

Brussels, 11 May 2004

**OPINION**

of the  
Committee of the Regions

of 22 April 2004

on the

**Communication from the Commission to the Council, the European Parliament, the  
European Economic and Social Committee and the Committee of the Regions**

**"On the Road to Sustainable Production"**

**Progress in implementing Council Directive 96/61/EC concerning integrated pollution  
prevention and control**

(COM(2003) 354 final)

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THE COMMITTEE OF THE REGIONS,

**Having regard to** the Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions entitled "On the Road to Sustainable Production - Progress in implementing Council Directive 96/61/EC concerning integrated pollution prevention and control" COM(2003) 354 final);

**Having regard to** the decision of the European Commission of 19 June 2003 to consult it on this subject, under Article 265(1) of the Treaty establishing the European Community;

**Having regard to** the decision of its President of 23 January 2003 to instruct its Commission for Sustainable Development to draw up an opinion on this subject;

**Having regard to** the European Commission's White Paper on environmental liability

(COM(2000) 66 final) and the Proposal for a Directive of the European Parliament and of the Council on environmental liability with regard to the prevention and remedying of environmental damage (COM(2002) 17 final - 2002/0021 (COD));

**Having regard to** the European Community's sixth environment action programme entitled "Environment 2000: Our future, our choice";

**Having regard to** the Commission's decision of 31 May 1999 on the questionnaire mentioned in Directive 96/61/EC on integrated pollution prevention and control (IPPC);

**Having regard to** its draft opinion (CdR 332/2003 rev.1) adopted on 5 March 2004 by the Commission for Sustainable Development (rapporteur: **Mr José Macário Correia**, Chairman of Tavira Municipal Council (PT, EPP));

#### **Whereas:**

1. Directive 96/61/EC on integrated pollution prevention and control is based on an integrated approach to the industrial permit procedure and the establishment of emissions ceilings based on the best available techniques;
2. the deadline for the adoption of the best available techniques and for compliance with all the other requirements for the installations covered is 30 October 2007<sup>1</sup>;
3. in order to achieve the objectives which have been set and to comply with the Directive, both the operators and the competent authorities have to bear in mind the time needed for upgrading the existing installations and for carrying out the necessary action at a sufficiently early stage;
4. there are indications that many Member States and the majority of the accession countries need to step up their efforts and speed up progress towards this objective;
5. the mechanisms for applying the Directive interact with the areas of responsibility falling to the regional and local authorities responsible for monitoring, managing and issuing environmental permits,

**unanimously adopted the following opinion at its 54<sup>th</sup> plenary session, held on 21 and 22 April 2004 (meeting of 22 April)**

#### **Views and recommendations of the Committee of the Regions**

##### **The Committee of the Regions**

1. **reiterates** the observation made in the Commission's communication that in some Member States and the majority of the applicant countries, a high level of environmental protection - which is the overriding objective of the Directive - can only be achieved if the authorities in charge of implementation make a greater commitment to this and engage in constructive interaction with plant operators and other stakeholders;

2. **considers** it essential to step up cooperation, research and the exchange of information and the best available techniques (mechanisms which will determine the progress and success of the Directive), and therefore calls for this sector to be accorded special importance within the framework research programme;

3. **deems** it essential that an interim assessment be carried out of the application and implementation of the Directive in order to back up any additional measures which might be taken, as well as the future development of the policy;

4. **supports** the Commission in the extensive European consultation process (which has already been launched) as regards matters of implementation, an analysis of the situation and an evaluation of the first official reports. This consultation and analysis procedure will allow a thorough assessment to be carried out of compliance with the Directive and will check out the need for any additional action to achieve its objectives;

5. **warns** that, if it is concluded that the flexibility of the current system - whereby Member States can set their own emission limit values - is not successful, it will then be necessary to adopt a more harmonised approach. This could create more difficulties, on the one hand for those operators who do not have sufficient resources to make the changes to their systems required by the new standards, and on the other for the regional and local administration bodies who will have to provide particular assistance here in monitoring the situation and issuing permits. In order to deal with this problem, it is important that the structural funds available be used for this purpose, given that delays in the environmental sector are causing industrial competitiveness to lag dangerously behind the rest of the world;

6. **proposes** that, when devising new actions, a major role entailing active cooperation be assigned to the regions and local authorities, in keeping with the subsidiarity principle, and that special importance be attached to pinpointing and allocating the administrative and financial resources necessary for implementing and monitoring the Directive at regional level.

Brussels, 22 April 2004

The President

of the

Committee of the Regions

**Peter Straub**

The Secretary-General

of the

Committee of the Regions

**Gerhard Stahl**

<sup>1</sup> This does not apply to installations in the applicant countries which have been granted an additional transition period beyond 2007.

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CdR 332/2003 fin EN/O

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