant policies. They shall pursue those objectives through controls on:</p> <p>(a) the siting of new establishments,</p> <p>(b) modifications to existing establishments covered by Article 10,</p> <p>(c) new developments such as transport links, locations frequented by the public and residential areas in the vicinity of existing establishments, where the siting or developments are such as to increase the risk or consequences of a major accident.</p> <p>Member States shall ensure that their land-use and/or other relevant policies and the procedures for</p>	<p><b>Art. 18</b></p> <p><i>Competent bodies</i></p> <p>...</p> <p>2. Member States shall ensure that the composition of the competent bodies is such as to guarantee their independence and neutrality, and that the competent bodies apply the provisions of this Regulation in a consistent manner. The competent bodies shall, in particular, have procedures for considering observations from interested parties concerning registered sites, or deletion or suspension of sites from registration.</p>

PARTICIPATION: PUBLIC/AUTHORITIES			
EIA 85/337/EEC as amended by 97/11/EC	IPPC 96/61/EC	SEVESO 96/82/EC	EMAS 1836/93/EEC
		<p>implementing those policies take account of the need, in the long term, to maintain appropriate distances between establishments covered by this Directive and residential areas, areas of public use and areas of particular natural sensitivity or interest, and, in the case of existing establishments, of the need for additional technical measures in accordance with Article 5 so as not to increase the risks to people.</p> <p>2. Member States shall ensure that all competent authorities and planning authorities responsible for decisions in this area set up appropriate consultation procedures to facilitate implementation of the policies established under paragraph 1. The procedures shall be designed to ensure that technical advice on the risks arising from the establishment is available, either on a case-by-case or on a generic basis, when decisions are taken.</p> <p style="text-align: center;"><b>Art. 13</b> <i>Information on safety measures</i></p> <p>1. Member State shall ensure that information on safety measures and on the requisite behaviour in the event of an accident is supplied, without their having to request it, to persons liable to be affected by a major accident originating in an establishment covered by Article 9.</p> <p>The information shall <i>be</i> reviewed every three years and, where necessary, repeated and updated, at least if there is any modification within the meaning of Article 10. It shall also be made permanently available to the public. The maximum period between the repetition of the information to the public shall, in any case, be no longer than five years.</p> <p>Such information shall contain, at least, the information listed in Annex V.</p> <p>...</p> <p>4. Member States shall ensure that the safety report is made available to the public. The operator may ask the competent authority not to disclose to the public certain parts of the report, for reasons of industrial, commercial or personal confidentiality,</p>	

<b>PARTICIPATION: PUBLIC/AUTHORITIES</b>			
<b>EIA 85/337/EEC as amended by 97/11/EC</b>	<b>IPPC 96/61/EC</b>	<b>SEVESO 96/82/EC</b>	<b>EMAS 1836/93/EEC</b>
		<p>public security or national defence. In such cases, on the approval of the competent authority, the operator shall supply to the authority, and make available to the public, an amended report excluding those matters.</p> <p>5. Member States shall ensure that the public is able to give its opinion in the following cases:</p> <ul style="list-style-type: none"> <li>– planning for new establishments covered by Article 9,</li> <li>– modifications to existing establishments under Article 10, where such modifications are subject to obligations provided for in this Directive as to planning,</li> <li>– developments around such existing establishments.</li> </ul> <p>6. In the case of establishments subject to the provisions of Article 9, Member States shall ensure that the inventory of dangerous substances provided for in Article 9 (2) is made available to the public.</p>	

PARTICIPATION: TRANSBOUNDARY/MEMEBER STATES			
EIA 85/337/EEC as amended by 97/11/EC	IPPC 96/61/EC	SEVESO 96/82/EC	EMAS 1836/93/EEC
<p><b>Art. 7</b></p> <p>1. Where a Member State is aware that a project is likely to have significant effects on the environment in another Member State or where a Member State likely to be significantly affected so requests, the Member State in whose territory the project is intended to be carried out shall send to the affected Member State as soon as possible and no later than when informing its own public, inter alia:</p> <p>(a) a description of the project, together with any available information on its possible transboundary impact;</p> <p>(b) information on the nature of the decision which may be taken,</p> <p>and shall give the other Member State a reasonable time in which to indicate whether it wishes to participate in the Environmental Impact Assessment procedure, and may include the information referred to in paragraph 2.</p> <p>2. If a Member State which receives information pursuant to paragraph 1 indicates that it intends to participate in the Environmental Impact Assessment procedure, the Member State in whose territory the project is intended to be carried out shall, if it has not already done so, send to the affected Member State the information gathered pursuant to Article 5 and relevant information regarding the said procedure, including the request for development consent.</p> <p>3. The Member States concerned, each insofar as it is concerned, shall also:</p> <p>(a) arrange for the information referred to in paragraphs 1 and 2 to be made available, within a reasonable time, to the authorities referred to in Article 6 (1) and the public concerned in the territory of the Member State likely to be significantly affected; and (b) ensure that those authorities and the public concerned are given an opportunity, before development consent for the project is granted, to forward their opinion within a reasonable time on the information supplied to the competent authority in the Member State in whose territory the project is</p>	<p><b>Art.17</b></p> <p><i>Transboundary effects</i></p> <p>1. Where a Member State is aware that the operation of an installation is likely to have significant negative effects on the environment of another Member State, or where a Member State likely to be significantly affected so requests, the Member State in whose territory the application for a permit pursuant to Article 4 or Article 12 (2) was submitted shall forward the information provided pursuant to Article 6 to the other Member State at the same time as it makes it available to its own nationals. Such information shall serve as a basis for any consultations necessary in the framework of the bilateral relations between the two Member States on a reciprocal and equivalent basis.</p> <p>2. Within the framework of their bilateral relations, Member States shall see to it that in the cases referred to in paragraph 1 the applications are also made available for an appropriate period of time to the public of the Member State likely to be affected so that it will have the right to comment on them before the competent authority reaches its decision.</p>	<p><b>Art. 13</b></p> <p><i>Information and safety measures</i></p> <p>...</p> <p>2. Member States shall, with respect to the possibility of a major accident with transboundary effects originating in an establishment under Article 9, provide sufficient information "to the potentially affected Member States so that all relevant provisions contained in Articles 11, 12 and this Article can be applied, where applicable, by the affected Member State.</p> <p>...</p>	-

PARTICIPATION: TRANSBOUNDARY/MEMEBER STATES			
EIA 85/337/EEC as amended by 97/11/EC	IPPC 96/61/EC	SEVESO 96/82/EC	EMAS 1836/93/EEC
<p>intended to be carried out.</p> <p>4. The Member States concerned shall enter into consultations regarding, inter alia, the potential transboundary effects of the project and the measures envisaged to reduce or eliminate such effects and shall agree on a reasonable time frame for the duration of the consultation period.</p> <p>5. The detailed arrangements for implementing the provisions of this Article may be determined by the Member States concerned.</p>			



## 1.6. THE DECISION

THE DECISION			
EIA 85/337/EEC as amended by 97/11/EC	IPPC 96/61/EC	SEVESO 96/82/EC	EMAS 1836/93/EEC
<p><b>Art. 8</b> The results of consultations and the information gathered pursuant to Articles 5, 6 and 7 must be taken into consideration in the development consent procedure.</p> <p><b>Art. 9</b> 1. When a decision to grant or refuse development consent has been taken, the competent authority or authorities shall inform the public thereof in accordance with the appropriate procedures and shall make available to the public the following information:</p> <ul style="list-style-type: none"> <li>• the content of the decision and any conditions attached thereto,</li> <li>• the main reasons and considerations on which the decision is based,</li> <li>• a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects.</li> </ul> <p>2. The competent authority or authorities shall inform any Member State which has been consulted pursuant to Article 7, forwarding to it the information referred to in paragraph 1.</p>	<p><b>Art. 8</b> <i>Decisions</i> Without prejudice to other requirements laid down in national or Community legislation, the competent authority shall grant a permit containing conditions guaranteeing that the installation complies with the requirements of this Directive or, if it does not, shall refuse to grant the permit. All permits granted and modified permits must include details of the arrangements made for air, water and land protection as referred to in this Directive.</p> <p><b>Art.9</b> <i>Conditions of the permit</i> 1. Member States shall ensure that the permit includes all measures necessary for compliance with the requirements of Articles 3 and 10 for the granting of permits in order to achieve a high level of protection for the environment as a whole by means of protection of the air, water and land. 2. In the case of a new installation or a substantial change where Article 4 of Directive 85/337/EEC applies, any relevant information obtained or conclusion arrived at pursuant to Articles 5, 6 and 7 of that Directive shall be taken into consideration for the purposes of granting the permit. 3. The permit shall include emission limit values for pollutants, in particular, those listed in Annex III, likely to be emitted from the installation concerned in significant quantities, having regard to their nature and their potential to transfer pollution from one medium to another (water, air and land). If necessary, the permit shall include appropriate requirements ensuring protection of the soil and ground water and measures concerning the management of waste generated by the installation. Where appropriate, limit values may be supplemented or replaced by equivalent parameters</p>	<p><b>Art. 9</b> Safety report</p> <p>...</p> <p>4. Before the operator commences construction or operation, or in the cases referred to in the second, third and fourth indents of paragraph 3, the competent authority shall within a reasonable period of receipt of the report:</p> <ul style="list-style-type: none"> <li>– communicate the conclusions of its examination of the safety report to the operator, if necessary after requesting further information, or</li> <li>– prohibit the bringing into use, or the continued use, of the establishment concerned, in accordance with the powers and the procedures laid down in Article 17.</li> </ul> <p><b>Art. 17</b> <i>Prohibition of use</i> 1. Member States shall prohibit the use or bringing into use of any establishment, installation or storage facility, or any part thereof where the measures taken by the operator for the prevention and mitigation of major accidents are seriously deficient. Member States may prohibit the use or bringing into use of any establishment, installation or storage facility, or any part thereof if the operator has not submitted the notification, reports or other information required by this Directive within the specified period. 2. Member States shall ensure that operators may appeal against a prohibition order by a competent authority under paragraph 1 to an appropriate body determined by national law and procedures.</p>	<p><b>Art. 8</b> <i>Registration of sites</i> 1. The competent body shall register a site and give it a registration number once it has received a validated environmental statement and any registration fee that may be viable under Article 11 and it is satisfied that the site meets all the conditions of this Regulation. It shall inform the site management that the site appears on the register. 2. The competent body shall update the list of sites referred to in paragraph 1 annually. 3. If a company fails to submit a validated environmental statement and registration fee to the competent body within three months of being required to do so or if at any time the competent body concludes that the site is no longer complying with all the conditions of this Regulation, the site shall be deleted from the register and the site management shall be so informed. 4. If a competent body is informed by the competent enforcement authority of a breach at the site of relevant regulatory requirements regarding the environment, it shall refuse registration of that site or suspend it from the register as the case may be and inform the site management thereof. Refusal or suspension shall be lifted if the competent body has received satisfactory assurances from the competent enforcement authority that the breach has been rectified and that satisfactory arrangements are in place to ensure that it does not recur.</p>

THE DECISION			
EIA 85/337/EEC as amended by 97/11/EC	IPPC 96/61/EC	SEVESO 96/82/EC	EMAS 1836/93/EEC
	<p>or technical measures.</p> <p>For installations under subheading 6.6 in Annex I, emission limit values laid down in accordance with this paragraph shall take into account practical considerations appropriate to these categories of installation.</p> <p>4. Without prejudice to Article 10, the emission limit values and the equivalent parameters and technical measures referred to in paragraph 3 shall be based on the best available techniques, without prescribing the use of any technique or specific technology, but taking into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions. In all circumstances, the conditions of the permit shall contain provisions on the minimisation of long-distance or transboundary pollution and ensure a high level of protection for the environment as a whole.</p> <p>5. The permit shall contain suitable release monitoring requirements, specifying measurement methodology and frequency, evaluation procedure and an obligation to supply the competent authority with data required for checking compliance with the permit.</p> <p>For installations under subheading 6.6 in Annex I, the measures referred to in this paragraph may take account of costs and benefits.</p> <p>6. The permit shall contain measures relating to conditions other than normal operating conditions. Thus, where there is a risk that the environment may be affected, appropriate provision shall be made for start-up, leaks malfunctions, momentary stoppages and definitive cessation of operations.</p> <p>The permit may also contain temporary derogations from the requirements of paragraph 4 if a rehabilitation plan approved by the competent authority ensures that these requirements will be met within six months and if the project leads to a reduction of pollution.</p> <p>7. The permit may contain such other specific conditions for the purposes of this Directive as the</p>		

THE DECISION			
EIA 85/337/EEC as amended by 97/11/EC	IPPC 96/61/EC	SEVESO 96/82/EC	EMAS 1836/93/EEC
	<p>Member State or competent authority may think fit.</p> <p>8. Without prejudice to the obligation to implement a permit procedure pursuant to this Directive, Member States may prescribe certain requirements for certain categories of installations in general binding rules instead of including them in individual permit conditions, provided that an integrated approach and an equivalent high level of environmental protection as a whole are ensured.</p> <p><b>Art. 13.</b></p> <p><i>Reconsideration and updating of permit conditions by the competent authority.</i></p> <p>1. Member States shall take the necessary measures to ensure that competent authorities periodically reconsider and, where necessary, update permit conditions.</p> <p>2. The reconsideration shall be undertaken in any event where:</p> <ul style="list-style-type: none"> <li>- 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,</li> <li>- substantial changes in the best available techniques make it possible to reduce emissions significantly without imposing excessive costs,</li> <li>- the operational safety of the process or activity requires other techniques to be used,</li> <li>- new provisions of Community or national legislation so dictate.</li> </ul>		

## 1.7. MONITORING AND MANAGEMENT TOOLS

MONITORING AND MANAGEMENT TOOLS			
EIA 85/337/EEC as amended by 97/11/EC	IPPC 96/61/EC	SEVESO 96/82/EC	EMAS 1836/93/EEC
-	<p><b>Art. 6</b> <i>Applications for permits</i></p> <p>1. Member States shall take the necessary measures to ensure that an application to the competent authority for a permit includes a description of:</p> <ul style="list-style-type: none"> <li>- the installation and its activities,</li> <li>- the raw and auxiliary materials, other substances and the energy used in or generated by the installation,</li> <li>- the sources of emissions from the installation,</li> <li>- the conditions of the site of the installation,</li> <li>- 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,</li> <li>- the proposed technology and other techniques for preventing or, where this not possible, reducing emissions from the installation,</li> <li>- where necessary, measures for the prevention and recovery of waste generated by the installation,</li> <li>- further measures planned to comply with the general principles of the basic obligations of the operator as provided for in Article 3,</li> <li>- measures planned to monitor emissions into the environment.</li> </ul> <p>An application for a permit shall also include a non-technical summary of the details referred to in the above indents.</p> <p>...</p> <p><b>Art. 9</b> <i>Conditions of the permit</i></p> <p>...</p> <p>5. The permit shall contain suitable release monitoring requirements, specifying measurement methodology and frequency, evaluation procedure and an obligation to supply the competent authority with data required for checking compliance with the</p>	<p><b>Art. 5</b> <i>General obligation of the operator</i></p> <p>1. Member States shall ensure that the operator is obliged to take all measures necessary to prevent major accidents and to limit their consequences for man and the environment.</p> <p>2. Member States shall ensure that the operator is required to prove to the competent authority; referred to in Article 16, hereinafter referred to as the 'competent authority', at any time, in particular for the purposes of the inspections and controls referred to in Article 18, that he has taken all the measures necessary as specified in this Directive.</p> <p><b>Art. 7</b> <i>Major-accident prevention policy</i></p> <p>1. Member States shall require the operator to draw up a document setting out his major-accident prevention policy and to ensure that it is properly implemented. The major-accident prevention policy established by the operator shall be designed to guarantee a high level of protection for man and the environment by appropriate means, structures and management systems.</p> <p>2. The document must take account of the principles contained in Annex III and be made available to the competent authorities for the purposes of, amongst other things, implementation of Articles 5 (2) and 18.</p> <p>3. This Article shall not apply to the establishments referred to in Article 9.</p> <p><b>Art. 17</b> <i>Prohibition of use</i></p> <p>1. Member States shall prohibit the use or bringing into use of any establishment, installation or storage facility, or any part thereof where the measures taken by the operator for the prevention and mitigation of</p>	<p><b>Art. 3</b> <i>Participation in the scheme</i></p> <p>The scheme is open to companies operating a site or sites where an industrial activity is performed. In order for a site to be registered in the scheme the company must:</p> <p>...</p> <p>(g) have the environmental policy, programme, management system, review or audit procedure and environmental statement or statements examined to verify that they meet the relevant requirements of this Regulation and the environmental statements validated in accordance with Article 4 and Annex III;</p> <p>...</p> <p><b>Art 4</b> <i>Auditing and validation</i></p> <p>1. The internal environmental audit of a site may be conducted by either auditors belonging to the company or external persons or organisations acting on its behalf. In both cases the audit shall be performed in line with the criteria set out in part C of Annex I and in Annex II.</p> <p>2. The audit frequency shall be determined in accordance with the criteria set out in Annex II H on the basis of guidelines established by the Commission in accordance with the procedure laid down in Article 19.</p> <p>3. The environmental policies, programmes, management systems, reviews or audit procedures and the environmental statements shall be examined to verify that they meet the requirements of this Regulation, and the environmental statements shall be validated, by the independent accredited environmental verifier, on the basis of Annex I 11.</p> <p>4; The accredited environmental verifier must be independent of the site's auditor.</p>

MONITORING AND MANAGEMENT TOOLS			
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	<p>permit. For installations under subheading 6.6 in Annex I, the measures referred to in this paragraph may take account of costs and benefits.</p> <p>6. The permit shall contain measures relating to conditions other than normal operating conditions. Thus, where there is a risk that the environment may be affected, appropriate provision shall be made for start-up, leaks malfunctions, momentary stoppages and definitive cessation of operations. The permit may also contain temporary derogations from the requirements of paragraph 4 if a rehabilitation plan approved by the competent authority ensures that these requirements will be met within six months and if the project leads to a reduction of pollution.</p> <p>7. The permit may contain such other specific conditions for the purposes of this Directive as the Member State or competent authority may think fit.</p> <p>8. Without prejudice to the obligation to implement a permit procedure pursuant to this Directive, Member States may prescribe certain requirements for certain categories of installations in general binding rules instead of including them in individual permit conditions, provided that an integrated approach and an equivalent high level of environmental protection as a whole are ensured.</p> <p style="text-align: center;"><b>Art.14</b> <i>Compliance with permit conditions</i></p> <p>Member States shall take the necessary measures to ensure that:</p> <ul style="list-style-type: none"> <li>- the conditions of the permit are complied with by the operator when operating the installation,</li> <li>- the operator regularly informs the competent authority of the results of the monitoring of releases and without delay of any incident or accident significantly affecting the environment,</li> <li>- operators of installations afford the representatives of the competent authority all necessary assistance to enable them to carry out any inspections within the installation, to take samples and to gather any information necessary for the performance of their duties for the purposes of this Directive.</li> </ul>	<p>major accidents are seriously deficient.</p> <p>Member States may prohibit the use or bringing into use of any establishment, installation or storage facility, or any part thereof if the operator has not submitted the notification, reports or other information required by this Directive within the specified period.</p> <p>2. Member States shall ensure that operators may appeal against a prohibition order by a competent authority under paragraph 1 to an appropriate body determined by national law and procedures.</p> <p style="text-align: center;"><b>Art. 18</b> <i>Inspections</i></p> <p>1. Member States shall ensure that the competent authorities organise a system of inspections, or other measures of control appropriate to the type of establishment concerned. Those inspections or control measures shall not be dependent upon receipt of the safety report or any other report submitted. Such inspections or other control measures shall be sufficient for a planned and systematic examination of the systems being employed at the establishment, whether of a technical, organisational or managerial nature, so as to ensure in particular:</p> <ul style="list-style-type: none"> <li>– that the operator can demonstrate that he has taken appropriate measures, in connection with the various activities involved in the establishment, to prevent major accidents,</li> <li>that the operator can demonstrate that he has provided appropriate means for limiting the consequences of major accidents, on site and off site,</li> <li>– that the data and information contained in the safety report, or any other report submitted, adequately reflects the conditions in the establishment,</li> <li>– that information has been supplied to the public pursuant to Article 13 (1).</li> </ul> <p>2. The system of inspection specified in paragraph 1 shall comply with the following conditions:</p> <p>(a) there shall be a programme of inspections for all establishments. Unless the competent authority has established a programme of inspections based upon a</p>	<p>5. For the purposes of paragraph 3 and without prejudice to the competence of the enforcement authorities in the Member States with regard to regulatory requirements, the accredited environmental verifier shall check:</p> <ul style="list-style-type: none"> <li>(a) whether the environmental policy has been established and if it meets the requirements of Article 3 and the relevant requirements in Annex I;</li> <li>(b) whether an environmental management system and programme are in place and operational at the site and whether they comply with the relevant requirements in Annex I;</li> <li>(c) whether the environmental review and audit are carried out in accordance with the relevant requirements in Annex I and II;</li> <li>(d) whether the data and information in the environmental statement are reliable and whether the statement adequately covers all the significant environmental issues of relevance to the site.</li> </ul> <p>6. The environmental statement shall be validated by the accredited environmental verifier only if the conditions referred to in paragraphs 3 to 5 are met. External auditors and accredited environmental verifiers shall not divulge, without authorisation from the company management, any information or data obtained in the course of their auditing or verification activities.</p> <p style="text-align: center;"><b>Art. 8</b> <i>Registration of sites</i></p> <p>...</p> <p>3. If a company fails to submit a validated environmental statement and registration fee to the competent body within three months of being required to do so or if at any time the competent body concludes that the site is no longer complying with all the conditions of this Regulation, the site shall be deleted from the register and the site management shall be so informed.</p> <p>4. If a competent body is informed by the competent enforcement authority of a breach at the site of relevant regulatory requirements regarding the environment, it shall refuse registration of that site or</p>

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		<p>systematic appraisal of major-accident hazards of the particular establishment concerned, the programme shall entail at least one on-site inspection made by the competent authority every twelve months of each establishment covered by Article 9;</p> <p>(b) following each inspection, a report shall be prepared by the competent authority;</p> <p>(c) where necessary, every inspection carried out by the competent authority shall be followed up with the management of the establishment, within a reasonable period following the inspection.</p> <p>3. The competent authority may require the operator to provide any additional information necessary to allow the authority fully to assess the possibility of a major accident and to determine the scope of possible increased probability and/or aggravation of major accidents, to permit the preparation of an external emergency plan, and to take substances into account which, due to their physical form, particular conditions or location, may require additional consideration.</p> <p>(See also Annex.IIIc.vi)</p>	<p>suspend it from the register as the case may be and inform the site management thereof.</p> <p>Refusal or suspension shall be lifted if the competent body has received satisfactory assurances from the competent enforcement authority that the breach has been rectified and that satisfactory arrangements are in place to ensure that it does not recur.</p> <p>(See also Annex.I.b.4)</p>

**1.8. - PARTICIPATION OF THE PUBLIC, VARIOUS AUTHORITIES AND, IN TRANSBOUNDARY CASES, NEIGHBOUR MEMBER STATES;**

<b>PARTICIPATION OF THE PUBLIC, VARIOUS AUTHORITIES AND, IN TRANSBOUNDARY CASES, NEIGHBOUR MEMBER STATES;</b>			
<b>EIA 85/337/EEC as amended by 97/11/EC</b>	<b>IPPC 96/61/EC</b>	<b>SEVESO 96/82/EC</b>	<b>EMAS 1836/93/EEC</b>
<p><b>Art. 4</b></p> <p>...</p> <p>4. Member States shall ensure that the determination made by the competent authorities under paragraph 2 is made available to the public.</p> <p><b>Art. 6</b></p> <p>1. Member States shall take the measures necessary to ensure that the authorities likely to be concerned by the project by reason of their specific environmental responsibilities are given an opportunity to express their opinion on the information supplied by the developer and on the request for development consent. To this end, Member States shall designate the authorities to be consulted, either in general terms or on a case-by-case basis. The information gathered pursuant to Article 5 shall be forwarded to those authorities. Detailed arrangements for consultation shall be laid down by the Member States.</p> <p>2. Member States shall ensure that any request for development consent and any information gathered pursuant to Article 5 are made available to the public within a reasonable time in order to give the public concerned the opportunity to express an opinion before the development consent is granted.</p> <p>3. The detailed arrangements for such information and consultation shall be determined by the Member States, which may in particular, depending on the particular characteristics of the projects or sites concerned:</p> <ul style="list-style-type: none"> <li>• determine the public concerned,</li> <li>• specify the places where the information can be consulted,</li> <li>• specify the way in which the public may be informed, for example by bill-posting within a certain radius, publication in local newspapers, organisation of exhibitions with plans, drawings,</li> </ul>	<p><b>Art. 15</b></p> <p><i>Access to information and public participation in the permit procedure</i></p> <p>1. Without prejudice to Council Directive 90/313/EEC of 7 June 1990 on the freedom of access to information on the environment (1), Member States shall take the necessary measures to ensure that applications for permits for new installations or for substantial changes are made available for an appropriate period of time to the public, to enable it to comment on them before the competent authority reaches its decision. That decision, including at least a copy of the permit, and any subsequent updates, must be made available to the public.</p> <p>2. The results of monitoring of releases as required under the permit conditions referred to in Article 9 and held by the competent authority must be made available to the public.</p> <p>3. An inventory of the principal emissions and sources responsible shall be published every three years by the Commission on the basis of the data supplied by the Member States. The Commission shall establish the format and particulars needed for the transmission of information in accordance with the procedure laid down in Article 19. In accordance with the same procedure, the Commission may propose measures to ensure inter-comparability and complementarity between data concerning the inventory of emissions referred to in the first subparagraph and data from other registers and sources of data on emissions.</p> <p><b>Art. 16</b></p> <p><i>Exchange of information</i></p> <p>1. With a view to exchanging information, Member States shall take the necessary measures to send the</p>	<p><b>Art. 15</b></p> <p><i>Information to be supplied by the Member States to the Commission</i></p> <p>1. For the purpose of prevention and mitigation of major accidents, Member States shall inform the Commission as soon as practicable of major accidents meeting the criteria of Annex VI which have occurred within their territory. They shall provide it with the following details:</p> <p>(a) the Member State, the name and address of the authority responsible for the report;</p> <p>(b) the date, time and place of the major accident, including the full name of the operator and the address of the establishment involved;</p> <p>(c) a brief description of the circumstances of the accident, including the dangerous substances involved, and the immediate effect on man and the environment;</p> <p>(d) a brief description of the emergency measures taken and of the immediate precautions necessary to prevent recurrence.</p> <p>2. Member States shall, as soon as the information provided for in Article 14 is collected, inform the Commission of the result of their analysis and recommendations using a report form established and kept under review through the procedure referred to in Article 22.</p> <p>Reporting of this information by the Member States may be delayed only to allow for the completion of legal proceeding; where such reporting is liable to affect those proceedings.</p> <p>3. Member States shall inform the Commission of the name and address of any body which might have relevant information on major accidents and which is able to advise the competent authorities of other Member States which have to intervene in the event of such an accident.</p>	<p><b>Art.5</b></p> <p><i>Environmental statement</i></p> <p>...</p> <p>2. The environmental statement shall be designed for the public and written in a concise comprehensible form. Technical material may be appended.</p> <p>...</p> <p><b>Art. 9</b></p> <p><i>Publication of the list of registered sites.</i></p> <p>The competent bodies directly, or via the national authorities as decided by the Member State concerned, shall communicate to the Commission before the end of each year the lists referred to in Article 8 and updates thereof.</p> <p>Each year the Commission shall publish in the <i>Official Journal of the European Communities</i> a list of all the registered sites in the Community.</p> <p><b>Art. 10</b></p> <p><i>Statement of participation</i></p> <p>1. Companies may use for their registered site(s), one of the statements of participation listed in Annex IV, which are designed to bring out clearly the nature of the scheme.</p> <p>The graphic may not be used without one of the accompanying statements of participation.</p> <p>2. The names of the site(s) must be given where appropriate with the statement of participation.</p> <p>3. The statement of participation may not be used to advertise products, or on the products themselves or on their packaging.</p> <p><b>Art. 15</b></p> <p><i>Information</i></p> <p>Each Member State shall ensure by appropriate means that:</p> <ul style="list-style-type: none"> <li>- companies are informed of the content of this</li> </ul>

PARTICIPATION OF THE PUBLIC, VARIOUS AUTHORITIES AND, IN TRANSBOUNDARY CASES, NEIGHBOUR MEMBER STATES;			
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<p>tables, graphs, models,</p> <ul style="list-style-type: none"> <li>• determine the manner in which the public is to be consulted, for example, by written submissions, by public enquiry,</li> <li>• fix appropriate time limits for the various stages of the procedure in order to ensure that a decision is taken within a reasonable period.</li> </ul> <p style="text-align: center;"><b>Art. 9</b></p> <p>1. When a decision to grant or refuse development consent has been taken, the competent authority or authorities shall inform the public thereof in accordance with the appropriate procedures and shall make available to the public the following information:</p> <ul style="list-style-type: none"> <li>• the content of the decision and any conditions attached thereto,</li> <li>• the main reasons and considerations on which the decision is based,</li> <li>• a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects.</li> </ul> <p>2. The competent authority or authorities shall inform any Member State which has been consulted pursuant to Article 7, forwarding to it the information referred to in paragraph 1.</p> <p><b>Art. 11</b></p> <p>1. The Member States and the Commission shall exchange information on the experience gained in applying this Directive.</p> <p>2. In particular, Member States shall inform the Commission of any criteria and/or thresholds adopted for the selection of the projects in question, in accordance with Article 4 (2).;</p> <p>3. Five years after notification of this Directive, the Commission shall send the European Parliament and the Council a report on its application and effectiveness. The report shall be based on the aforementioned exchange of information.</p> <p>4. On the basis of this exchange of information, the Commission shall submit to the Council additional</p>	<p>Commission every three years, and for the first time within 18 months of the date on which this Directive is brought into effect, the available representative data on the limit values laid down by specific category of activities in accordance with Annex I and, if appropriate, the best available techniques from which those values are derived in accordance with, in particular, Article 9. On subsequent occasions the data shall be supplemented in accordance with the procedures laid down in paragraph 3 of this Article.</p> <p>2. The Commission shall organise an exchange of information between Member States and the industries concerned on best results of the exchanges of information.</p>	<p style="text-align: center;"><b>Art 19</b></p> <p style="text-align: center;"><i>Information system and exchanges</i></p> <p>1. Member States and the Commission shall exchange information on the experience acquired with regard to the prevention of major accidents and the limitation of their consequences. This information shall concern, in particular, the functioning of the measures provided for in this Directive.</p> <p>2. The Commission shall set up and keep at the disposal of Member States a register and information system containing, in particular, details of the major accidents which have occurred within the territory of Member States, for the purpose of:</p> <p>(a) the rapid dissemination of the information supplied by Member States pursuant to Article 15 (1) among all competent authorities;</p> <p>(b) distribution to competent authorities of an analysis of the causes of major accidents and the lessons learned from them;</p> <p>(c) supply of information to competent authorities on preventive measures;</p> <p>(d) provision of information on organisations able to provide advice or relevant information on the occurrence, prevention and mitigation of major accidents.</p> <p>The register and information system shall contain, at least:</p> <p>(a) the information supplied by Member States in compliance with Article 15 (1);</p> <p>(b) an analysis of the causes of the accidents;</p> <p>(c) the lessons learned from the accidents;</p> <p>(d) the preventive measures necessary to prevent a recurrence.</p> <p>3. Without prejudice to Article 20, access to the register and information system shall be open to government departments of the Member States, industry or trade associations, trade unions, non-governmental organisations in the field of the protection of the environment and other international or research organisations working in the field.</p> <p>4. Member States shall provide the Commission with</p>	<p>Regulation,</p> <p>- the public is informed of the objectives and principal arrangements of the system.</p>



PARTICIPATION OF THE PUBLIC, VARIOUS AUTHORITIES AND, IN TRANSBOUNDARY CASES, NEIGHBOUR MEMBER STATES;			
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proposals, should this be necessary, with a view to this Directive's being applied in a sufficiently coordinated manner.		a three-yearly report in accordance with the procedure laid down in Council Directive 91/692/EEC of 23 December 1991 standardising and rationalising reports on the implementation of certain Directives relating to the environment (*) for establishments covered by Articles 6 and 9. The Commission shall publish a summary of this information every three years.	

## 2. COMPARISON BETWEEN TYPES OF PROJECTS OR ACTIVITIES

This comparison gives an introduction to the issue of overlap between installations and activities that are regulated by the EIA, IPPC, and SEVESO directives and EMAS regulation. When comparing installations and activities in this context it is important to be aware of the differences that exist in the different classification systems, scope and thresholds in each of the directives and in EMAS.

Examples of differences when trying to compare the systems are:

1. The classification in IPPC, EIA and EMAS is for installations, but in Seveso the use of chemicals or substances is in focus.
2. The classification in EMAS is based on NACE, an economic system. IPPC and EIA have their own environmentally based systems that are not directly comparable.
3. Differences in thresholds and scope for the installations and activities lead to difficulties to compare one installation from one system to one another.

The table presented was conceived in accordance with the following criteria:

- Column **I** contains types of project or activities which are submitted to the EIA procedure (dir 97/11/CE)
- Column **II** contains types of project or activities which are submitted to the IPPC procedure (Dir 96/61/CE), trying to put IPPC items in correspondence (if possible) with items of annexes I and II of EIA directive.
- The wider item is in bold.  
Text that is not in bold means that:
  - a) the extension of the items is quite similar or
  - b) the evaluation is not possible because scopes or types of projects are defined in different ways.
- In column **III** there are NACE codes (EMAS Regulation, article 2 point i) in correspondence to the EIA and IPPC that indicate the possibility of application of Emass regulation
- In column **IV** there is a guide-line to verify the application of “Seveso” directive: this must be always verified case by case in accordance to the criteria below indicated
  - ◆◆◆ *Type of project quite surely submitted to the “Seveso” directive*
  - ◆◆ *Type of project probably submitted. Submission has been verified among a regional sample of installations.*
  - ◆ *Type of project potentially submitted on the ground of literature*In this column there is a suggestion (not exhaustive) for substances (Annex 1 Dir 96/82 part I) and/or for the categories of substances (Annex 1 Dir 96/82 part II) to be checked and verified (with reference to the Qualifying quantity in Annex 1) for the application of Articles 6 and 7 or 9 of Seveso Directive. In some cases there is a suggestion to verify specific substances in the categories.

I	II	III	IV
DIR 97/11/CE - EIA	DIR 61/96/CE - IPPC	NACE codes	DIR 96/82 "SEVESO"
<b>ANNEX I projects subject to article 4.1</b>			
1. Crude-oil refineries (excluding undertakings manufacturing only lubricants from crude oil) and installations for the gasification and liquefaction of 500 tonnes or more of coal or bituminous shale per day.	1.2. <b>Mineral oil and gas refineries</b>  1.4. Coal gasification and liquefaction plants	23.1 Manufacture of coke oven products 23.2 Manufacture of refined petroleum products	◆◆◆ CATEG substances and preparation flammable (benzene) toxic SUBST LPG, hydrogen, automotive petrol and other petroleum spirits , nickel compounds
2. Thermal power stations and other combustion installations with a heat output of 300 megawatts or more, and nuclear power stations <b>and other nuclear reactors including the dismantling or decommissioning of such power stations or reactors</b> (*) (except research installations for the production and conversion of fissionable and fertile materials, whose maximum power does not exceed 1 kilowatt continuous thermal load).	1.1. <b>Combustion installations with a rated thermal input exceeding 50 MW (1)</b>  See also annex II 3 (a) dir 97/11	40.1 Production and distribution of electricity	◆ CATEG substances and preparation toxic highly flammable (liquid gas used as a fuel)  SUBST natural gas
3.(a) Installations for the reprocessing of irradiated nuclear fuel.		23.3 Processing of nuclear fuel	
(b) Installations designed: for the production or enrichment of nuclear fuel, for the processing of irradiated nuclear fuel or high-level radioactive waste, for the final disposal of irradiated nuclear fuel, solely for the final disposal of radioactive waste, solely for the storage (planned for more than 10 years) of irradiated nuclear fuels or radioactive waste in a different site than the production site.		23.3 Processing of nuclear fuel X Recycling, Treatment, Destruction or Disposal of Solid or Liquid Waste	
4. - Integrated works for the initial melting of cast-iron and steel; - Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes.	2.5. (a) Installations for the production of non-ferrous crude metals from ore, concentrates or secondary raw materials by metallurgical, chemical or electrolytic processes	27 Manufacture of Basic Metals (all groups)	◆◆ CATEG substances and preparation Very toxic (hydrofluoric acid), toxic (ammonia), oxidising (sodium and potassium nitrate) , extremely flammable (propane, acetylene)

I	II	III	IV
DIR 97/11/CE - EIA	DIR 61/96/CE - IPPC	NACE codes	DIR 96/82 "SEVESO"
			SUBST methanol, oxygen, hydrogen
5. Installations for the extraction of asbestos and for the processing and transformation of asbestos and products containing asbestos: for asbestos-cement products, with an annual production of more than 20000 tonnes of finished products, for friction material, with an annual production of more than 50 tonnes of finished products, and for other uses of asbestos, utilisation of more than 200 tonnes per year.	<b>3.2. Installations for the production of asbestos and the manufacture of asbestos-based products</b>  See also annex II 3 (a) dir 97/11  <i>In the limits defined by directives: 80/1107/CEE - 82/605/CEE - 83/447/CEE - 86/188/CEE - 88/642/CEE</i>	26.8 Manufacture of other non-metallic mineral products	
6. Integrated chemical installations, i.e. those installations for the manufacture on an industrial scale of substances using chemical conversion processes, in which several units are juxtaposed and are functionally linked to one another and which are:  (i) for the production of basic organic chemicals;	4.1. Chemical installations for the production of basic organic chemicals, such as:  (a) simple hydrocarbons (linear or cyclic, saturated or unsaturated, aliphatic or aromatic) (b) oxygen-containing hydrocarbons such as alcohols, aldehydes, ketones, carboxylic acids, esters, acetates, ethers, peroxides, epoxy resins (c) sulphurous hydrocarbons (d) nitrogenous hydrocarbons such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates (e) phosphorus-containing hydrocarbons (f) halogenic hydrocarbons (g) organometallic compounds (h) basic plastic materials (polymers synthetic fibres and cellulose-based fibres) (i) synthetic rubbers (j) dyes and pigments	24 Manufacture of Chemicals and Chemical Products (all groups)  24.1 Manufacture of basic chemicals	♦♦  CATEG substances and preparation toxic (acetonitrile, acrylonitrile) , very toxic (acrolein or 2-propenol, epichlorydrin or 1-chloro-2,3-epoxypropane), oxidising, explosive, dangerous for the environment, flammable, highly flammable  SUBST a) TCDD  b) formaldehyde, methanol, ethylene oxide, propylene oxide  c) sulphur trioxide  d) methylisocyanate  g) lead alkides  h) methyl isocyanate

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DIR 97/11/CE - EIA	DIR 61/96/CE - IPPC	NACE codes	DIR 96/82 "SEVESO"
	(k) surface-active agents and surfactants		k) sulphur trioxide
(ii) for the production of basic inorganic chemicals;	<p>4.2. Chemical installations for the production of basic inorganic chemicals, such as:</p> <p>(a) gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride</p> <p>(b) acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids</p> <p>(c) bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide</p> <p>(d) salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate</p> <p>(e) non-metals, metal oxides or other inorganic compounds such as calcium carbide, silicon, silicon carbide</p>	24.1 Manufacture of basic chemicals	<p>◆◆ CATEG substances and preparation toxic (ammonia, carbon monoxide, SO<sub>3</sub>, SO<sub>2</sub>, chromium trioxide, NaNO<sub>2</sub>), very toxic (hydrofluoric acid, hydrochloric acid), oxidising (potassium chlorate, NaNO<sub>2</sub>, NaNO<sub>3</sub>, NaClO<sub>3</sub>, KMnO<sub>4</sub>, KNO<sub>3</sub>) explosive, dangerous for the environment, any classification (calcium carbide)</p> <p>SUBST a) chlorine or hydrogen chloride, fluorine or hydrogen fluoride</p> <p>b) sulphur trioxide</p> <p>c) nickel compounds</p>
(iii) for the production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers);	4.3. Chemical installations for the production of phosphorous-, nitrogen- or potassium-based fertilisers (simple or compound fertilisers)	24.2 Manufacture of pesticides and other agro-chemical products	<p>◆◆ CATEG substances and preparation toxic (NH<sub>4</sub>, NO<sub>2</sub>) very toxic, oxidising, explosive, dangerous for the environment, (NH<sub>4</sub>PO<sub>4</sub>)</p> <p>SUBST NH<sub>4</sub> NO<sub>3</sub></p>

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DIR 97/11/CE - EIA	DIR 61/96/CE - IPPC	NACE codes	DIR 96/82 "SEVESO"
(iv) for the production of basic plant health products and of biocides;	4.4. Chemical installations for the production of basic plant health products and of biocides	24.2 Manufacture of pesticides and other agro-chemical products	◆◆ CATEG substances and preparation flammable toxic, very toxic, dangerous for the environment
(v) for the production of basic pharmaceutical products using a chemical or biological process	4.5. Installations using a chemical or biological process for the production of basic pharmaceutical products	24.4 Manufacture of pharmaceuticals, medicinal chemicals and botanical products	◆◆ CATEG substances and preparation toxic, very toxic, dangerous for the environment  SUBST bromine
(vi) for the production of explosives.	4.6. Chemical installations for the production of explosives	24.6 Manufacture of other chemical products	◆◆ CATEG substances and preparation oxidising, explosive
7.(a) Construction of lines for long-distance railway traffic and of airports (1) with a basic runway length of 2 100 m or more;		===	
(b) Construction of motorways and express roads (2);		===	
(c) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road would be 10 km or more in a continuous length.		===	
8.(a) Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1 350 tonnes;		===	
(b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1 350 tonnes.		===	
9. Waste disposal installations for the incineration, chemical treatment as defined in Annex IIA to Directive 75/442/EEC (3) under heading D9, or landfill of hazardous waste (i.e. waste to which Directive 91/689/EEC (4) applies).	5.1. Installations for the disposal or recovery of hazardous waste as defined in the list referred to in Article 1 (4) of Directive 91/689/EEC, as defined in Annexes II A and II B (operations R1, R5, R6, R8 and R9) to Directive 75/442/EEC and in Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils (2), with a capacity exceeding 10 tonnes per day	X Recycling, Treatment, Destruction or Disposal of Solid or Liquid Waste	◆◆ CATEG substances and preparation toxic or very toxic  <i>For Seveso Directive it should be suitable the harmonisation between rules about dangerous substances and preparation (67/548/CEE, 78/631/CEE, 88/379/CEE - DM. 28.1.92) and rules about classification of dangerous wastes</i>

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DIR 97/11/CE - EIA	DIR 61/96/CE - IPPC	NACE codes	DIR 96/82 "SEVESO"
10. Waste disposal installations for the incineration or chemical treatment as defined in Annex IIA to Directive 75/442/EEC under heading D9 of non-hazardous waste with a capacity exceeding 100 tonnes per day.	<p>5.1. [ see point 9 EIA --Installations for the disposal or recovery of hazardous waste as defined in the list referred to in Article 1 (4) of Directive 91/689/EEC, as defined in Annexes II A]</p> <p>and II B (operations R1, R5, R6, R8 and R9) to Directive 75/442/EEC and in Council Directive 75/439/EEC of 16 June 1975 on the disposal of waste oils (2), with a capacity exceeding <b>10 tonnes per day</b></p> <p>5.2. Installations for the incineration of municipal waste as defined in Council Directive 89/369/EEC of 8 June 1989 on the prevention of air pollution from new municipal waste incineration plants (3) and Council Directive 89/429/EEC of 21 June 1989 on the reduction of air pollution from existing municipal waste-incineration plants (4) with a capacity exceeding <b>3 tonnes per hour</b></p> <p>5.3. Installations for the disposal of non-hazardous waste as defined in Annex II A to Directive 75/442/EEC under headings D8 and D9, with a capacity exceeding <b>50 tonnes per day</b></p> <p>5.4. Landfills receiving more than 10 tonnes per day or with a total capacity exceeding 25 000 tonnes, excluding landfills of inert waste</p>	X Recycling, Treatment, Destruction or Disposal of Solid or Liquid Waste	<p>◆</p> <p>CATEG Substances and preparation toxic (auxiliary agents in chemical treatment)</p>
11. Groundwater abstraction or artificial groundwater recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres.		===	
12. (a) Works for the transfer of water resources between river basins where this transfer aims at preventing possible shortages of water and where the amount of water transferred exceeds 100 million cubic metres/year;		===	
(b) In all other cases, works for the transfer of water resources between river basins where the multi-annual average flow of the basin of abstraction exceeds 2 000 million cubic metres/year and where the amount of water transferred exceeds 5 % of this flow. In both cases transfers of piped drinking water are excluded.		===	
13. Waste water treatment plants with a capacity exceeding 150 000 population equivalent as defined in		X Recycling, Treatment, Destruction or Disposal of Solid	◆

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DIR 97/11/CE - EIA	DIR 61/96/CE - IPPC	NACE codes	DIR 96/82 "SEVESO"
Article 2 point (6) of Directive 91/271/EEC (5).		or Liquid Waste	SUBST chlorine, oxygen
14. Extraction of petroleum and natural gas for commercial purposes where the amount extracted exceeds 500 tonnes/day in the case of petroleum and 500000 m3/day in the case of gas.		11.1 Extraction of crude petroleum and natural gas	
15. Dams and other installations designed for the holding back or permanent storage of water, where a new or additional amount of water held back or stored exceeds 10 million cubic metres.		===	
16. Pipelines for the transport of gas, oil or chemicals with a diameter of more than 800 mm and a length of more than 40 km.		40.2 Manufacture of gas: distribution of gaseous fuels through mains	
17. Installations for the intensive rearing of poultry or pigs with more than: (a) 85 000 places for broilers, 60 000 places for hens; (b) 3 000 places for production pigs (over 30 kg); or (c) 900 places for sows	6.6. Installations for the intensive rearing of poultry or pigs with more than: <b>(a) 40 000 places for poultry</b> <b>(b) 2 000 places for production pigs (over 30 kg), or</b> <b>(c) 750 places for sows</b>	===	
18. Industrial plants for the (a) production of pulp from timber or similar fibrous materials; (b) production of paper and board with a production capacity exceeding 200 tonnes per day.	6.1. Industrial plants for the production of: (a) pulp from timber or other fibrous materials (b) paper and board with a production capacity exceeding <b>20 tonnes per day</b>	21.1 Manufacture of pulp, paper and paperboard	◆ CATEG substances and preparation toxic (NH <sub>3</sub> ) SUBST b) methanol
19. Quarries and open-cast mining where the surface of the site exceeds 25 hectares, or peat extraction, where the surface of the site exceeds 150 hectares.		??13 Mining of Metal Ores (all groups) 14 Other Mining and Quarrying (all groups)	
20. Construction of overhead electrical power lines with a voltage of 220 kV or more and a length of more than 15 km.		40.1 Production and distribution of electricity	
21. Installations for storage of petroleum, petrochemical, or chemical products with a capacity of 200 000 tonnes or more.		===	◆◆◆ CATEG substances and preparation toxic, flammable, (benzene) etc SUBST LPG, hydrogen, automotive petrol and other petroleum spirits, nickel compounds
<b>ANNEX II - projects subject to article 4.2</b>			
1. Agriculture, silviculture and aquaculture			



I	II	III	IV
DIR 97/11/CE - EIA	DIR 61/96/CE - IPPC	NACE codes	DIR 96/82 "SEVESO"
(a) Projects for the restructuring of rural land holdings;		===	
(b) Projects for the use of uncultivated land or semi-natural areas for intensive agricultural purposes;		===	
(c) Water management projects for agriculture, including irrigation and land drainage projects;		===	
(d) Initial afforestation and deforestation for the purposes of conversion to another type of land use;		===	
(e) Intensive livestock installations (projects not included in Annex I);		===	
(f) Intensive fish farming;		===	
(g) Reclamation of land from the sea.		===	
2. Extractive industry			
(a) Quarries, open-cast mining and peat extraction (projects not included in Annex I);		13 Mining of Metal Ores (all groups) 14 Other Mining and Quarrying (all groups)	◆◆◆ CATEG Substances and preparation explosive  ◆ CATEG Substances and preparation toxic and very toxic
(b) Underground mining;		13 Mining of Metal Ores (all groups) 14 Other Mining and Quarrying (all groups)	
(c) Extraction of minerals by marine or fluvial dredging;		13 Mining of Metal Ores (all groups) 14 Other Mining and Quarrying (all groups)	
(d) Deep drillings, in particular: geothermal drilling, drilling for the storage of nuclear waste material drilling for water supplies, with the exception of drillings for investigating the stability of the soil;		===	
(e) Surface industrial installations for the extraction of coal, petroleum, natural gas and ores, as well as bituminous shale.		11 Extraction of Crude Petroleum and Natural Gas; Service Activities Incidental to Oil and Gas Extraction Excluding Surveying (all groups) 10.1 Mining and agglomeration	◆◆◆ CATEG Substances and preparation flammable, highly flammable, extremely flammable

I	II	III	IV
DIR 97/11/CE - EIA	DIR 61/96/CE - IPPC	NACE codes	DIR 96/82 "SEVESO"
		of hard coal	
3. Energy industry			
(a) <b>Industrial installations for the production of electricity, steam and hot water</b> (projects not included in Annex I);	1.1. Combustion installations with a rated thermal input exceeding 50 MW (1) See also annex I dir 97/11	40.1 Production and distribution of electricity 40.3 Steam and hot water supply	◆ CATEG substances and preparation toxic, highly flammable
(b) Industrial installations for carrying gas, steam and hot water; transmission of electrical energy by overhead cables (projects not included in Annex I);		40.2 Manufacture of gas: distribution of gaseous fuels through mains 40.3 Steam and hot water supply	
(c) Surface storage of natural gas;		===	◆ CATEG substances and preparation flammable SUBST natural gas
(d) Underground storage of combustible gases;		===	◆◆ CATEG substances and preparation flammable
(e) Surface storage of fossil fuels;		===	◆◆ CATEG substances and preparation flammable
(f) Industrial briquetting of coal and lignite;		10.1 Mining and agglomeration of hard coal 10.2 Mining and agglomeration of lignite	
(g) Installations for the processing and storage of radioactive waste (unless included in Annex I);		X Recycling, Treatment, Destruction or Disposal of Solid or Liquid Waste	
(h) Installations for hydroelectric energy production;		40.1 Production and distribution of electricity	
(i) Installations for the harnessing of wind power for energy production (wind farms).		40.1 Production and distribution of electricity	
4. Production and processing of metals			
(a) Installations for the production of pig iron or steel (primary or secondary fusion) including continuous casting;	2.2. Installations for the production of pig iron or steel (primary or secondary fusion) <b>including continuous casting, with a capacity exceeding 2,5 tonnes per hour</b>	27 Manufacture of Basic Metals (all groups)	
(b) <b>Installations for the processing of ferrous metals:</b> <b>(i) hot-rolling mills;</b> <b>(ii) smitheries with hammers;</b> <b>(iii) application of protective fused metal coats;</b>	2.3. Installations for the processing of ferrous metals: (a) hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour (b) smitheries with hammers the energy of which exceeds 50 kilojoule per hammer, where the calorific power used	27 Manufacture of Basic Metals (all groups) 28.5 Treatment and coating of metals; general mechanical engineering on a fee or contract	◆ CATEG substances and preparation toxic (ammonia), extremely flammable (acetylene, propane)

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DIR 97/11/CE - EIA	DIR 61/96/CE - IPPC	NACE codes	DIR 96/82 "SEVESO"
	exceeds 20 MW (c) application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour	basis	SUBST oxygen, , hydrogen, methanol
(c) Ferrous metal foundries;	2.4. Ferrous metal foundries with a production capacity exceeding 20 tonnes per day	27 Manufacture of Basic Metals (all groups) 28 Manufacture of Fabricated Metal Products, Except Machinery and Equipment (all groups)	
(d) Installations for the melting, including the alloyage, of non-ferrous metals, excluding precious metals, including recovered products (refining, foundry casting, etc.);	(b) for the melting, including the alloyage, of non-ferrous metals, including recovered products, (refining, foundry casting, etc.) with a melting capacity exceeding 4 tonnes per day for lead and cadmium or 20 tonnes per day for all other metals	27.4 Manufacture of basic precious and non-ferrous metals 27.5 Casting of metals 28 Manufacture of Fabricated Metal Products, Except Machinery and Equipment (all groups)	
(e) Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process;	2.6. Installations for surface treatment of metals and plastic materials using an electrolytic or chemical process where the volume of the treatment vats exceeds 30 m³	28.5 Treatment and coating of metals; general mechanical engineering on a fee or contract basis	◆◆ CATEG substances and preparation very toxic (hydrocyanic acid salts) toxic and oxidising (chromic anhydride) toxic (ammonia) SUBST methanol, hydrofluoric acid
(f) Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines;	(Manufacture and assembly of motor vehicles and manufacture of motor-vehicle engines are probably covered by 6.7 since surface treatment using organic solvents is usual in vehicle production.)	34 Manufacture of Motor Vehicles, Trailers and Semi-trailers (all groups)	◆ CATEG substances and preparation dangerous for the environment (halogenated hydrocarbons)
(g) Shipyards;		35.1 Building and repairing of ships and boats	◆ CATEG substances and preparation dangerous for the environment (halogenated hydrocarbons)
(h) Installations for the construction and repair of aircraft;		35.3 Manufacture of aircraft and spacecraft	◆ CATEG substances and preparation dangerous for the environment (halogenated hydrocarbons)
(i) Manufacture of railway equipment;		35.2 Manufacture of railway and tramway locomotives and rolling stock	◆ CATEG substances and preparation dangerous for the environment (halogenated

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DIR 97/11/CE - EIA	DIR 61/96/CE - IPPC	NACE codes	DIR 96/82 "SEVESO"
			hydrocarbons)
(j) Swaging by explosives;		28.4 Forging, pressing, stamping and roll forming of metal; powder metallurgy	◆◆ CATEG substances and preparation explosive
(k) Installations for the roasting and sintering of metallic ores.	2.1. Metal ore (including sulphide ore) roasting or sintering installations	27 Manufacture of Basic Metals (all groups)	◆ CATEG substances and preparation toxic (SO <sub>2</sub> )
5. Mineral industry			
(a) Coke ovens (dry coal distillation);	1.3. Coke ovens  See Annex I.1 of the EIA Directive	23 Manufacture of Coke, Refined Petroleum Products and Nuclear Fuel (all groups)	◆ CATEG flammable, highly flammable
(b) Installations for the manufacture of cement;	3.1. Installations for the production of cement clinker in rotary kilns with a production capacity exceeding 500 tonnes per day or lime in rotary kilns with a production capacity exceeding 50 tonnes per day or in other furnaces with a production capacity exceeding 50 tonnes per day	26.5 Manufacture of cement, lime and plaster 26.6 Manufacture of articles of concrete, cement or plaster	◆ SUBS Natural gas
(c) Installations for the production of asbestos and the manufacture of asbestos-products (projects not included in Annex I);	See Annex I	26.8 Manufacture of other non-metallic mineral products	
(d) Installations for the manufacture of glass including glass fibre;	3.3. Installations for the manufacture of glass including glass fibre with a melting capacity exceeding 20 tonnes per day	26.1 Manufacture of glass and glass products	◆ CATEG Substances and preparation very toxic (hydrofluoric acid)
(e) Installations for melting mineral substances including the production of mineral fibres;	3.4. Installations for melting mineral substances including the production of mineral fibres with a melting capacity exceeding 20 tonnes per day	26 Manufacture of Other Non-metallic Mineral Products (all groups) 27 Manufacture of Basic Metals (all groups) 28 Manufacture of Fabricated Metal Products, Except Machinery and Equipment (all groups)	◆ SUBS Natural gas
(f) Manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain.	3.5. Installations for the manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain, with a production capacity exceeding 75 tonnes per day, and/or with a kiln capacity exceeding 4 m <sup>3</sup> and with a setting density per kiln exceeding 300 kg/m <sup>3</sup>	26.2 Manufacture of non-refractory ceramic goods other than for construction purposes; manufacture of refractory ceramic products 26.3 Manufacture of ceramic	◆ CATEG substances and preparation toxic, very toxic (hydrofluoric acid)  SUBS natural gas

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DIR 97/11/CE - EIA	DIR 61/96/CE - IPPC	NACE codes	DIR 96/82 "SEVESO"
		tiles and flags 26.4 Manufacture of bricks, tiles and construction products, in baked clay	
6. Chemical industry (Projects not included in Annex I)			
(a) Treatment of intermediate products and production of chemicals;	Section 4 IPPC Directive (Chemical industry)	24 Manufacture of Chemicals and Chemical Products (all groups)	◆◆ see Annex I EIA , point 6
(b) Production of pesticides and pharmaceutical products, paint and varnishes, elastomers and peroxides;	Section 4 IPPC Directive (Chemical industry)	24.2 Manufacture of pesticides and other agro-chemical products 24.3 Manufacture of paints, varnishes and similar coatings, printing ink and mastics 24.4 Manufacture of pharmaceuticals, medicinal chemicals and botanical products	◆◆ see Annex I EIA , point 6  For manufacture of paints, varnishes and similar coatings verify preparation containing cresols (toxic)
(c) Storage facilities for petroleum, petrochemical and chemical products.		===	◆◆ CATEG All possible categories
	6.7. Installations for the surface treatment of substances, objects or products using organic solvents, in particular for dressing, printing, coating, degreasing, waterproofing, sizing, painting, cleaning or impregnating, with a consumption capacity of more than 150 kg per hour or more than 200 tonnes per year (note: this project type is not a sub-sector of the "Chemical industry")	activities can belong to different categories; see subsections DH, DI, DJ, DK, DL, DM, DN	◆◆ CATEG substances and preparation toxic, flammable, dangerous for the environment (halogenated hydrocarbons)
	6.8. Installations for the production of carbon (hard-burnt coal) or electrographite by means of incineration or graphitization (note: this project type is not a sub-sector of the "Chemical industry")	26.8 Manufacture of other non-metallic mineral products	
7. Food industry			
(a) Manufacture of vegetable and animal oils and fats; (b) Packing and canning of animal and vegetable products (d) Brewing and malting;	6.4. (b) Treatment and processing intended for the production of food products from: - animal raw materials (other than milk) with a finished product production capacity greater than 75 tonnes per day	15 Manufacture of Food Products and Beverages (all groups - except 15.5)	◆ CATEG Flammable, toxic (NH <sub>3</sub> )  SUBST d) LPG

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DIR 97/11/CE - EIA	DIR 61/96/CE - IPPC	NACE codes	DIR 96/82 "SEVESO"
(e) Confectionery and syrup manufacture; (g) Industrial starch manufacturing installations; (h) Fish-meal and fish-oil factories; (i) Sugar factories.	- vegetable raw materials with a finished product production capacity greater than 300 tonnes per day (average value on a quarterly basis)		i) methanol
(c) Manufacture of dairy products;	(c) Treatment and processing of milk, the quantity of milk received being greater than 200 tonnes per day (average value on an annual basis)	15.5 Manufacture of dairy products	
(f) Installations for the slaughter of animals;	(a) Slaughterhouses with a carcass production capacity greater than 50 tonnes per day <i>6.5. Installations for the disposal or recycling of animal carcasses and animal waste with a treatment capacity exceeding 10 tonnes per day</i>	15.1 Production, processing and preserving of meat and meat products	
8. Textile, leather, wood and paper industries			
(a) Industrial plants for the production of paper and board (projects not included in Annex I);	6.1. Industrial plants for the production of: (a) pulp from timber or other fibrous materials (b) paper and board with a production capacity exceeding 20 tonnes per day <i>see ANNEX I</i>	21.1 Manufacture of pulp, paper and paperboard	◆ CATEG substances and preparation toxic (NH <sub>3</sub> )  SUBST methanol
(b) Plants for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles;	6.2. Plants for the pre-treatment (operations such as washing, bleaching, mercerisation) or dyeing of fibres or textiles where the treatment capacity exceeds 10 tonnes per day	17.1 Preparation of spinning of textiles fibres	◆ CATEG substances and preparation toxic e very toxic (ammonia), flammable dangerous for the environment  SUBST methanol
(c) Plants for the tanning of hides and skins;	6.3. Plants for the tanning of hides and skins where the treatment capacity exceeds 12 tonnes of finished products per day	19.1 Tanning and dressing of leather	◆ CATEG substances and preparation toxic e very toxic, dangerous for the environment
(d) Cellulose-processing and production installations.	4.1.h) Chemical installation for the production of basic plastic materials (polymers synthetic fibres, cellulose- based fibres)	===	◆ CATEG substances and preparation toxic e very toxic dangerous for the environment, flammable
9. Rubber industry			
Manufacture and treatment of elastomer-based products.	4.1.i) Chemical installations for the production of synthetic rubber	25 Manufacture of Rubber and Plastic Products (all groups)	◆◆ CATEG Substances and preparation flammable (styrole, etc.) highly flammable (butadiene, ethylene, propane, etc.)

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DIR 97/11/CE - EIA	DIR 61/96/CE - IPPC	NACE codes	DIR 96/82 "SEVESO"
			most of other cat. SUBST Toluylenediisocyanate
10. Infrastructure projects			
(a) Industrial estate development projects;		===	
(b) Urban development projects, including the construction of shopping centres and car parks;		===	
(c) Construction of railways and intermodal transshipment facilities, and of intermodal terminals (projects not included in Annex I);		===	<i>intermodal transshipment facilities, intermodal terminals: they are excluded from dir 96/82, but they can cause relevant accidents</i>
(d) Construction of airfields (projects not included in Annex I);		===	
(e) Construction of roads, harbours and port installations, including fishing harbours (projects not included in Annex I);		===	
(f) Inland-waterway construction not included in Annex I, canalisation and flood-relief works;		===	
(g) Dams and other installations designed to hold water or store it on a long-term basis (projects not included in Annex I);		===	
(h) Tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport;		===	
(i) Oil and gas pipeline installations (projects not included in Annex I);		40.2 Manufacture of gas: distribution of gaseous fuels through mains	
(j) Installations of long-distance aqueducts;		===	
(k) Coastal work to combat erosion and maritime works capable of altering the coast through the construction, for example, of dykes, moles, jetties and other sea defence works, excluding the maintenance and reconstruction of such works;		===	
(l) Groundwater abstraction and artificial groundwater recharge schemes not included in Annex I;		===	
(m) Works for the transfer of water resources between river basins not included in Annex I.		===	
11. Other projects			

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DIR 97/11/CE - EIA	DIR 61/96/CE - IPPC	NACE codes	DIR 96/82 "SEVESO"
(a) Permanent racing and test tracks for motorised vehicles;		===	
(b) Installations for the disposal of waste (projects not included in Annex I);	5.1. –5.4. (Waste management)	X Recycling, Treatment, Destruction or Disposal of Solid or Liquid Waste	
(c) Waste-water treatment plants (projects not included in Annex I);		X Recycling, Treatment, Destruction or Disposal of Solid or Liquid Waste	◆ SUBST chlorine, oxygen
(d) Sludge-deposition sites;		X Recycling, Treatment, Destruction or Disposal of Solid or Liquid Waste	
(e) Storage of scrap iron, including scrap vehicles;		X Recycling, Treatment, Destruction or Disposal of Solid or Liquid Waste	
(f) Test benches for engines, turbines or reactors;		29 Manufacture of Machinery and Equipment N.E.C. 34 Manufacture of Motor Vehicles, Trailers and Semi-trailers 35 Manufacture of Other Transport Equipment	
(g) Installations for the manufacture of artificial mineral fibres;	3.4. Installation for melting mineral substances including the production of mineral fibres with melting capacity exceeding 20 t/day	24.7 Manufacture of man-made fibres	
(h) Installations for the recovery or destruction of explosive substances;		X Recycling, Treatment, Destruction or Disposal of Solid or Liquid Waste	◆◆◆ CATEG explosive
(i) Knackers' yards.	6.5. Installation for the disposal or recycling of animal carcasses and animal waste with a treatment capacity exceeding 10 t / day	15.1 Production, processing and preserving of meat and meat products 15.2 Processing and preserving of fish and fish products	
12. Tourism and leisure			
(a) Ski-runs, ski-lifts and cable-cars and associated developments;		===	
(b) Marinas;		===	
(c) Holiday villages and hotel complexes outside urban areas and associated developments;		===	



<b>I</b>	<b>II</b>	<b>III</b>	<b>IV</b>
<b>DIR 97/11/CE - EIA</b>	<b>DIR 61/96/CE - IPPC</b>	<b>NACE codes</b>	<b>DIR 96/82 “SEVESO”</b>
(d) Permanent camp sites and caravan sites;		===	
(e) Theme parks.		===	
13. - Any change or extension of projects listed in Annex I or Annex II, already authorised, executed or in the process of being executed, which may have significant adverse effects on the environment;			
- Projects in Annex I, undertaken exclusively or mainly for the development			
and testing of new methods or products and not used for more than two years.			

### 3. IMPLEMENTATION OF IPPC, EIA, "SEVESO" DIRECTIVES AND EMAS REGULATION IN THE EU MEMBER STATES

(Section revised from the 1<sup>st</sup> IMPEL Meeting, Bologna (Italy), December 1997)

#### 3.1. Questions about the integrated prevention and reduction of pollution (IPPC)

Authorisation types

1. For which categories of industrial plants, in general, is the granting of the authorisation envisaged or has the authorisation been already granted? Which thresholds/criteria are used or envisaged? For which categories are integrated forms of assessment already applied or envisaged? After how many years do permits have to be re-examined?												
	Aus	B	Dk	Fin	Fr	Ger	Gr	I	Ire	Nl	Swe	UK
<i>All categories of industrial plants</i>	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
<i>Thresholds/criteria</i>	In general cases		Yes	In general cases		Yes	In some cases	In exceptional cases			Yes	
<i>Integrated assessment</i>	In exceptional cases	In general cases	Yes	No	In general cases	In general cases	In a way	No cases	In general cases	In general cases	Yes	In general cases
<i>Re-examination</i>	In exceptional cases	Yes	Yes	In exceptional cases	No	Yes	Yes	In exceptional cases	Yes	Yes	Yes	Yes

Answers:

#### AUSTRIA:

All industrial plants require authorisation under several laws e.g. Trade and Industry Code, Water Right Act, Clean Air Act, Forest Act, Waste Management Act, EIA Act, Mining Law and so on.

Some of the laws mentioned above use general criteria, some others (e.g. certain type of installations) require authorisations regardless of the characteristics of the projects.

An integrated form of assessment is already applied under the EIA-Act and the Waste Management Act. Other licensing requirements pay regard to "public interests" or environmental protection in general.

A re-examination is required only in exceptional cases. Only the Water Rights Act requires re-examination of the permits for water emissions, usually after 4-5 years or in case of pollution problems and complaints.

#### BELGIUM (BRUXELLES REGION):

The granting of authorisation is envisaged for all installations classified on the list enclosed which also gives an overview of the thresholds used.

An environmental permit is valid for a period of maximum 15 years but the conditions can be changed whenever it is necessary.

#### DENMARK:

According to the Danish legislation, the plants which are obliged to obtain authorisation are laid down in the Statutory Order from the Ministry of Environment n° 794 of 9 December 1991 (enclosed as Annex 1 is a list of activities covered by the approval scheme).

The above mentioned Statutory Order (section 8) determines the thresholds/criteria used for granting approvals.

According to the Environmental Protection Act (section 41, fourth paragraph) the Danish environmental authorities are not obliged to revise the approval conditions, but may change the approval conditions, if the period is more than 8 years from the approval, and in case of better technology development or environmental protection reasons.

#### FINLAND:

According to the Finnish legislation the plants authorised are those which can have harmful effects on water body, air pollution, health and neighbour effects. Some criteria are envisaged through list of installation capacity. Generally there are not integrated assessment procedures and the re-examination of authorisations is envisaged case by case after 4-20 years.

#### FRANCE:

The granting of the authorisation is envisaged for all categories of industrial plants. The criteria are category established. The integrated forms of assessment are envisaged for all categories. There is no time limit for the re-examination of the permits.

**GERMANY:**

The criteria for granting of authorisation are defined for each category. The integrated assessment could be applied for most of the categories. There is periodical re-examination of the permits.

**GREECE:**

All categories of industrial plants require authorisation.

There are thresholds/criteria, for certain industrial plants.

In the Environmental permit, are referred all the licenses for the disposal of waste water, solid waste, toxic waste etc, which are issued from other Authorities (local Authorities). All the above mentioned licences and the Environmental permit are necessary for the establishment/ operation license of each industrial plant.

The Environmental permit is valid usually for a period of 5 years. In case that there is no change in the approved E.I.A., the Environmental Permit is renewed.

**IRELAND:**

The list of categories of authorised industrial plants and the thresholds/criteria adopted are presented in an attachment.

Generally an integrated assessment is applied. The re-examination of the permits is optional and might be done after 3 years.

**ITALY:**

The granting of authorisations is envisaged for all types of industrial plants.

The integrated form of assessment is not envisaged.

The permits have to be re-examined after 5 years.

**THE NETHERLANDS:**

The categories of authorised industrial plants and the respective criteria are listed. The integrated assessment could be applied for most of the categories. There is re-examination of the permits every 4-6 years.

**SWEDEN:**

The installations are defined and classified in three categories (A,B and C) according to their potential impact. The list of installations that require a permit under the Environment Protection Act is presented in Annex I.

For the category A of major environmental impact, there are approx. 500 installations and the proponent must apply for a permit from the National Licensing Board for Environmental Protection.

The county administrative boards issue the permits the class B, with about 7000 installations.

The class C, with less impact on the environment, does not need a permit but a notification to the municipalities must be submitted before the action is undertaken. There are about 16600 such activities in 288 communities.

The 1969 Environment Protection Act is based on a case-by-case integrated pollution control system. The integrated approach, according to the Act, stabilises that the same authority is assessing practically all kinds of environmental impact of a planned installation at the same occasion. The purpose of this approach is to obtain the best overall solution from an environmental point of view.

According to the provisions of the Act it is always possible to review the conditions after ten years from the permit issue. However, they may be revised earlier whenever unforeseen disturbances or substantial alterations occur and in case of new technology improvement.

The Swedish Environmental Code (the Code) that enter into force on January 1999 will entail changes.

**UNITED KINGDOM:**

Categories of plant currently authorised, thresholds used or envisaged and the period for re-examination of permits are listed in an annex attached.

The level of engagements of the competent authorities

<b>2. If you have already an integrated approach, how many competent authorities are involved and which benefits did the integrated approach bring?</b>												
<b>3. How many types of authorisation (e.g. for water, waste, air, and nature ...) need to be granted currently before a new industrial plant can be start operation?</b>												
<b>4. How many plants were granted authorisation in 1994-97 from those categories listed in annexe 1 of directive 96/61/EC on the integrated prevention and reduction of pollution?</b>												
<b>5. How long does it take to obtain authorisation for an industrial plant project (on average)?</b>												
	Aus	B	Dk	Fin	Fr	Ger	Gr	I	Ire	Nl	Swe	UK
<i>N° of authorities involved</i>	2-5	1	1	Several	1	6-10	1	>5	1	2-5	1	1
<i>N° of types of authorisation</i>	2-5	1	1	2-5	1	2	2	>5	1	2-5	1	1
<i>N° of plants authorised (1994/97)</i>	N.A.	1	N.A.	400	3100	N.A.	N.A.	N.A.	50	900	N.A.	350
<i>Time for aut. (months)</i>	1-12	1-12	6	>6	>6	>6	3-12	>6	1-6	1-6	>11	1-6

Answers:

**AUSTRIA:**

An integrated approach exists for EIA projects, waste management installations and the new comprehensive procedure under the Trade and Industry Code. The benefits are the following ones: only a single permit required in most cases which deals with all aspect and impacts; better co-ordination of the permits conditions; faster procedure.

There is one for EIA projects and waste management installations and from 2-more than 5 for other projects, depending on the requirement for authorisation in the respective laws.

There are about 550 plants covered by IPPC Directive. There are no statistics available for the n° of the permits issued on these installations between 1994-97. Generally 15.000 permits are issued annually for new installations and changes in existing ones under the Trade and Industry Code.

It takes 1-6 months to obtain authorisation for smaller installations and changes, more than 6 months for more complex installations and more than 1 year for EIA procedures and other more complex procedures.

**BELGIUM (BRUXELLES REGION):**

Class 2 installations: the competent authority at local level (municipality), for Class IA –IB installations it is the regional level that is competent (more specifically the Brussels Institute for Environmental Management).

Only one authorisation needs to be granted for any new industrial plant.

There is only 1 plant in 1997, which was granted the authorisation from the categories listed.

It takes from 1-3 month for Class 2 installations, 6 months for Class IB and more than a year for Class IA installations.

**DENMARK:**

The local competent authority makes approval decisions.

The Danish approval scheme includes only one authorisation covering emissions to water, air, soil etc.

The IPPC industries have not been yet identified.

It takes 6 months in average to obtain authorisation for an industrial plant project.

**FINLAND:**

Even if there aren't integrated assessment, there are some procedural integration on air, waste and health issues.

From two to five types of authorisations need to be granted before a new industrial plant can be start.

There are 400 plants in 1994-97, which were granted the authorisation from the categories listed (including permits for changes of processes).

It takes more than 6 months to obtain authorisation for an industrial plant project.

**FRANCE:**

The competent authority for approval decisions is unique.

Only one type of authorisation needs to be granted for any new industrial plant.

The n° of that were granted authorisation, according to French thresholds, in the period 1994-97 are listed bellow:

1994: 3150

1995: 3000

1996: 3234

1997: not available yet

It takes more than 6 months to obtain authorisation.

**GERMANY:**

Only one competent authority approves the decisions, 6-10 authorities are consulted.

There are two types of authorisation: one for categories of authorised industrial plants and another one for waste water discharges to the aquatic environment.

For what concerns the n° of the authorisations granted, there is no general overview available, as this matter is under the competence of the 16 states.

It takes more than 6 months to obtain authorisation.

**GREECE:**

According to a new Law, the Division of Industries (Local Authority), is the competent authority. Each industrial plant, has to apply all the necessary assessments to this Local Authority, which is responsible to send the files to the relevant Authorities. At the end, when all authorisations are granted, the Division of Industries issues the operation permit.

There are two types of authorisations needed to be granted before a new industrial plant can be start operation. The location pre-approval (which is granted by the Perifery and the authorisations for the disposal of waste (water, solid, toxic) from Local Authorities.

The number of the authorised plants of Category AI and AII (which are granted by the Central Authority) are: 1994: 349, 1995: 340, 1996: 181 and in 1997: 187. The number of the small authorised plants is not known because they are under the Local Authorities authorisation. The number of the authorised plants in 1994 and 1995 is bigger than the next years because the end of the year 1994 was the deadline for the implementation of the national law ( by which the Directive 85/337/EEC was implemented).

For the E.I.A. procedure of installations, it takes about 3-12 months, depending on the size and the complexity of them.

**IRELAND:**

Only one competent authority is involved and generally only one permit is required for any new industrial plant, besides the land use permit which is a separate procedure.

The n° of plants granted permits, most of them new permits for existing plants, were:

1994: 1

1995: 21

1996: 60

1997: 109

1998: 300

It takes from 1-6 months to obtain the authorisation.

#### **ITALY:**

The integrated approach has been introduced by the Regions that apply the sections of the Coordination Act concerning the EIA matter.

The necessary authorisations for new industrial plants might be more than five regarding single environment compartments (e.g. water, air, waste, soil, nature cultural patrimony, etc.)

The n° of authorised plants is not defined yet as many of the authorisations are under the competence of the Regions.

It takes more than 12 months to receive the necessary environment authorisations.

#### **THE NETHERLANDS:**

From 2-5 competent authorities are involved and from 2-5 types of authorisations need to be granted for any new industrial plant.

The n° of plants that were granted authorisations are listed below:

1994: 852

1995: 975

1996: 782

1997: not available yet

It takes from 1-6 months or more to obtain authorisation, depending on the project complexity.

#### **SWEDEN:**

The competent authority for issuing permits is normally one: the National Licensing Board or the County Administrative Board.

In Sweden, the integrated pollution prevention system based on an individual review has been very successful and has led to the reduction of emissions from point sources. It allows to assess all kinds of emissions and other disturbances from a specific plant at one occasion and also to control the transfer of pollution from one media to another in order to select the best overall environmental option.

There is only need for one permit per installation.

In 1995 nearly 2300 were authorised.

It takes normally more than 11 months to obtain the authorisation.

#### **UNITED KINGDOM:**

One competent authority is involved and one type of authorisation needs to be granted before any new industrial plant start operating.

The approximate n° of plants holding an authorisation were (this is the total n° of plants in the UK holding an authorisation, not the number authorised each year; between 1994 and 1997, the UK authorised approximately 350 IPPC Annex I projects):

1995: 3000

1996: 3250

1997: 3500.

It takes from 1-6 months to obtain authorisation for an industrial plant project.

#### **Environment authorities consulted**

<b>6. Which authorities with environmental competence are consulted when granting authorisation permits for industrial plants?</b>	
	<i>Authorities consulted</i>
Aus	Several
B	Brussels Inst. Environ.Monitoring, Fire Brigade Dept.
Dk	EPA
Fin	Municipalities, health protection authorities
Fr	Several
Ger	Air Quality Control, Soil Q.C., Water Q.C., Waste Q.C. Nature Conservation, Forestry
Gr	Central and local environmental authorities (Division of Health, Division of the Environment, etc)
I	EPA, National and Regional levels

Ire	Land Use Planning
NI	Provincial Government Auth., Water board, Local Government, Regional Inspectorate
Swe	Central, Regional and Local Environmental Auth., other authorities
UK	Several

Answers:

**AUSTRIA:**

In most cases there are several authorities which grant authorisations separately and according to the relevant laws experts of all relevant fields for which the permit is issued have to be heard. The communities and the environmental ombudsman are involved in several stages of the procedure.

**BELGIUM (BRUXELLES REGION):**

The authorities that have to be consulted are. The Brussels Institute for Environmental Monitoring and the Fire Brigade Department

**DENMARK:**

The Danish EPA consults municipalities and counties.

**FINLAND:**

Municipal councils of the communes and health protection authorities are consulted.

**FRANCE:**

Municipal councils of the communes and the relevant technical or administrative services are consulted.

**GERMANY:**

The following authorities are consulted: air quality control, water quality control, soil quality control, waste quality control, nature conservation, forestry.

**GREECE:**

The authorities which have to be consulted when granting authorisation permits for industrial plants, are: the Ministry of the Environment Physical Planning and Public Works, and the Local Authorities (Division of Health, Division of the Environment etc).

**IRELAND:**

Land-use planning authorities are consulted when granting authorisation permits.

**ITALY:**

The authorities involved in authorisation procedures concerning environment matters vary according to the type of the plants considered.

For projects of national interest the authorities are the Ministry of Environment and the Ministry of Cultural Patrimony.

For projects of regional interest the following bodies are consulted:

Regions

Provinces

Municipalities

Regional Inspectorates from the Ministry of Cultural Patrimony

Fire Brigades

Health and Safety executives

Basins authorities

National and regional EPA

**THE NETHERLANDS:**

The provincial government authority, the water board, the local government and the regional inspectorate of the Ministry for the environment are authorities involved.

**SWEDEN:**

The National Licensing Board always consults central, regional and local environmental authorities. Other authorities may be consulted if the Licensing Board finds that there is need for such consultations.

The entry into force of the Code will entail change.

**UNITED KINGDOM:**

The authorities consulted are:

Local authorities

Health and Safety executive

Ministry of Agriculture, Fisheries and Food

Secretary of State for Whales

Secretary of State for Scotland  
 Nature Conservancy Council for England  
 Nature Conservancy Council for Scotland  
 Countryside Council for Wales  
 Local Fisheries Committee

Note: which authorities are consulted in any case will depend on the nature of the process concerned and its potential for environmental impacts.

## Land use planning and plant authorisation

<b>7. Is industrial plant authorisation based on land use plans of different levels (national, regional, and local) or other types of plans taking environmental impact into account? Yes/No If yes, what kinds of plans are involved?</b>												
	Aus	B	Dk	Fin	Fr	Ger	Gr	I	Ire	Nl	Swe	UK
<i>Auth. based on land use plans</i>	Yes	Yes	Yes	Yes	Yes	Yes	In some cases	Yes	Yes	Yes	Yes	Yes
<i>Local level</i>	*	*	*		*	*		*	*	*	*	*
<i>Regional level</i>		*	*		*	*		*		*	*	*
<i>National level</i>			*		*						*	*
<i>Special plans</i>	*											

### Answers:

#### **AUSTRIA:**

Local land use plans are relevant for the construction permit which is usually granted separately from the other permits by the mayor of the community. In one province almost all communities delegated this power for industrial installations to the district authority which also does most of the other required authorisation procedures. For EIA projects the construction licence is granted within the comprehensive licensing procedure.

Specific planning in areas like water, forests, waste, etc. has been taken into account in the respective licensing procedures.

#### **DENMARK:**

The industrial plant authorisation is based on the national country planning, which includes district, regional and national plans.

#### **FINLAND:**

Industrial plant authorisations are based on land use plans only indirectly

#### **FRANCE:**

There are national, regional and local plans for water, waste and air.

#### **GERMANY**

Local and regional planning covers questions concerning the site of the installation: these authorities evaluate the site-linked conditions for the permit.

#### **GREECE:**

We don't have land use plans for all country. Where there are local land use plans, these are taken into account during the location pre-approval procedure, which is the first stage of the EIA procedure.

#### **IRELAND:**

Other kinds of plans involved are the County Development Plan (local land use plan).

#### **ITALY:**

Authorities involved in the environmental authorisation procedure take into consideration the local and regional territory plans and programs, such as County plan for the communes and Territory plans for the Provinces and Regions.

#### **THE NETHERLANDS:**

Plans involved are the following ones: Provincial Environmental Policy Plan and Regional and Local land use plan.

#### **SWEDEN:**

Yes, and according to the Environment Protection Act the location and the installation must be realised according to the best solution from environmental point of view. The Act states also that a permit may not be granted in contravention of a detailed plan issued by the planning authority. However, even if the detailed plan states that a permit may be granted for certain types of industrial installations, the proposed allocation still has to be assessed under the Environment Protection Act.

The central, regional and local authorities are always consulted. Other authorities might be consulted if there is need for such consultation. Regional and national plans are taken onto account in rare cases.

The Code entail changes as from 1 January 1999.

#### UNITED KINGDOM:

U.K. has separate land use planning system.

“Structure plan” is drawn up with regard to national and regional guidance from Secretary of State. These provide framework for “local plans”

#### Ways to check pollutant emission

**8. In the case of issued permits, pollutant emission limits (even more than one possibility)?are established by law or are fixed case by case or are replaced by other comparable technical measures (specify which) or have pre-established thresholds, which can be modified on the basis of an analysis of the real environmental risks present or on the basis of other comparable technical measurements (specify which)?**

	Aus	B	Dk	Fin	Fr	Ger	Gr	I	Ire	Nl	Swe	UK
<i>Limits by law</i>	*	*	*		*	*	*	*	*	*		
<i>Limits case by case</i>	*	*	*	*	*	*	*	*	*	*	*	*
<i>Other</i>	*										*	*
<i>Pre-est. Thresholds</i>						*			*			

#### 9. Which authorities are responsible for controlling and checking permits?

Aus	Several
B	Inspection Division of the Brussels Inst. for Environ. Monitoring, Municipalities
Dk	Municipal and Country authorities
Fin	Regional Environmental Centres, Municipalities and their environmental authorities
Fr	Prefect
Ger	Several
Gr	Several
I	Several
Ire	EPA
NI	Provincial government
Swe	Country Administrative Boards, local environmental auth.
UK	Environment Agency, Local auth., Scottish Environ. Protection Agency

#### Answers:

##### AUSTRIA:

Pollution emission limits are established by law, often in ordinances, can be fixed case by case and can be replaced by other comparable technical measures in specific cases where the measures guarantee the protection of environment.

Pre-established thresholds can be modified by stricter measures when required by the environmental quality and in some cases by less strict measures if the same protection level is assured.

The authority that grants the permit is responsible for the control as well; also self-monitoring or inspections by third party are frequent.

##### BELGIUM (BRUXELLES REGION):

Pollutant emission levels are established by law and by case.

Authorities that are responsible for the permit control are the Inspection Division of the Brussels Institute for Environmental Monitoring and the Municipalities.

##### SWEDEN:

Emission limit values are normally fixed case-by-case and are often supplemented or replaced by comparable technical measures such as process requirements. Generally there are a lot of non-binding and a few legally binding norms and standards. One legally regulate limit is the maximum concentration of sulphur in oil, and also emissions of sulphur from combustion, both regulated by the Sulphur Act.

Authorities that are responsible for the permit control are the County Administrative Boards and the local environmental authorities.

The Code entails changes as from 1 January 1999.

##### DENMARK

Pollution emission limits are established, as a starting-point, by statutory orders and guidelines. If no specific emission limits are determined, the limits are fixed case by case.



The municipal/county approval authorities are responsible for the control of the permits.

**FINLAND:**

Pollution emission limits are generally fixed case by case and they are partly based on law or guidelines of the Council of the State.

Thirteen Regional Environmental Centres, municipalities and their environmental authorities are responsible for the control.

**FRANCE:**

Pollution emission limits are generally fixed by national norms; otherwise they are fixed individually.

Inspectors (Regional Direction of Industry, Research and Environment, the Veterinary section of the Agricultural department) are responsible for the control. These are under the authority of the Prefect, who is the local representative of the government.

**GERMANY**

Emission limits are established partly by regulation on the basis of the Air Pollution Act and partly case by case. Some limits have pre-established thresholds which are modified on the basis of other comparable technical measures, for example Technical Instruction Air.

The authorities responsible differ from state to state:

industrial installations and control

lower general administration

higher general administration

general environmental affairs

**GREECE:**

Pollutant emission levels in air, water or soil (substances or noise) are established by national legislation and by case when there is not a specific limit in the legislation.

According to the national environmental frame law of the year 1985, the authorities which are responsible for controlling and checking the compliance of environmental permits are: a) all the competent Authorities for the establishment and the operation of industrial plants and b) the Central and Local Environmental Authorities.

**IRELAND:**

Pollutant emission limits have pre-established thresholds which can be modified on the basis of an evaluation of real environmental risk and the possibility to use innovative techniques.

The Environmental Protection Agency issues and enforces the IPPC permit.

**ITALY:**

Emission limits are determined by law. In particular cases, like EIA projects more stringent limits might be stabilised case by case.

In Italy, the control system is being developed with the constitution of Areas (Regional Agencies for Environment Prevention) in the Regions where this body has already been created.

**THE NETHERLANDS:**

Pollution emission limits are established by law and by case.

The control of the permits is under the responsibility of the Provincial government.

**UNITED KINGDOM:**

Pollutant emission limits are fixed case by case and can be replaced or supplemented by other measures. Guidance issued by Environmental Agency (Integrated Pollution Control) and Secretary of State (Local Air Pollution Control) sets out expectations, but circumstances of case might justify diverging from this.

The authorities responsible for the controlling of permits are:

Environment Agency (Integrated Pollution Control)

Local authorities (Local Air Pollution Control)

Scottish Environment Protection Agency (Integrated Pollution Control and Local Air Pollution Control in Scotland)

Public participation

10. Are there procedures whereby the public is consulted during the auth. of industrial plants? If yes, does public opinion have to be taken into account when granting authorisation?												
	Aus	B	Dk	Fin	Fr	Ger	Gr	I	Ire	Nl	Swe	UK
<i>Public participation</i>	Yes	Yes	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes

## Difficulties in IPPC

11. What difficulties might come up in implementing Community directive 96/61/EC concerning the integrated prevention/reduction of pollution (IPPC)?												
	Aus	B	Dk	Fin	Fr	Ger	Gr	I	Ire	Nl	Swe	UK
<i>Difficulties</i>	Yes	-	Yes	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Answers:

### AUSTRIA:

For EIA projects general public is consulted. The comments and the objections have to be taken into account in the decision. Parties to the procedure can launch appeals against the decision.

The difficulties are the following:

An integration of the permits and co-ordination of the procedures and controls for the IPPC projects has to be established.

The existing permits have to be updated and the co-ordination of the authorities in charge has to be established.

The realisation of the integrated approach in practice

The implementation of the requirements on energy efficiency in relation to emission reduction.

There is pressure from the industry to adapt stricter definition of the "state of technology" to the IPPC definition of BAT taking into consideration the account costs and the economic conditions.

The Directive does not match the Austrian federal and administrative structures.

Unclear relation with other Community Directives

### BELGIUM (BRUXELLES REGION):

The public opinion is involved during the authorisation procedure and if the competent authority does not want to take into account the public opinion when granting an authorisation it has to motivate why.

### DENMARK:

No.

The major demands are the following:

How will the Danish list look?

Which potentially activities should be left out of the list?

How is the integrated principle supposed to be put in practice and in line with it how are the emission limits supposed to be laid down?

Is it possible to maintain the Danish 8-year legal protection?

Some specific requirements concerning environmental quality objectives?

How to define the guarantees fulfilment of art. 12 in an operational way?

Questions concerning the revision of the authorisations and the administrative consequences?

### FINLAND:

The public opinion is involved during the authorisation procedure but it isn't taken into account. Only if these opinions are relevant, according to the act which must be applied in processes, they are considered.

The major difficulties are the following:

BAT for existing installation

Safety/Security aspects as part integration of the environmental issues

As because authorities can be also Court in Finland, it can be a constitutional problem how to abolish court system.

### FRANCE:

Yes, the public opinion is taken into consideration when granting authorisations.

So far, no difficulties have been met while implementing the directive.

### GERMANY:

Yes, the public opinion is taken into consideration when granting authorisations.

Main difficulty is to define clearly the concept of integration that characterises the IPPC-directive.

### GREECE:

The public opinion is taken into consideration when granting authorisations.

A difficulty that might come up is that the Authorities must have updated information about BAT of all plants which are under the IPPC Directive in order to take into account these techniques which they issue an environmental permit of a new installation.

### IRELAND:

The public is not consulted during the authorisation procedure.

The difficulties might origin from:

The current system in Ireland (IPC Licensing) is very close to meeting the requirements of IPCC in full and is expected to require only minor amendments eg:

the list of scheduled installations needs some small additions  
the transboundary issues, particularly with Northern Ireland need to be examined  
possible overlap with waste permits need to be studied  
coherence issues with land use planning permits/EIA and also with the Seveso directive need to be examined. The coherence issue with EMAS has largely been overcome.

**ITALY:**

Public consultancy is regulated clearly by EIA procedures and procedures for planning of plants. According to these procedures the public opinion should be taken in consideration when during the authorisation procedure.  
The main difficulty of the Directive transposition is the coordination of the various procedures.

**THE NETHERLANDS:**

Yes, the public opinion is taken into consideration when granting authorisations.  
The main difficulty might come up from the application of the principle of the best techniques available: the application of techniques with lower emissions must be possible.

**SWEDEN:**

There is normally a public hearing.  
Anyway, the public opinion does not formally have to be taken into account.  
One of the difficulties to be solved is the widening of the integrated assessment scope to include energy efficiency requirements and consumption of raw material. This is dealt with in the Code that enters into force on 1 January 1999.

**UNITED KINGDOM:**

Yes, the public has to be consulted during the authorisation of industrial plants and public opinion has to be considered while granting the authorisation.  
The main difficulties might be:  
extent of involvement of local authorities  
application of further environmental considerations to installations. Such matters as energy efficiency, noise, waste minimisation and accident prevention are not taken into account under GB Integrated Pollution Control System.

### 3.II. Questions about EIA procedures

#### EIA approaches

<b>1. What approaches have been used for implementing the projects listed in Annex II of Community directive 85/337/EEC on the assessment of the environmental impact of certain public and private projects? (General criteria, case by case, thresholds). In those cases where thresholds/criteria have been adopted, list the kinds of projects and the respective thresholds/criteria in the following table.</b> <b>2. How many EIA projects were carried out?</b> <b>3. Are the following phases parts of EIA procedures? (screening, scoping, monitoring)</b> <b>4. Which authorities are consulted during the EIA procedure ?</b>												
	Aus	B	Dk	Fin	Fr	Ger	Gr	I	Ire	Nl	Swe	UK
<i>General criteria</i>			*		*	*	*	*		*	*	*
<i>Case by case</i>				*		*	*	*				*
<i>Thresholds</i>	*		*		*	*		*	*	*		*
<i>N° of EIA projects</i>	20/y	15/y	14/y	20/y	5000/y	N.A.		30/y	80/y	80/y	500-1000/y	300/y
<i>Use Screening</i>		Yes (10 days)	Yes (1 month)	Yes(1-2 month)		Yes	Yes				Yes	
<i>Use Scoping</i>	Yes(3-6 months)	Yes (1 month)	Yes (3 month)	Yes(2-3 month)			Yes				Yes	
<i>Use Monitoring</i>		Yes(4-6 months)						Yes				

#### Answers:

##### AUSTRIA:

The threshold approach is the adopted one (annex is enclosed)

From July 1994-December 1996 55 EIA procedures and 29 public participation procedures according to the EIA Act started. 1997 figures are not available yet.

The scoping is a part of the EIA procedure, which lasts in average from 3-6 months.

The Provincial Government is in most cases the single licensing authority, but all authorities that have to be consulted according to the respective laws take part in the EIA procedure. The Environmental Ombudsman and the affected communities are parties in the procedure and are involved in several stages of the EIA procedure.

##### BELGIUM (BRUXELLES REGION):

In 1994: 7

1995: 14

1996: 18

1997: 14

The procedural phases are the following ones: screening and it lasts 10 days, scoping which lasts 1 month and monitoring with the duration from 4-6 months.

The authorities consulted during the EIA procedure are: municipalities on local level, urban development, administration in charge of environments and sites, service in charge of mobility, public highways and public transport.

##### DENMARK:

For implementation of the projects listed in Annex II of the Community directive general criteria and thresholds were adopted. An enclosed copy of publication lists the kinds of projects and the respective criteria/threshold.

The EIA projects carried out are:

1995: n°10

1996: n°10

1997: n°21

Screening and scoping are part of the procedural phase of EIA which last in average 1 and 3 months respectively.

When the regional planning authority adopts proposal for a regional plan supplement with an environmental impact statement, the relevant state and local authorities must be consulted about the project simultaneously with publication.

##### FINLAND:

For implementation of the projects listed in Annex II of the Community directive case by case criteria were adopted.

The EIA projects also covered by the IPPC Directive are:

1995: n°9

1996: n°23

1997: n°21

Screening and scoping are part of the procedural phase of EIA which last in average 1-2 and 2-3 months respectively.  
Environmental and land-use planning authorities are consulted at local, regional and national level.

**FRANCE:**

For implementation of the projects listed in Annex II of the Community directive general criteria and thresholds were adopted.  
An enclosed copy of publication lists the kinds of projects and the respective criteria/threshold.

In 1996 about 5000 EIA projects were carried out.

The phases indicated do not present part of EIA procedures.

All relevant authorities are consulted, such as.

Environmental, equipment, agricultural and industrial.

Relevant municipal authorities are also consulted.

**GERMANY:**

General criteria and case by case approaches are used for infrastructure projects. For what concerns the industrial projects, the threshold approach is the adopted one (annex is enclosed)

The n° of the projects carried out is under competence of the individual states, so no definite general number is available.

The screening is a part of the procedure of EIA for industrial projects.

The same authorities as for IPPC projects.

**GREECE:**

The Community Directive 85/337/EEC on EIA has to be implemented for almost all the projects listed in Annex II of the Directive. Only few small-scale projects are excepted from the EIA procedure by a case by case approach.

The n° of EIA projects that took authorisation are:

-1994: 349 for industrial projects and 344 for the other projects of the annexes I and II of the Dir 85/337/E.C.; in total 693.

-1995: 340 for industrial projects and 387 for the other projects of the annexes I and II of the Dir 85/337/E.C.; in total 727.

-1996: 181 for industrial projects and 544 for the other projects of the annexes I and II of the Dir 85/337/E.C.; in total 725.

-1997: 187 for industrial projects and 631 for the other projects of the annexes I and II of the Dir 85/337/E.C.; in total 818.

We have to mention that the n° of EIA projects carried out every year is different from the n° of the EIA projects that take authorisation every year. For example, in 1997 the n° of EIAs carried out was for industrial projects 325 and for the other projects 1055. On the other hand, the n° of EIA projects that took authorisation was 187 for industrial projects and 631 for the other projects. All the numbers mentioned above refer to the EIA procedures carried out only in the central environmental authorities.

Screening and scoping are parts of the EIA procedures as parts of the location pre-approval procedure.

No formal monitoring procedure exists in the EIA procedures. It only exists occasionally or in very few large-scale installations which have a self-monitoring system.

**IRELAND:**

For the implementation of the projects listed in Annex II thresholds set by law were used. The projects are listed in an attachment.

The EIA projects carried out were:

1989: 41

1990: 69

1991: 83

1992: 83

1993: 71

1994: 83

1995: 95

1996: 107

1997: not available yet

None of the phases mentioned are formal aspects of the system, although they are all practised informally.

Authorities consulted are mainly land use planning authorities, although a wide consultation is encouraged.

**ITALY:**

Generally, the approaches used for implementing the Directive are case by case and thresholds.

Up to 1997 the n° of EIA projects carried out is 224 national and 1039 regional or provincial projects.

Monitoring is a part of EIA procedures.

Authorities consulted during EIA procedures are Regional authorities and the Ministry for Cultural Patrimony.

**THE NETHERLANDS:**

For implementation of the projects listed in Annex II of the Community directive general criteria and thresholds were adopted.

An enclosed copy of publication lists the kinds of projects and the respective criteria/threshold.

The EIA projects carried out are:

1988: 40

1989: 50

1990: 65

1991: 65

1992: 80  
1993: 100  
1994: 80  
1995: 90  
1996: 95  
1997: 90

In general about 50-55% of the above numbers is for EIA permits.

It takes 6 weeks for the screening and 13 weeks for scoping. The monitoring time is project dependent.

The competent authority consults the inspectorate of the environment and the provincial directorate of nature protection.

Other authorities (provincial, local and sector) are consulted as far as they are involved on a legal/formal or regular basis in the decision-making procedures.

#### **SWEDEN:**

Every project application must be followed by an EIA document. The EIA regulation in itself is a part of the total application for a license under the Environment Protection Act.

The n° of EIA projects has increased over the last years and is now estimated to 500-1000 projects/year.

The present Swedish system is very informal in terms of procedural requirements. In this sense, in order to comply with the new EIA directive (97/11/EG) there is proposal for new environmental legislation which tightens up the procedural requirements.

Since the EIA procedure is integrated with the permit one, the authorities involved are the same as for IPPC projects. The new Code that enters into force on January 1999, contains a new EIA procedure that meets the requirements of the Directive.

#### **UNITED KINGDOM:**

U.K. uses all three approaches.

*General criteria are:*

- more than local importance; or
- particularly sensitive location; or
- particularly complex environmental effects.

*Indicative thresholds are specified for each of the following categories:*

- agriculture
- extractive industry
- surface storage
- wind generators
- manufacturing industry
- chemical industry
- industrial estate development projects
- urban development projects
- local roads
- construction of harbour of marina
- airport
- long distance aqueducts
- motorway service areas
- coast protection works
- other infrastructure projects
- sites for depositing sludge (sewage sludge lagoons)
- waste disposal
- Wastewater treatment plants (works)

An approximate n° of EIA project is 300 per year, of which less than 25% also require an authorisation under IPPC.

During the screening phase the competent authority must decide whether EA is necessary: the local authority has 3 weeks to decide and the Secretary of State the same period or as long as the project requires.

During the scoping phase developers are encouraged to consult the relevant competent authority about the scope of the Environmental Statement; there is no time limit.

Monitoring is not a phase of the authorisation procedure but there may be planning conditions attached to the permission which are legally enforceable requirements.

The authorities consulted during the EIA procedure vary according to the project: Environment Agency, English nature, Countryside Commission, English Heritage, health and Safety Executive, British Waterways Board, local amenity or conservation societies, Royal Society for the Protection of Birds etc.

The level of engagement of the competent authorities

<b>5. If you already have an integrated approach, how many competent authorities are involved and which benefits did the integrated approach bring? (1, 2-5, &gt;5)</b> <b>6. How many types of authorisation (e.g. for water, waste, air, nature ...) need to be granted currently before a new industrial plant can be start operation? (1, 2-5, &gt;5)</b> <b>7. How long does it take to obtain authorisation for an industrial plant project (on average)? (1-6, 6-12, &gt;12 months; just answer if you have not already given the information (also EIA relevant) in the section concerning IPPC)</b>												
	Aus	B	Dk	Fin	Fr	Ger	Gr	I	Ire	Nl	Swe	UK
<i>N° of competent auth.</i>	1	1		2-5	1	6-10		3	1	2	>5	1
<i>N° of type of auth.</i>	2-5	1		2-5	1	2			1	2	1-2	1
<i>Time for obtain auth.</i>	>1 y	1-12m.	6-12 m	6-12 m	>6 m.	7 m.	4-12 m	>1 y	6-12m.	1-6 m.	6-12m.	4 m.

Answers:

#### **AUSTRIA:**

In most cases one competent authority is involved, and from 2-5 competent authorities are involved in EIA projects for federal roads and high speed railway projects.

The benefits are the following: better co-ordination of experts in the assessment of all project impact, more regard to shifts of pollution and cumulative impacts, better co-operation of experts and better co-ordination of permit conditions.

The Provincial Government needs one type of authorisation in case of single permit. For Federal roads and high speed motorways from 2-5 permits are required. It takes more than 1 year to obtain an authorisation for an industrial plant project.

#### **BELGIUM (BRUXELLES REGION):**

The authorities involved, the types of authorisations and the time for receiving the authorisations are identical as for IPPC projects.

#### **DENMARK:**

The number of the competent authorities depends on the kind of project.

It takes nearly a year to obtain authorisation for an industrial plant project.

#### **FINLAND:**

In the case of Industrial projects from 2-5 authorities are involved with the main benefit to improve the contact among them.

From two to five types of authorisations need to be granted for any new industrial project: one concerning the air pollution and the other one is water discharge authorisation.

It takes about 6-12 months to obtain the authorisations.

#### **FRANCE:**

The questions 5-7 have the same procedures as for IPPC projects.

#### **GERMANY:**

In the case of Industrial projects from 6-10 authorities are involved with the main benefit to improve the contact among them.

#### **GREECE:**

There is not yet a formal integrated approach procedure.

During the environmental permit procedure, all the appropriate licences for the disposal of all kind of waste (water, air, etc.) need to be granted.

It takes from 4 months to 1 year, depending on the amount of the existing work or the available personnel.

#### **IRELAND:**

One competent authority is involved and only one permit needs to be granted before the new industrial plants can start operating (land use permit)

It takes from 6 months to 1 year to obtain the permit.

#### **ITALY:**

There is no integrated approach yet.

More than five permits are required for any new industrial plant.

It takes more than a year to obtain authorisations.

#### **THE NETHERLANDS:**

Two or more authorities are involved in the integrated approach.

At least the building permit and the environmental permit need to be granted, other types may be required depending on the case

It takes from 1-6 months to obtain the authorisations.

**SWEDEN:**

More than five authorities are involved.

Normally one authority concerning IPPC projects and in some cases two.

It takes 6 months – 1 year.

**UNITED KINGDOM:**

Planning permission is needed for all new developments. Other types of authorisation may be needed (eg IPPC) depending on the type of plant.

Planning permission for projects which are subject to EIA has a 16 week target but EIA projects often take longer than this.

Other authorisation could take longer and can be sought at the same time or after planning permission.

## Difficulties

<b>8. What possible difficulties may arise during the implementation of EIA procedures in accordance with Community directive 97/11/EC ?</b>	
	<i>Difficulties</i>
Aus	How to use Annex III to implement Annex II projects
B	
Dk	No particular difficulties
Fin	No particular difficulties
Fr	Implementation of scoping
Ger	How to treat Annex II projects, how to implement Annex III, relation between IPPC projects and EIA directives.
Gr	No particular difficulties are expected
I	Major difficulties might derive from procedures co-ordination and from screening operations concerning projects for modification of the plants listed in Annex II. In any case, the approach to be followed should satisfy requisites for the transposition of the IPPC Directive 96/61/EC considering the transposition of the EIA Directives
Ire	No particular difficulties
NI	Implementation of Annex II with Annex III, relation between IPPC projects and EIA directives.
Swe	Settle what “significant environmental impact” is, evaluate the impact on the environment, engage the public, and provide for sufficient administrative resource in each specific case.
UK	Competent authority must make and publicise a decision on whether EA is required in every case. Competent authorities may never know about some small developments or changes to them.

Answers:**AUSTRIA:**

The possible difficulties are:

how to use Annex III to implement Annex II projects, especially when using thresholds

combination of thresholds and sensitive areas

clarification of terms in Annexes

**DENMARK:**

No particular difficulties.

**FINLAND:**

No particular difficulties are envisaged at this stage.

**FRANCE:**

The main difficulty might arise from the implementation of scoping.

**GERMANY:**

The main difficulty arises from the harmonisation of EIA and IPPC, for example:

shall all IPPC-projects be subject to EIA (e.g. Power stations from 50 MW) and vice versa (IPPC for breweries); and

specific EIA problems like:

how to treat Annex II projects?

how to implement Annex III?



**GREECE:**

No particular difficulties are expected.

**IRELAND:**

The community directive has yet to be transposed into National law. No particular difficulties are envisaged at this stage.

**ITALY:**

Major difficulties might derive from procedures co-ordination and from screening operations concerning projects for modification of the plants listed in Annex II.

In any case, the approach to be followed should satisfy requisites for the transposition of the IPPC Directive 96/61/EC considering the transposition of the EIA Directives.

**THE NETHERLANDS:**

The implementation of Annex II with Annex III criteria will require a new definition of the thresholds for the screening of the Annex II cases in order to select the EIA relevant cases.

The differences between the IPPC and EIA directives in goals and field of application should also be found in the different thresholds and sometimes description of activities.

**SWEDEN:**

The possible difficulties are:

to settle what "significant environmental impact" is

to evaluate the impact on the environment

to engage the public

to provide for sufficient administrative resources in each specific case.

**UNITED KINGDOM:**

The fact that the competent authority must make and publicise a decision on whether EA is required in every case. Competent authorities may never know about some small developments or changes to them.

### 3.III. Questions about the Environmental Management and Audit Scheme (EMAS)

#### EMAS - registered sites

<b>1. How many industrial sites are registered in accordance with EEC regulation 1836/93 concerning the voluntary participation of industrial companies in a Community Environmental Management and Audit System ?</b>												
	Aus	B	Dk	Fin	Fr	Ger	Gr	I	Ire	Nl	Swe	UK
<i>N° of industrial sites</i>	92		36	None	11	850	None	None	3	16	120	42

#### Answers:

**AUSTRIA:** 92 registered sites + 2 in extended sector

**DENMARK:** 36

**FINLAND:** 14

**FRANCE:** 11

**GERMANY:** around 850

**GREECE:** None yet because the regulation is not yet implemented

**IRELAND:** 3, but many more expected in next 2 years

**ITALY:** None

**THE NETHERLANDS:** 16

**SWEDEN:** 120 sites

**UNITED KINGDOM:** 42

#### EMAS - designed bodies

<b>2. Which body has been designated responsible, in accordance with art.18 of EEC regulation 1836/93, for the registration of sites and the publication of the respective lists ?</b>	
	<i>Body designated for registration and publication of lists</i>
Aus	The Federal Environmental Agency
B	The Brussels Institute for environmental Management
Dk	The Danish EPA
Fin	The Finnish Environment Institute
Fr	The Ministry for Spatial Planning and Environment
Ger	83 Chambers of commerce and 58 Chambers of Craftsmen
Gr	The Ministry of Environment, Physical Planning and Public Works
I	The Committee for Eco audit and Eco label in force since 2/8/95
Ire	The National Accreditation Board
Nl	The Dutch Association for the Co-ordination of Certification of Environmental Management Systems
Swe	The Swedish EMAS Council
UK	The Institute of Environmental Assessment

#### Answers:

**AUSTRIA:** The Federal Environmental Agency

**BELGIUM (BRUXELLES REGION):** The Brussels Institute for Environmental Management

**DENMARK:** The Danish EPA

**FINLAND:** The Finnish Environment Institute

**FRANCE:** The Ministry for Spatial Planning and Environment

**GERMANY:** 83 Chambers of Commerce and 58 Chambers of Craftsmen (small enterprises)

**GREECE:** The Ministry of Environment, Physical Planning and Public Works.

**IRELAND:** The National Accreditation Board

**ITALY:** The Committee for Eco audit and Eco label in force since 2/8/95

**THE NETHERLANDS:** The Dutch Association for the Co-ordination of Certification of Environmental Management Systems

**SWEDEN:** The Swedish EMAS Council

**UNITED KINGDOM:** The Institute of Environmental Assessment.

### EMAS - Simplifications for the authorisation

<b>3. Are any simplifications envisaged for the authorisation and/or controls of those permits granted to sites registered in accordance with EEC regulation 1836/93 ? Yes/No. If yes, indicate which ones.</b>												
	Aus	B	Dk	Fin	Fr	Ger	Gr	I	Ire	Nl	Swe	UK
<i>Simplification for authorisation</i>	No	No	Yes	No	No	Yes	No	No	Yes	Yes	No	No

#### Answers:

**AUSTRIA:** There is no simplification envisaged for the authorisation or controls..

**BELGIUM (BRUXELLES REGION):** There are not yet simplifications envisaged for the authorisation or controls.

**DENMARK:** There are no simplifications, but there is 50% reduction of the payment for public control and permissions.

**FINLAND:** There are no simplifications envisaged for the authorisation and control of the permits.

**FRANCE:** There are no simplifications envisaged for the authorisation and control of the permits.

**GERMANY:** There are some simplifications already introduced concerning the permitting procedure (content of applications), others are being discussed

**GREECE:** There are no simplifications envisaged for the authorisation and control of the permits yet.

**IRELAND:** There is an elimination of the audit currently required as part of the IPC permit enforcement system with a resultant reduction in annual charge. This privilege will be revoked if monitoring or complaints indicate problems.

**ITALY:** No, there are no simplifications yet.

**THE NETHERLANDS:** Taking EMAS as a starting point, a so-called "outline" licence may be issued, containing significantly fewer regulations, this licence is written at the level of objectives and parameters within which the company itself determines how to comply with them. As the way the company translates the objectives into its primary process is no longer part of the licence, a wide variety of procedures can be dispensed with. As the company controls and reports on its archives, enforcement can be placed more on reports and focused more on the outline. The frequency (not the intensity) of checking can also be cut significantly (see enclosed Annex III)

**SWEDEN:** There are not yet simplifications but here is an ongoing discussion how to co-ordinate EMAS on one side and the supervision by the authorities and the self-monitoring by the industrial companies on other side.

**UNITED KINGDOM:** we are in discussion with the Environment Agency to work towards this, but no such simplifications are in force yet.

## Difficulties

<b>4. What problems may arise in connecting authorisation procedures for industrial companies with the system envisaged in EEC regulation 1836/93 ?</b>	
	<i>Difficulties</i>
Aus	Usually the companies that take part in EMAS have more and better data available on environmental issues and are more conscious of the environmental problems. Also the companies want benefits from the participation EMAS like less monitoring and inspections or facilitation in the authorisation of changes in the site.
B	
Dk	No problems
Fin	No problems
Fr	No problems
Ger	a) Permitting: The control elements of EMAS only ensure ex post control. However, it should be possible to remove some control elements (for ex. Checking compliance with BAT) from the permitting procedure b) Agency inspections of installations situated on an audited site can be exempt with respect to EMAS-registered sites as appropriate.
Gr	A lot of industrial companies might be reluctant to implement the scheme.
I	a) Benefits and simplifications are not established yet b) Still, there is no fully operative system for accredited verifiers.
Ire	One possible problem encountered is the audit report under 1836/93 that has been less available than under IPCC.
NI	No problems
Swe	You would have to take into account that they are two parallel systems that don't contradict each other, it is important to ensure that permit conditions do not hinder development accordingly to EMAS
UK	Standards of compliance with environmental legislation may pose problems.

### Answers:

**AUSTRIA:** Usually the companies that take part in EMAS have more and better data available on environmental issues and are more conscious of the environmental problems. Also the companies want benefits from the participation EMAS like less monitoring and inspections or facilitation in the authorisation of changes in the site.

**DENMARK:** No problems are experienced so far.

**FINLAND:** No problems are experienced so far.

**FRANCE:** No problems are experienced so far.

### **GERMANY:**

- a) Permitting: The control elements of EMAS only ensure ex post control. However, it should be possible to remove some control elements (for ex. Checking compliance with BAT) from the permitting procedure
- b) Agency inspections of installations situated on an audited site can be exempt with respect to EMAS-registered sites as appropriate.

**GREECE:** There was no previous relevant national system and for this, a lot of industrial companies might be reluctant to implement it.

### **IRELAND:**

There is generally good harmony between the I.P.P.C. permitting process and E.M.A.S.

### **ITALY:**

Benefits and simplifications are not established yet  
Still, there is no fully operative system for accredited verifiers.

**SWEDEN:** You would have to take into account that they are two parallel systems that don't contradict each other, it is important to ensure that permit conditions do not hinder development accordingly to EMAS.

### **THE NETHERLANDS:**

No problems are experienced so far.

### **UNITED KINGDOM:**

Standards of compliance with environmental legislation may pose problems.

### 3.IV. Questions about the “Seveso” Directive

#### Major categories of industrial installation

1. Which are the major categories of industrial installations in your country included in the scope of both IPPC and Seveso Directives?	
	<i>Major categories of industrial installation</i>
Aus	Chemical industry, LPG (liquid-petroleum-gas) storage, Cooling systems (ammonia), Production of explosives, Storage of flammable liquids.
B	Storage of Butane and Propane
Dk	
Fin	Basic industrial chemical use, Refineries and Chemical forest industrial
Fr	Energy and Chemical industries
Ger	In their view 85/501/CEE already cover most of the 96/61/CE installations. Exception: some storage facilities covered by 85/501 and by national law (see Annex II of 85/501 and 4 <sup>th</sup> regulation as well s 12 <sup>th</sup> regulation to Clean Air Act) but not by IPPC.
Gr	Refineries, Chemical Industry, Storage of Pesticides, LPG (liquid - petroleum - gas) Storage, Cooling Systems (ammonia)
I	Liquid Petroleum Gas sites, Refineries and petrol Chemistry, Storage of flammable and toxic liquids, Storage of pesticides
Ire	Liquid Petroleum Gas sites (7); Chemical manufacture (9); Refinery (1); Chemical storage (20); in total 20 industrial installations.
NI	Refineries; Tank storage sites; LPG, propane and butane tank storage sites; Chlorine production; Pesticides production and storage; Fertiliser industry; Bulk chemicals production; Storage of packed chemicals; Other chemical industry
Swe	Refineries; Petrochemical industry and other chemical industry; Production and Processing of metals; Wood impregnating plants; Storage of petroleum products including ports.
UK	Chemical industry; Production and <processing of metals; Energy, Minerals and Waste.

#### Answers:

**AUSTRIA:** The major categories are : Chemical industry, LPG (liquid-petroleum-gas) storage, Cooling systems (ammonia), Production of explosives, Storage of flammable liquids.

**BELGIUM (BRUXELLES REGION):** The major categories are the Storage of Butane and Propane

**Remark:** In Brussels there's no specific regulation concerning the implementation for the Seveso Directive, In fact, the regulation concerning the environmental permit is applied.

**FINLAND:** The major categories are Basic industrial chemical use, Refineries and Chemical forest industrial; in total 50 industrial installations

**FRANCE:** The major categories are Energy and Chemical industries. Both directives are implemented in France by a single law: Law of July 19, 1976 on classified installations for the protection of the environment.

**GERMANY:** In their view 85/501/CEE already cover most of the 96/61/CE installations. Exception: some storage facilities covered by 85/501 and by national law (see Annex II of 85/501 and 4<sup>th</sup> regulation as well s 12<sup>th</sup> regulation to Clean Air Act) but not by IPPC.

**GREECE:** The major categories are: Refineries, Chemical Industry, Storage of Pesticides, LPG (liquid - petroleum - gas) Storage, Cooling Systems (ammonia); in total 52 industrial installations.

**IRELAND:** The major categories are: Liquid Petroleum Gas sites (7); Chemical manufacture (9); Refinery (1); Chemical storage (20); in total 20 industrial installations.

**ITALY:** The mayor categories are: Liquid Petroleum Gas sites, Refineries and petrol Chemistry, Storage of flammable and toxic liquids, Storage of pesticides.

**SWEDEN:** The major categories are: Refineries; Petrochemical industry and other chemical industry; Production and Processing of metals; Wood impregnating plants; Storage of petroleum products including ports.

**THE NETHERLANDS:** The establishments included in the scope of Directive 82/501/CEE can be distinguished into the following major categories:

- Refineries
- Tank storage sites
- LPG, propane and butane tank storage sites
- Chlorine production
- Pesticides production and storage
- Fertiliser industry
- Bulk chemicals production
- Storage of packed chemicals
- Other chemical industry

**UNITED KINGDOM:** The major categories are: Chemical industry; Production and <processing of metals; Energy, Minerals and Waste.

## Competent authorities

<b>2. How many competent authorities of Seveso Directive do you have? (Please indicate them)</b>												
	Aus	B	Dk	Fin	Fr	Ger	Gr	I	Ire	Nl	Swe	UK
N° of competent authorities	Several	1		Several	1		6	Several	3	Several	4	1
	<i>Competent authorities of Seveso Directive</i>											
Aus	Ministry for Economic Affairs, Ministry for Environment, Youth and Family Affairs, and Provincial/District Authorities											
B	The Brussels Institute for Environmental Management											
Dk												
Fin	Safety Technology Authority, Ministry of Health and Social, Labour Protection Districts and Fire Department											
Fr	Prefect with inspectors in the Regional Direction of Industry, Research and Environment (DRIRE)											
Ger	The authorities are under states' competence and of different levels											
Gr	Ministry of Environment Physical Planning and Public Works, Ministry of Industry, Ministry of Health, Ministry of Labour, Fire Brigade, General Secretariat of Civil Protection and the Prefectures											
I	The competent authority is the Ministry of Environment. Other authorities involved are: Ministry of International Affairs, Ministry of Industry, Ministry of Health, Regions, ANPA, ARPAs, Fire Brigades' regional technical committee, Department of Civil Protection, Prefectures, Mayors											
Ire	County Council (Fire authority and Planning authority); Health Board (Ambulance authority); Garda Siochana (Police authority)											
Nl	Local authorities (nearly 600); Regional authorities (12); National authority: Labour Inspectorate of the Ministry of Social Affairs and Employment											
Swe	Swedish EPA; Swedish National Board of Occupational safety and Health; National Inspectorate of explosives and flammables; Swedish rescue Service Board, Regional and local authorities.											
UK	The UK only has one authority for the Seveso consent but that authority is different depending on which part of the UK the project take place: in GB the authority is <i>Health and Safety Executive</i> , in Northern Ireland the authority is <i>Northern Ireland Health and Safety Agency</i>											

### Answers:

**AUSTRIA:** The competent authorities are: Ministry for Economic Affairs, Ministry for Environment, Youth and Family Affairs, and Provincial/District Authorities

**BELGIUM (BRUXELLES REGION):** The Brussels Institute for Environmental Management

**FINLAND:** There are three sectors depending on the subject:  
chemical issues belong to the Safety Technology Authority;  
labour protection belong to the Ministry of Health and Social and the Labour Protection districts;  
fire dangers issues belong to the Local Fire Department

**FRANCE:** There is one competent authority : the Prefect with inspectors in the Regional Direction of Industry, Research and Environment (DRIRE)

**GERMANY:** The authorities are under states' competence and of different levels: specialised authorities, lower and higher general administration authorities, and authorities in charge of general environmental affairs

**GREECE:** The competent authorities are: Ministry of Environment Physical Planning and Public Works, Ministry of Industry, Ministry of Health, Ministry of Labour, Fire Brigade, General Secretariat of Civil Protection and the Prefectures.

**IRELAND:** There are three competent authorities for off site emergency planning; County Council (Fire authority and Planning authority); Health Board (Ambulance authority); Garda Siochana (Police authority)

**ITALY:** The competent authority is the Ministry of Environment. Other authorities involved are:  
Ministry of International Affairs  
Ministry of Industry  
Ministry of Health  
Regions  
ANPA (National Environmental Protection Agency)  
ARPAs (Regional Environmental Protection Agencies)  
Fire Brigades' regional technical committee  
Department of Civil Protection  
Prefectures  
Mayors

**SWEDEN:** Four central authorities: Swedish EPA; Swedish National Board of Occupational safety and Health; National Inspectorate of explosives and flammables; Swedish Rescue Service Board. Several local and regional authorities are involved as well:  
11 labour inspectorates  
23 County Administrative Boards  
288 local environmental authorities  
288 rescue service authorities  
288 local housing authorities  
73 Police authorities regarding explosives

#### **THE NETHERLANDS:**

A. Local authorities (nearly 600): 1. Municipal Executive (a. Environmental Management Act License for approximately 250-300 establishments; b. Information to the public (preventively)); 2. Mayor (a. External emergency plans; b. Information to the public when a major accident has occurred).  
B. Regional authorities (12): Provincial Executive (Environmental Management Act License for establishments that produce significant hazards);  
C. National authorities: Labour Inspectorate of the Ministry of Social Affairs and Employment (conditions on the basis of the Working Conditions Act).

**UNITED KINGDOM:** There are: Health and Safety Executive for GB and Northern Ireland Health and Safety Agency.

<b>3. Are/is these/this competent authorities(s) involved in other authorisation procedure? (please indicate them)</b>	
	<i>Competent authorities involved in other auth. procedure</i>
Aus	Provincial/District Authorities for the building permits and/or permits for industrial installation or waste management plants Ministry for Economic affairs for the appeals against provincial authorities decisions concerning industrial installations Ministry for Environment for the appeals against provincial authorities decisions concerning waste management installations
B	The Brussels Institute for Environmental Monitoring and the Fire Brigade Dept.
Dk	
Fin	Safety Technology Authority may be consulted in other earlier mentioned authorisation procedures.

Fr	Another competent authority is the mayor involved in the authorisation procedure for the building licence
Ger	There are other competent authorities involved in all other authorisation procedures concerning industrial projects
Gr	Almost all authorities already listed (question n° 2) are involved in other authorisation procedures.
I	Almost all authorities already listed (question n°2) are involved in other authorisation procedures
Ire	The County Council is involved in the authorisation of the land use planning procedure
NI	Provincial Executive and Municipal Executive (by delegation) authorities are involved in License prescribed by Pollution of Surface Waters Act
Swe	Labour inspectorates, Swedish national Board of Occupational Safety and Health, National Inspectorate of explosives and flammables, Local housing authorities, Swedish EPA, County Administrative Boards, Local environmental authorities.
UK	Health and Safety Executive for GB and Northern Ireland Health and Safety Agency

#### Answers:

**AUSTRIA:** The other authorities are:

Provincial/District Authorities for the building permits and/or permits for industrial installation or waste management plants  
Ministry for Economic affairs for the appeals against provincial authorities decisions concerning industrial installations  
Ministry for Environment for the appeals against provincial authorities decisions concerning waste management installations

**BELGIUM (BRUXELLES REGION):** The same authorities as for IPPC projects.

**FRANCE:** Another competent authority is the mayor involved in the authorisation procedure for the building licence

**GERMANY:** There are other competent authorities involved in all other authorisation procedures concerning industrial projects.

**GREECE:** Almost all authorities already listed (question n° 2: Ministry of Environment Physical Planning and Public Works, Ministry of Industry, Ministry of Health, Ministry of Labour, Fire Brigade, General Secretariat of Civil Protection and the Prefectures) are involved in other authorisation procedures.

**IRELAND:** The main authorities for Seveso is the Health and Safety Authority. The County Council is involved in the authorisation of the land use planning procedure.

**ITALY:** Almost all authorities already listed (Ministry of International Affairs, Ministry of Industry, Ministry of Health, Regions, ANPA and ARPAs - National and Regional Environmental Protection Agencies, Fire Brigades' regional technical committee, Department of Civil Protection, Prefectures, Mayors) are involved in other authorisation procedures.

#### **SWEDEN:**

Authorities	Other authorisation procedures
Labour inspectorates	Permits for use of carcinogens
Swedish national Board of Occupational Safety and Health	Permits for use of wood preservation agents
National Inspectorate of explosives and flammables	Permits for manufacturing of explosives
Local housing authorities	Permits for handling of flammables
Swedish EPA	IPPC permits
County Administrative Boards	IPPC permits
Local environmental authorities	IPPC permits

#### **THE NETHERLANDS:**

Authorities	Other authorisation procedures
Provincial Executive	License prescribed by Pollution of Surface Waters Act
Municipal Executive (by delegation)	Idem

**UNITED KINGDOM:** The authorities are: Health and Safety Executive for GB and Northern Ireland Health and Safety Agency.



## Procedures

<b>4. In the case of new installations which is the procedure for approval of notifications foreseen by Seveso Directive?</b> <b>Does it usually precede and condition the granting of other authorisations?</b> <b>Does the approval of notifications substitute other kind of permits?</b>	
	<i>Procedure for Approval</i>
Aus	The requirements of Directive 82/501 are an integrated part of the Trade and Industry Code system, but :do not condition other authorisations, do not substitute them and are not linked with a special approval. The evidence for meeting the Seveso-requirements is the safety report; it has to be sent to the authority well before the installation starts working. If the measures foreseen are not sufficient the authority (local or provincial) can forbid the installation to operate or fine the operator. In this context the Seveso notification is a stand-alone instrument that shifts the responsibilities to the operator
B	It is the Brussels Institute for Environmental Management to whom the notification should be sent to and this step precedes the granting of the other authorisations. The approval of notifications does not substitute any other kind of permit
Dk	
Fin	The approval of notifications is the EIA procedure. The approval of notifications does not substitute any other kind of permit
Fr	The approval of notification is included in the permit procedure that includes the following steps: Notification to the Prefect with all the elements for an application Approval Inquiry and consultation with impact assessment and risk assessment District health council Permit (Prefectoral order)
Ger	The usual procedure is: - Notification letter to the competent authority, - Involvement of other authorities by the competent authority, - Final decision on approval by the competent authority The approval of notification precedes and conditions the granting of other authorisations. As a rule, the approval of notifications does not substitute other kind of permits.
Gr	The usual procedure is: - Notification has to be sent to the competent authority (Ministry of Industry or Prefecture) - Involvement of other authorities for the evaluation of the notification - Final decision and approval by the competent authority. The approval of notification precedes and conditions the granting of other authorisations. The approval of notifications does not substitute other kind of permits
I	There is no single procedure for authorisation of new installations foreseen by the Directive 82/501/EC
Ire	There is no formal procedure for approval
NI	In the case of new installations there is no separate approval of notifications. The assessment of the notification is part of the license procedure. It does not precede and condition other authorisations except in the case of the license prescribed by the Environmental Management Act. The approval of notifications does not substitute other kind of permits.
Swe	There is no formal procedure for approval, it is integrated with the permit procedure and it does not substitute any other kind of permit
UK	All installations covered by legislation implementing the Directive have to be able to show they have identified major accident hazards related to their site and taken steps to prevent such accidents and limit their consequences for people and environment. Workers on site have to be provided with information and trained to ensure their safety. all major accidents have to be notified to the enforcing authority. For top sites, defined in Annex II to the Directive, a written safety report has to be sent to the competent authority at least 3 months before commencing the activity. Significant modifications also have to be notified. This does not usually precede and condition other authorisations or substitute other kinds of permits.

### Answers:

**AUSTRIA:** The requirements Directive 82/501 are an integrated part of the Trade and Industry Code system, but :do not condition other authorisations, do not substitute them and are not linked with a special approval.

The evidence for meeting the Seveso-requirements is the safety report; it has to be sent to the authority well before the installation starts working. If the measures foreseen are not sufficient the authority (local or provincial) can forbid the installation to operate or fine the operator. In this context the Seveso notification is a stand-alone instrument that shifts the responsibilities to the operator.

**BELGIUM (BRUXELLES REGION):** It is the Brussels Institute for Environmental Management to whom the notification should be sent to and this step precedes the granting of the other authorisations. The approval of notifications does not substitute any other kind of permit.

**FINLAND:** The approval of notifications is the EIA procedure. The approval of notifications does not substitute any other kind of permit. The scope of the permit/notification is wider and it is not the only procedure for implementation of the directive

**FRANCE:** The approval of notification is included in the permit procedure that includes the following steps:

Notification to the Prefect with all the elements for an application

Approval

Inquiry and consultation with impact assessment and risk assessment

District health council

Permit (Prefectoral order)

**GERMANY:** The usual procedure is:

- Notification letter to the competent authority,

- Involvement of other authorities by the competent authority,

- Final decision on approval by the competent authority

The approval of notification precedes and conditions the granting of other authorisations.

As a rule, the approval of notifications does not substitute other kind of permits.

**GREECE:** The usual procedure is:

- Notification has to be sent to the competent authority (Ministry of Industry or Prefecture)

- Involvement of other authorities for the evaluation of the notification

- Final decision and approval by the competent authority.

The approval of notification precedes and conditions the granting of other authorisations.

The approval of notifications does not substitute other kind of permits

**IRELAND:** There is no formal procedure for approval.

**ITALY:** There is no single procedure for authorisation of new installations foreseen by the Directive 82/501/EC.

Authorisations are under competence of:

- Provincial Fire Brigade Command for granting the fire prevention certificate

- Ministry of industry for the permit issue

- Mayor for the issue of conformity permit

The procedure for approval of the notifications precedes other authorisations and it does not substitute for other permits.

**SWEDEN:** There is no formal procedure for approval, it is integrated with the permit procedure and it does not substitute any other kind of permit.

**THE NETHERLANDS:** In the case of new installations there is no separate approval of notifications. The assessment of the notification is part of the license procedure.

It does not precede and condition other authorisations except in the case of the license prescribed by the Environmental Management Act.

The approval of notifications does not substitute other kind of permits.

**UNITED KINGDOM:** All installations covered by legislation implementing the Directive have to be able to show they have identified major accident hazards related to their site and taken steps to prevent such accidents and limit their consequences for people and environment. Workers on site have to be provided with information and trained to ensure their safety. all major accidents have to be notified to the enforcing authority.

For top sites, defined in Annex II to the Directive, a written safety report has to be sent to the competent authority at least 3 months before commencing the activity. Significant modifications also have to be notified.

This does not usually precede and condition other authorisations or substitute other kinds of permits.

<b>5. Does the notification have to be renewed periodically? (No, 1-3, 2-5, &gt;5 years)</b>												
	Aus	B	Dk	Fin	Fr	Ger	Gr	I	Ire	Nl	Swe	UK
<i>Notification renewed</i>	No	No		No	No	No	3	1-3	No	5	3	3

Answers:

**AUSTRIA:** No renewal of the notification, but periodically repetition of the environmental auditing (5 years).

**BELGIUM (BRUXELLES REGION):** No, the notification does not have to be renewed periodically.

**FINLAND:** No, the notification does not have to be renewed periodically.

**FRANCE:** No

**GERMANY:** No. But action has to be taken: in the case of modification of a project/installation applied for by the developer; in the case of “subsequent orders” by the authority.

**GREECE:** The notification has to be renewed every 3 years.

**IRELAND:** The notification does not have to be renewed, except in case of significant changes.

**ITALY:** The notification has to be renewed every 1-3 years.

**SWEDEN:** Yes, it has to be renewed every three years.

**THE NETHERLANDS:** The notification has to be renewed every 5 years, or so much earlier as is requested by the local or regional authority which grants the Environmental Management Act License (including external safety measures) or at the request of the Labour Inspectorate with regard to the internal safety.

**UNITED KINGDOM:** Safety reports have to be reviewed within 3 years.

## Controls

6. Which are the bodies competent for controls?	
	<i>Bodies competent for controls</i>
Aus	Provincial or local authorities
B	The Brussels Institute for Environmental Monitoring and the Municipalities
Dk	
Fin	Several: Safety Technology Authority, Labour Protection Districts, Local Fire Departments, Regional Environmental Centres, Municipalities and their Health Protection Authorities
Fr	Inspectors under the authority of the Prefect
Ger	Several
Gr	Ministries of Industry, Health, Labour and Environment; Fire Brigade.
I	National Body of Fire Brigades, National Agency for Environmental Protection, Superior Institute for Labour Prevention and Safety, Regions
Ire	Health and Safety authorities
NI	Municipal Executives, Provincial Authorities and the Labour Inspectorate.
Swe	Regional and local authorities
UK	The Health and Safety Executive Inspectors and Northern Ireland Health and Safety Executive Inspectors

### Answers:

**AUSTRIA:** Provincial or local authorities, and in certain cases self-controlling done by consultants supervised by the authorities are the bodies competent for controls.

**BELGIUM (BRUXELLES REGION):** Bodies competent for controls are: the Brussels Institute for Environmental Monitoring and the Municipalities.

**FINLAND:** Several: Safety Technology Authority, Labour Protection Districts, Local Fire Departments, Regional Environmental Centres, Municipalities and their Health Protection Authorities

**FRANCE:** Inspectors under the authority of the Prefect: the same inspector control IPPC permit and SEVESO obligations.

**GERMANY:** The same as answered previously for question IV.2

**GREECE:** Bodies competent for the controls are the Ministries of Industry, Health, Labour and Environment and also Fire Brigade.

**IRELAND:** Bodies competent for the controls are the Health and Safety authorities.

**ITALY:** Bodies competent for the controls are: National Body of Fire Brigades, National Agency for Environmental Protection, Superior Institute for Labour Prevention and Safety, Regions.

**SWEDEN:** Bodies competent for the controls are the following regional and local authorities:

11 labour inspectorates

23 County Administrative Boards

288 local environmental authorities

288 rescue service authorities

288 local housing authorities

73 Police authorities regarding explosives

**THE NETHERLANDS:** The competent bodies for control are: Municipal Executives, Provincial Authorities and the Labour Inspectorate.

**UNITED KINGDOM:** Bodies competent for the controls are the Health and Safety Executive Inspectors and Northern Ireland Health and Safety Executive Inspectors.