

## IED PERMITTING TERMS OF REFERENCE

### 1. Project details

<b>Name of project</b>	<i>Industrial Emissions Directive (IED)- the transition to IED Permits and how to deal with substantial change at a permitted facility</i>
<b>Date of version</b>	2012 – 29 -02

### 2. Scope

<b>2.1. Background</b>	<p>On 6 January 2011 the Industrial Emissions Directive entered into force, and its provisions listed in Article 80(1) have to be transposed into national law within two years.</p> <p>Under the IED it is possible that for many industrial sectors reviews of existing permits will be required in order to address the requirements of the BAT Conclusions in the relevant BREF (Article 3(11) and 3(12)).</p> <p>Under existing Directives, Member States implement various systems to deal with changes taking place at facilities. These changes are made to permits in various formats and guises including, agreed changes to Permits, variations to Permits, Technical Amendments to Permits and so on.</p> <p>Article 20 of the IED deals with changes by operators to installations and Article 63 deals with Substantial Change to existing installations. These provisions will require a new approach by Member States in how to decide if a full review of a Permit is required or is a more informal change approval system is adopted.</p>
<b>2.2 Directive/Regulation/ Decision</b>	IED: DIRECTIVE 2010/75/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (Recast).
<b>2.3 Article and description</b>	Article 80(1) (general implementation) Article 3(11) and 3(12) (the BAT Reference document (BREF) and the BAT Conclusions).
<b>2.4 Link to the 6<sup>th</sup> EAP</b>	Article 3 of the “Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002 laying down the Sixth Community Environment Action Programme” states: ‘promotion of improved standards of permitting, inspection, monitoring and enforcement by Member States; — a more systematic review of the application of environmental legislation across the Member States’.
<b>2.6 Objective (s)</b>	<p>To organise an exercise for Member States (MS), which will focus on the changing requirements for the development of Permits under the new provision of the IED. The key questions will be: “How will IED Permits differ from the types of permits currently being prepared by Member State Regulators?” (under IPPC, LCP, WID, etc), and “How are we to deal with substantial changes to permitted facilities?”</p> <ul style="list-style-type: none"> <li>• Ireland will prepare an ‘imaginary’ permittable scenario.</li> <li>• This scenario will cover a previously permitted facility (IPPC, WID &amp; LCP) and this facility will now, on foot of a proposed substantial change, be required to seek a permit (review) under IED.</li> <li>• The Lead MS will prepare the scenario.</li> <li>• The Lead MS will present the problem as a proposal for a substantial change and will confront the MS regulator with the question as to whether this change / substantial change requires the facility to seek an IED Permit or reviewed Permit.</li> <li>• The Lead MS will prepare the IED Permit application. The permittable scenario will be kept simple but will be based on a BREF document finalised under the IED with BAT Conclusions.</li> <li>• The participant MS Regulator will outline his/her rationale on how the “substantial change” problem was addressed.</li> <li>• The participant MS Regulator will then (in advance of a Workshop in Ireland in 2012) prepare the IED Permit and submit it to the Lead MS.</li> <li>• All the Substantial Change rationale statements and all of the drafted IED Permits will be cross-circulated to all participant MS.</li> <li>• A workshop in Ireland in mid 2012 will provide a 2 day examination of the rationale</li> </ul>

	<p>positions adopted by the participant MS Regulators on the substantial change issue and the drafted IED Permits will be analysed so that a ‘best-practice’ for IED permitting can be proposed.</p> <ul style="list-style-type: none"> <li>• A final report will be presented to IMPEL and subsequently published.</li> </ul>
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### 3. Structure of the project

<b>3.1 Activities</b>	<p>In 2012:</p> <ul style="list-style-type: none"> <li>• Formation of a project group (internally in Lead MS) after the approval by IMPEL</li> <li>• Scenario circulated to all MS in March 2012.</li> <li>• All necessary information will be circulated by email &amp; web facilities.</li> <li>• Interested MS to ‘sign-up’ by mid April 2012.</li> <li>• Rational on substantial change and draft IED Permit to be submitted to the Lead MS by end May 2012.</li> <li>• Workshop in Ireland in Mid July 2012</li> <li>• Report to IMPEL by mid October 2012</li> </ul>
<b>3.2 Product(s)</b>	<ul style="list-style-type: none"> <li>• Report on the exercise on how to deal with the substantial change under the IED provisions, and how a Permit should look under the IED provisions.</li> </ul>
<b>3.3 Planning (Milestones)</b>	See under “Activities”

### 4. Organization

<b>4.1 Lead</b>	Ireland
<b>4.2 Project team</b>	All from Ireland – no inter MS meetings in advance of the Workshop
<b>4.3 Participants</b>	All MS Permitting workers

### 5. Quality review

<p>Quality review by Core Team and Cluster 1</p> <ul style="list-style-type: none"> <li>– Discussion in Cluster 1 in spring 2012 on progress report. Mid-year 2012 General Assembly will be informed.</li> <li>– Workshop at the IMPEL conference with international experts in this field</li> <li>– Close cooperation with responsible Commission desk officers</li> <li>– Discussion in Cluster 1 in autumn 2012 on final draft reports.</li> </ul>
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### 6. Communications

<b>6.1 Dissemination of results</b>	Report published on the IMPEL web-site and submitted to the authorities in the Member States and to the EU institutions.
<b>6.2 Main target groups</b>	<ul style="list-style-type: none"> <li>▲ IMPEL member countries</li> <li>▲ Competent authorities on IED permitting</li> <li>▲ Potential candidate countries for EU accession</li> </ul>
<b>6.3. Planned follow up</b>	Any emerging problem (emerging from the IED requirements but as yet unforeseen) which come to light in this project could be addressed in a subsequent project

### 7. Project costs/Resources required

<b>The project will involve the steps:</b>	
<ol style="list-style-type: none"> <li>1) Preparation of scenarios, circulation to all MS (Ireland will bear this cost &amp; no cost to IMPEL)</li> <li>2) Workshop in Ireland in mid 2012</li> </ol>	
<b>Travel and accommodation (Irish workshop):</b>	
27 Member State participants (1 only per MS)	
27 x return flight to Dublin July 2012	= € 9,720
27 x Hotel Accommodation (2 nights)	= € 4,860
27 x Main Meal (2 days)	= € 900
Workshop housekeeping (venue & consumables)	= € 2,000
<b>Total provision by IMPEL</b>	<b>= € 17,480</b>
Lead MS & host country will cover any additional overhead costs.	