



**IMPEL Project on
Review of approaches to the reconsideration
and updating of IPPC permits**

**Draft Final Report
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The network is commonly known as the IMPEL Network

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<p>IMPEL Project on Review of approaches to the reconsideration and updating of IPPC permits</p>	<p>Number report: 12/2007</p>
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<p>Executive Summary</p> <p>This report looks at how IMPEL members have implemented, or expect to implement, Articles 13 (1) and (2) of the IPPC Directive 1996/61/EC. The project was undertaken on the basis of 24 responses to a questionnaire from officials in 17 Member States (MS) and Norway.</p> <p>The responses indicate a variety of approaches to the understanding and implementation of Articles 13(1) and (2). Most responses emphasise reconsidering the permit as a whole. A common core focus is to ensure that permit conditions remain appropriate in view of developments in best available techniques (BAT).</p> <p>Some responses emphasise that reconsideration processes are very closely connected with inspection periods and updating of permits on the basis of inspections. Others present reconsiderations more distinctly from inspections.</p> <p>Where maximum reconsideration periods are formally specified, they range from 1-20 years. In some case there are no formal periods, reconsideration intervals then being left open-ended or determined case-by-case or informally.</p> <p>Reconsideration processes seem to differ considerably, most being based quite closely on the original permitting processes. Common elements among the majority of approaches include some form of public participation, and provision of some sort of information or application by the operator to inform the reconsideration.</p> <p>Risk-based permit reconsideration approaches and periods are relatively rare. In addition, only one case was reported of an incentive to go beyond regulatory compliance through considering the application of EMAS in this area.</p> <p>Approaches to the "triggers" of Article 13(2) appear to vary considerably. Responses generally describe responsibilities, but little information is available on the technical basis for determining the triggers.</p> <p>Wide ranges were reported in relation to the durations (1 month to 450 days) and regulatory staff resource requirements (15 to 1,000 hours) of the reconsideration process. This could indicate differences in the depth of the process.</p>	
<p>Disclaimer</p> <p>This report on Review of approaches to the reconsideration and updating of IPPC permits is the result of a project within the IMPEL Network. The content does not necessarily represent the views of the national administrations or the Commission.</p>	

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PART I - INTRODUCTION

1. Background

The Integrated Pollution Prevention and Control (IPPC) Directive (96/61/EC) was adopted on 24 September 1996. It had to be brought into effect by the Member States by 30 October 1999 and will have to be fully implemented by 30 October 2007.

During 2007, the European Commission is reviewing this Directive. As part of this review the Commission is examining the implementation, and possible revision, of the provisions of Article 13 of the Directive relating to the reconsideration and updating of permits. Through its Advisory Group of representatives from Member States (MS) and other stakeholders, the Commission collected certain information on this topic in 2006. However, this initial work provided only a partial picture of the application of Article 13 and the implications of possible changes. IMPEL, which is also represented in the Advisory Group, offered to help address this data gap through a survey of its members. In discussion with IMPEL members, therefore, the Commission proposed this IMPEL project, which was agreed at the IMPEL plenary in December 2006. The project terms of reference are given in Appendix 1.

2. Focus of the Project

The project has focused on approaches to the reconsideration and updating of IPPC permits and permit conditions by Competent Authorities (CA) for installations that have already been made subject to a permit implementing the IPPC Directive.

The aim of this report is to present information and conclusions on how IMPEL members (competent authorities) in the MS have implemented, or expect or plan to implement, Articles 13 (1) and (2) of this Directive. This information will be used as a support for the review of the IPPC Directive, mentioned above. In addition, the exchange of information on approaches to the reconsideration and updating of IPPC permits provided by this project could be of value to the regulators which have to carry out these tasks, and the policy makers which have to decide on the approaches to implementation, regardless of the IPPC review.

According to Article 13 (1) of IPPC Directive:

"Member States shall take the necessary measures to ensure that competent authorities periodically reconsider and, where necessary, update permits conditions."

The word periodically, as far as it is not defined, leaves flexibility and responsibility to MS to decide when and how the reconsideration should be done.

Article 13(2) says:

- "The reconsideration shall be undertaken in any event where:*
- 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,*
 - substantial changes in the best available techniques make it possible to reduce emissions significantly without imposing excessive costs,*

- the operational safety of the process or activity requires other techniques to be used,
- new provisions of Community or national legislation so dictate.”

3. Methodology

Following adoption of the project terms of reference, a core group was established to undertake the project. The members of the core group were as follows:

Neil Emmott, European Commission (project co-leader)

Richard Clarke, Environment Agency of England and Wales (project co-leader)

Pieter Roos, Netherlands Ministry of Housing, Spatial Planning and the Environment

Ed Eggink, Province of Limburg (Netherlands) Department for Environment and Water Policy

Elise Sahivirta, Finnish Ministry of the Environment

The core group had a meeting at the beginning of February 2007 in which the approach to the project was developed. After this meeting the core group developed a questionnaire to collect data from IMPEL members, as shown in Appendix 2. This was circulated through the IMPEL coordinators on 15 February 2007, with replies initially requested by 13 March 2007. Some IMPEL members also provided information after this date, and this report takes account of responses received by 4 April 2007.

Following receipt of questionnaire responses, this report was drafted. The report attempts to highlight selected issues but, in the interests of brevity, does not attempt to cover all of the questions posed or answers received. It is therefore important to understand that this report is just a summary of the information gathered. Precise details can however be consulted in the individual questionnaire responses which are gathered in Appendix 3.

Initial analysis of the questionnaires as the basis for this report was undertaken by María Rodríguez López as part of a *stage* with the European Commission. The draft report was circulated to the core group members, and to the members of IMPEL's cluster 3 on better regulation. The draft report was discussed in a meeting of cluster 3 on 19 April 2007, prior to its revision and then adoption at the Berlin IMPEL plenary in May 2007.

PART II – THE QUESTIONNAIRE RESPONSES

4. Contextual Information

The core team sent the questionnaire to IMPEL members in all 27 MS. As of 4 April 2007, answers had been received from 24 CAs in 17 different MS plus Norway. It is important to note that each respondent sought to provide information in relation to the approaches of one or more particular authorities within a MS, but not necessarily for the MS as a whole. To make the report simpler to read, however, much of the analysis and commentary below simply refers to the MS of the CA in question. Thus, where appropriate the reference to a MS should be read as a reference to the authority that provided the response from that MS. It should also be noted that the responses were from individuals within authorities and did not necessarily give formal views of those authorities.

This table lists the authorities from which answers to the questionnaire were received:

MEMBER STATE	REGION	AUTHORITY
Belgium	Flemish Region	Flemish government
	Brussels Capital Region	Brussels Institute for Management of the Environment (BIME)
Bulgaria	Bulgaria	Ministry of Environment and Water
Czech Republic	City of Prague	Municipality of Prague
Denmark	Southern part of Jutland and the island Fyn	Danish Ministry of Environment
	Northern part of Jutland	Danish Ministry of Environment
Estonia	Estonia	Ministry of Environment
Finland	Finland	Finish Environment Institute (SYKE)
Germany	Southern part of the Land Schleswig – Holstein	Staatliches Umweltamt Itzehoe
Greece	Greece	Ministry for the Environment, Physical Planning and Public Works
Hungary	Hungary	National Inspectorate for Environment, Nature and Water
Latvia	The territory of Latvia and continental shelf, economic zones of the Baltic Sea and the Riga Gulf, territorial waters and inland waters	State Environmental Service of the Republic of Latvia
Lithuania	Lithuania	Ministry of Environment
The Netherlands	Southern region	Provincie Noord – Brabant
	Rijnmond	DCMR Environmental Protection Agency
	Netherlands	VROM (Ministry of Housing, Spatial Planning and the Environment)
	Provincie Limburg	Provincie Limburg
	Waterregion/board within Province Noord - Brabant	Waterschap Aa en Maas
Norway	Norway	Norwegian Pollution Control Authority
Poland	Poland	Ministry of the Environment
Romania	Romania	National Environmental Protection Agency
Slovakia	Slovakia	Slovak Inspectorate of Environment
Sweden	Sweden	Swedish EPA
UK	England and Wales	Environment Agency

Collectively these authorities have responsibilities for about 14,000 IPPC installations, ranging from about 10 (Belgium, Brussels Region) to 3,000 (UK, Environment Agency). The majority of the CAs that answered the questionnaire (14 out of 24) have responsibility for

practical implementation in relation to reconsideration of IPPC permits. Some respondents are responsible for different or additional tasks, such as development of policies or legislation.

5. Overview of Implementation of Articles 13 (1) and (2)

The overview table provides a summary of the responses to certain questions relating to these provisions. It appears that the actual reconsideration under these provisions of IPPC permits already granted or updated in accordance with the Directive (Article 5) has been rare to date. Therefore, many of the responses focused more on legal requirements, or planned or expected arrangements, rather than actual practice. On the other hand, some experience under the Directive was reported, and many MS' systems also appear to represent a continuation of their pre-IPPC systems, some of which have been applied in practice over many years.

6. Implementation of Article 13(1)

6.1 Reconsideration Periods

Respondents were asked about the average frequency or expected frequency of permit reconsideration. Summary information is given in the overview table above.

- 16 out of the 24 responses indicated that specific review periods are specified in law.
- 3 indicated that review periods are specified in official policies (1 of them also having specifications in law).
- 6 indicated that there are no such formal periods specified in law or policy, although 4 of these reported typical expected periods that would be implemented in practice.

Where specific reconsideration periods were given, these ranged from 1 year (EE) to 20 years (the legal maximum in BE-Flanders). The response from DE reported an inspection frequency of 2 years for IPPC installations plus an obligation to bring permits up to date on the basis of inspections. Several other responses also noted that, in addition to the periodic reconsideration approaches, permits could also be updated on a more ongoing or frequent basis as a result of inspection activity or other factors.

6.2 Differences in periods between sectors

The majority of the authorities replied that they do not have differences in periods between sectors. The exceptions are FI, LV, NL (the 5 regions) and UK.

- In FI different periods are applied on a case-by-case basis, but in practice permits for intensive farms are reconsidered less frequently because of their technical stability.
- In LV the exceptions are the energy industries, chemical industries and other activities.
- The biggest difference, in the case of the regions of NL, concerns waste management installations. These have permits reconsidered every 10 years whereas other permits are reviewed more frequently (between 4 and 10 years).
- The UK instigates reviews on the basis of risks, or changes in BREFs, which might therefore lead to different review periods for different sectors.

Overview of Implementation of Articles 13(1) and (2)

Member State	Authority	Article 13 (1)						Is Article 13(2) reconsideration process the same as that for Article 13(1)?
		Review periods (years)	Reconsideration process same as original permitting process?	Does reconsideration involve public participation?	Does reconsideration involve submission of an application/information by operator?	Total time of reconsideration	Staff time spent	
Belgium	Flemish government	20 years (legal maximum) 6 to 10 years in practice (as an intention) 4 years (legal maximum with dangerous discharges to water)	yes	Yes	yes	N/A	N/A	N/A
	Brussels Institute for Management of the Environment (B.I.M.E.)	15 years (fixed periods in law) (possibly 5 years in future)	yes	Yes	yes	60-450 days	3 - 10 days	Same
Bulgaria	Ministry of Environment and Water.	5 years (fixed periods in law)	No	No	yes	1 month	4 – 12 experts	Different period for significant pollution with public participation in permit update
Czech Republic	Municipality of Prague	8 years (legal maximum)	yes	No (only in case of substantial change)	yes	N/A	About 50% of time to determine an original permit	Same
Denmark	Danish Ministry of Environment (Southern part of Jutland and the island Fyn)	1st time: 8 years; 2nd:10 years (fixed periods in law)	yes	Yes	yes	N/A	N/A	Same

	Danish Ministry of Environment (Northern part of Jutland)	1st time: 8 years; 2nd:10 years (fixed periods in law)	yes	Yes	yes	3-6 months	50 - 250 hours	Same
Estonia	Ministry of Environment	1 year (legal maximum – also specified for inspections)	No	No	yes	N/A	2-3 days for simple cases, up to 120 days for complex ones	N/A
Finland	Finish Environment Institute (SYKE)	On average 8.3 years (2002-2006) (no policy)	Yes	Yes	yes	Average 13.6 months	N/A	Same
Germany	Staatliches Umweltamt Itzehoe	2 years (policy on frequency of inspection as basis for possible updating)	No	If reconsideration leads to a new licensing procedure, and depending on its significance	no	N/A	N/A	Different timeframe for significant pollution
Greece	Ministry for the Environment, Physical Planning and Public Works	5 years (no policy)	Only in case of substantial modification	Only in case of substantial modification	yes	Several days (simple case) to several months	Several days to several weeks	Yes
Hungary	National Inspectorate for Environment, Nature and water	5 years (legal maximum)	Yes	No	yes	60 days	N/A	Same
Latvia	State Environmental Service of the Republic of Latvia	5 years (fixed period in law)	Yes	Yes	yes	60 days	N/A	Same
Lithuania	Ministry of Environment	IPPC permits are granted 'for years'	Yes	Yes	yes	90 - 120 days	N/A	Same

The Netherlands	Provincie Noord – Brabant	Waste incineration: 5 years (fixed period, no policy)	Depends on whether original permit was time-limited	Yes	yes	4 months	N/A	Same
		Rest: 10 years (fixed period, no policy)						
	DCMR Environmental Protection Agency	Waste management: 10 years (fixed period in law)	Yes	Yes	yes	6 months	150 - 1000 hours	Same
		with ELV on dangerous substances: 4 years (fixed period in law)						
		rest: 7years (policy)						
	VROM (Ministry of Housing, Spatial Planning and the Environment)	Waste management: 10 years (fixed period in law)	Yes	Yes	no	6 months	150 -1000 hours	Same
		with ELV on dangerous substances: 4 years (fixed period in law)						
rest: 5 - 7years (no policy)								
Provincie Limburg	Waste management: 10 years (fixed period in law)	Yes	Yes	no	6 months	10-20 days	Same	
	Rest: 5 - 10 years (no policy)							
Waterschap Aa en Maas	4 years (fixed periods in law)	Yes	Yes	no	N/A	N/A	Same	
Norway	Norwegian Pollution Control Authority	N/A	Yes	Yes	yes	9 months	N/A	Same
Poland	Ministry of the Environment	5 years (legal maximum)	Yes	yes	yes	2 months	N/A	N/A
Romania	National Environmental Protection Agency	No review period specified in law or policy. Individual permits have a specified period of validity, normally 10 years (after that a new permit)	Yes	yes	yes	N/A	the same as the original permit	N/A

Slovakia	Slovak Inspectorate of Environment	8 years (legal maximum) 10 years (with EMAS)	Depends on nature of any proposed change by operator	No (only in the case of substantial change)	If the operator proposes a change	N/A	N/A	Same
Sweden	Swedish EPA	10 years (possible period specified in law but in practice reconsideration is more of an ongoing process)	Depends on significance of possible permit changes	yes	yes	N/A	several person-weeks for each CA involved	Same
UK	Environment Agency	8 years (policy maximum)	No	Yes – if there are contentious issues for comment	yes	N/A	N/A	Same

N/A: information not provided or clear.

6.3 Consideration of Risk in Determining Frequency

In relation to the relevance of risks in determining reconsideration frequency, 11 out of 24 replies said that this factor is not taken into account. A further 6 respondents did not reply or, as in the case of SE and according to their legislation, indicated that there are some circumstances in which risks determine the reconsideration. In the other 7 questionnaires it is said that the frequency of reconsideration is based on risks such as environmental impacts or through the assessment of experts. As an example, in BE-Flanders periods of validity (up to a maximum of 20 years) are specified for individual permits, or even for specific conditions, on the basis of risk.

Overall, therefore, it appears that most authorities' approaches to determining reconsideration periods are not risk-based.

Among other factors which can influence the period for reconsideration, references are made to “substantial change” permit variations, accidents, incidents, changes in law or in BATs, or applications by a third party. As discussed further below, most such factors relate to Article 13(2) rather than Article 13(1).

6.4 Influence of Articles 12 and 13(2) in relation to Periodic Reconsideration under Article 13(1)

In some cases the answers of the authorities relating to the implementation of Article 13(1) refer to permits being reconsidered when there are changes in law or technology (BAT), or when changes in the operation of the installation are made. However, these circumstances in fact seem to relate to the implementation of Articles 12 and 13 (2), rather than independent reconsiderations according to Article 13(1).

For instance, in the questionnaires of the authorities of the Southern region and Rijnmond (NL) it is said that reconsideration is *updating permits to developments in best available techniques and environmental quality*. For EE reconsideration has been understood as an update of the permit conditions, which should be done when the triggers set up in Articles 12 and 13 (2) take place.

Similarly the responses from EL, LT, Waterregion/board within Province Noord-Brabant (region of NL), RO and SE to the questions on the implementation of Article 13(1) indicate that they undertake consideration when prompted by factors which are mentioned in Article 13(2). In addition, EL, FI, Southern region (region of NL), NO and SE establish that reconsideration should be done when changes in the operation of the installations take place or other triggers (Article 12).

Several MS therefore appear to have adopted approaches of partially or largely linking their implementation of Article 13(1) of the Directive to the implementation of other provisions of the Directive, especially Articles 12 and 13(2). This might mean that “untriggered” periodic reviews at pre-planned intervals either become unnecessary, and so rarely or never happen (if, for example, reconsideration happens earlier anyway, as a result of some other trigger), or alternatively could be characterised as having the role of a sort of “safety net” (if no earlier triggers prompt a reconsideration). The extent to which either of these eventualities will occur will depend on how Articles 12 and 13(2) are implemented in practice.

On the other hand, some other responses describe approaches to implementation of Article 13(1) that seem to be more distinct from these other provisions. This appears to be the case in BE, BG, DK, HU and PL, for example, whose answers to the questions on Article 13(1) generally do not make reference to the factors mentioned in Articles 12 and 13(2). Here, reliance on periodic reconsideration of permits at pre-planned intervals seems more prominent.

It should however be noted that distinguishing between those cases where Article 13(1) is linked with Articles 12 and 13(2), and those cases where Article 13(1) is presented more independently, is not a precise exercise. For a start, each reported approach is slightly different, and categorising them into "integrated" versus "independent" groups is not easy. In addition, the approach perceived in any particular case may be a feature of the factors emphasised by the respondent, rather than any intrinsic characteristic of the actual legislation, policy or regulatory practices concerned. Hence, the remarks above should be viewed as general impressions rather than anything more definitive.

6.5 Plans and Resources for Reconsidering Permits

Respondents were asked to describe what plans have been put in place for the anticipated reconsideration of permits, including allocation of resources.

The following information was provided:

- Sectoral plans: BE (Flemish Region), NL (Provincie Limburg), UK
- General plans: DK (both regions), BG, DE, UK
- Case by case: BE (Flemish Region), EE, NO, NL (Southern region), PL, CZ, RO.
- Other: EE (precise yearly planning of jobs), LV (period of validity of permit), NL (VROM and Waterregion/board within Province Noord-Brabant) with a permitting plan; SK (depends on permit issue).
- Nothing or not specified: BE (Brussels Capital Region), FI, EL, LT, HU, SE.

Only 7 out of the 24 replies made reference to resource allocations related to plans for reconsidering permits. Most of these 7 replies generally indicated the nature of the body or people to whom tasks relating to reconsideration are assigned, but did not explicitly indicate if actual future resource requirements had been planned and allocated. UK, BG, CZ, RO and BE-Flanders state that work groups or experts are in charge of permit reconsiderations. The Waterregion/board region (NL) has a permitting plan which allocates resources to reconsidering permits and BE-Brussels uses an external study service.

6.6 Reconsideration Processes

Respondents were asked to describe their reconsideration processes. Summary information is given in the overview table above.

- 16 out of the 24 responses indicated that reconsideration process are always or usually the same as the original processes for obtaining a permit.
- 5 indicated that reconsideration processes are different from the original permitting process. For example, in UK the reconsideration process focuses on issues according to a review plan generated by a BREF revision and/or sector performance. In DE the

operator does not need to submit an application and the length of the procedure is much shorter. In EL a common ministerial decision updating the permit is issued without applying the whole licensing process, except when substantial modifications are proposed as part of the permit reconsideration, in which case the whole process is followed.

- 3 indicated that the process is variable depending on certain factors, e.g. if new conditions are deemed to be needed, or the character of the change described by the operator (as already noted, however, this latter point again seems more closely related to Article 12, since an Article 13(1) permit reconsideration is not prompted by a proposed change by the operator).

6.7 Public Participation

18 of the 24 responses indicated some level of public participation in the reconsideration process. Most commonly this would involve some form of public consultation at the initial stage of the reconsideration process and, in some cases, on the draft updated permit. The majority of these 19 responses indicated that public participation would always be a feature of the process. In some, however, it would only be included in certain cases, e.g. if there are contentious issues at stake (UK), or only on the second and subsequent reconsiderations but not the first (BE-Brussels). In DE, public participation is only included when the reconsideration leads to a new licensing procedure, although there is also the possibility to choose a simplified licensing procedure (without involvement of the public) for small alterations.

The remaining 6 responses indicated either that there would be no public participation in a periodic reconsideration under Article 13(1) (EE, HU), or that there would only be public participation in the case of factors relating to other provisions of the Directive (CZ, EL and SK – substantial change; BG – public involvement in the permit update after reconsideration in the case of significant pollution).

6.8 Applications or Information from Operators

Of the 24 responses, 20 indicated that submission of an application or some other form of information by the operator is an integral part of the process. These are split fairly evenly into approaches that involve submission of a full application by the operator, and those involving a case-by-case determination by the authority of the information that the operator would be required to submit. The remaining 4 responses did not indicate any such application or information, with the authority therefore presumably undertaking the reconsideration on the basis of information already known to it.

7. Implementation of Article 13(2)

7.1 Assessment of the “Triggers”

Respondents were asked to describe how decisions would be made on whether one of the triggers specified by Article 13(2) has arisen, as the basis for re-examining the permit conditions outside of the approach to periodic reconsideration under Article 13(1). These triggers require a judgement, for example of whether there is "significant pollution" or a requirement for reconsideration on the basis of operational safety or changes in BAT.

On the whole responses on this issue were quite general. Often they indicated the organisation that would make or help inform the decision, or the source of information (e.g. monitoring data, inspections) without describing the technical or decision-making basis on which the judgement would be made. For example, it was not clear whether any guidance or legal requirements have been laid down to help officials make consistent judgements about whether an installation is causing “significant pollution”. As a result, it was not possible to generate a very clear picture of how these triggers will be assessed, or to divide the responses into different categories of approaches. In general, however, it can be said that:

- In many cases the indents of Article 13(2) were simply transposed directly into the MS legislation. It is likely that it will not always have been known, at the time of transposition, how these provisions would be implemented, and that approaches are still evolving.
- Decisions relating to the triggers in the first (significant pollution) and third (operational safety) indents will often be made by the individual inspector of the installation concerned, with varying degrees of higher-level decision-making (e.g. assessment across a sector by an authority, or discussion of difficult individual cases by an authority with an environment ministry) depending on the authority/MS concerned.
- Decisions relating to the second indent (changes in BAT) are also in some cases expected to be made by individual inspectors, although many responses highlighted the BREFs as an important factor in such assessments. Generally speaking the objective of bringing permits up-to-date with developments in BAT appeared to be seen as one of the major objectives of permit reconsiderations (whether the reconsideration is considered to take place under Article 13(1) or 13(2)). Some responses referred to their use of general binding rules (e.g. VLAREM in BE-Flanders, TA-Luft in DE) or standard permit conditions (NL-Noord Brabant), the updating of which would provide a signal to regulators that BAT had been determined to have changed.

7.2 Reconsideration Process

17 out of the 24 responses indicated or gave the impression that the processes for Article 13(2) reconsiderations are the same as those for Article 13(1). Only small differences were described in the other 7 responses, some of which however could not be fully interpreted on this point. Specific differences were described in relation to the use of shorter determination periods when processing reconsiderations on the basis of significant pollution (BG and DE).

8. Other issues

8.1 Duration and Resource Requirements for Permit Reconsiderations

Respondents were asked to give details of how long and how much staff time reconsideration of a permit would typically take. The majority of responses were unable to provide any quantitative information. In addition, it was sometimes unclear whether an answer provided was meant to relate to total duration (which was intended in the questionnaire to mean elapse time from start to finish of the reconsideration process) or staff time (e.g. person-hours, days or weeks). However, if the answers have been interpreted correctly then from those questionnaires in which figures were provided:

- The reported durations of the reconsideration process ranges from 1 month (BG) to up to 450 days (BE – Brussels Capital Region).
- Staff resource requirements per reconsideration range from 2-3 days (for simple cases in EE) to 150-1000 hours (NL). Expressed in common units the total range is therefore from about 15 to 1000 hours.

8.2 Basis for Selection of Authorities' Approaches

Since the IPPC Directive is quite general in Articles 13 (1) and (2) – therefore giving quite a lot of choice – respondents were asked to describe how the approaches put in place had been selected. For instance, had there been any evaluation of different possibilities such as different reconsideration periods or processes? 7 out of the 24 responses indicated that the provisions of the Directive had simply been transposed into national law. In most of the other responses it appeared that the approaches adopted simply reflect a continuation of pre-IPPC practices. No information was put forward showing, for example, that in a particular case certain different approaches had been evaluated leading to selection of the best approach on the basis of any sort of detailed assessment.

8.3 Preferences Regarding Legal Requirements

As a final question, respondents were invited to express any preferences regarding legal requirements for reconsideration of permits:

- 17 out of 24 responses stated a preference for some form of precise requirements; within this group, 7 believe that legal requirements are needed at EU level and 4 at national level. The 6 other responses suggested different approaches, for example guidance.
- BE-Brussels advocated leaving permit reconsideration requirements to be determined based on the local conditions.
- 6 out of 24 authorities suggested that no more legal details are needed, preferring to be given the overall framework for the process while leaving autonomy for each MS in relation to the detail.

9. Conclusions of the Questionnaire Analysis

In summary, the main conclusions of the questionnaire analysis were as follows.

- The responses indicate a variety of approaches to the understanding and implementation of Articles 13(1) and (2). Most responses emphasise reconsidering the permit as a whole, although this would not necessarily lead to all of the permit conditions being revised. A common core focus of permit reconsiderations is to ensure that permit conditions remain appropriate in view of developments in BAT, which might therefore affect some permit conditions but not others. Updates of the BAT reference documents are therefore important in this respect.
- Some responses emphasise that reconsideration processes are very closely connected with inspection periods and ongoing updating of permits on the basis of inspections. Others present reconsiderations more distinctly from inspections, being carried out on

a case-by-case or sectoral basis at pre-planned intervals longer than normal inspection frequencies.

- Where maximum reconsideration periods are formally specified for the purpose of giving effect to Article 13(1), these range from 1-20 years. In some instances there are no formal periods, with practical reconsideration intervals then left open-ended or determined case-by-case (and sometimes set in the permit), or specified through informal means.
- Reconsideration processes seem to differ considerably. Most are based quite closely on the original permitting processes - which of course also vary between authorities - although in some cases reconsideration is approached differently from permitting. There are however some common elements among the majority of (though again not all) reconsideration approaches. In particular, most involve some form of public participation, as well as provision of some sort of information or application by the operator to inform the reconsideration.
- Use of risk-based approaches in determining periods for and approaches to permit reconsiderations are relatively rare. In addition, only one case was reported of an incentive to go beyond regulatory compliance through considering the application of EMAS in this area (permit reconsideration every 10 years with EMAS compared to 8 years without).
- Approaches to the "triggers" of Article 13(2) appear to vary considerably. Responses generally describe responsibilities (sometimes individual discretion, sometimes authority-level decisions, and a few cases of use of general binding rules), but little information is available on the technical basis for determining the triggers.
- Wide ranges were reported in relation to the durations (1 month to 450 days) and regulatory staff resource requirements (15 to 1,000 hours) of the reconsideration process. This could indicate differences in the depth of the process.

Overall, the variations between the approaches of the different MS and their authorities may mean that the end results (the stringency, extent and frequency of updated permit conditions) and the administrative burdens of the processes may also be different, with potential knock-on effects on the level of environmental protection and the "level-playing field" for industry. However, the study did not attempt to evaluate any such factors. In any case, as noted earlier in the report, it also appears that, with some exceptions, actual reconsideration of IPPC permits under Articles 13(1) and (2) has been rare to date, with much of the information provided dealing with basic legal requirements or planned or expected arrangements, rather than real practice.

PART III – NEXT STEPS

10. The IPPC Review

This project and this report are intended to provide factual information which will inform the decision-making process in the context of the IPPC Directive review. In the first instance it will therefore be used by the Commission as it assesses implementation of the Directive and its possible amendment.

The possible outcomes of the IPPC review in the subject area of this report include no change, amendment of the Directive's provisions on reconsideration periods and/or processes, or no amendment of the legislation but instead a decision to promote particular approaches to reconsideration of permits through the production of guidance. The project did not aim to make judgements regarding which of these or other possible outcomes might be the most preferable, and the report does not aim to prejudge the Commission's eventual conclusions of the IPPC review or the political negotiations that will follow.

The Commission is aiming to communicate its conclusions of the IPPC review by the end of 2007. Assuming that a legislative proposal is put forward, this would then need to be negotiated through the co-decision process involving the Council and the European Parliament. Some time would also need to be allowed for any revised legislation to be transposed in the MS. The typical duration of such activities means that it is unlikely that any new provisions would become applicable at the MS-level until about 2012 at the earliest.

11. Possible Further IMPEL Work

As was noted in the original terms of reference for this project, the information in this report may also be of interest and value to IMPEL members regardless of the IPPC review. This is because, while the IPPC review is considering longer-term development of the IPPC Directive, IMPEL members already have to implement the current provisions of the Directive. Some responses to the questionnaire in this project suggested that approaches to reconsideration of permits were still evolving, and in certain cases established approaches are being revised or re-examined. Having a better understanding of approaches in other MS may therefore be of benefit.

In this respect, IMPEL could contemplate some further work on this topic. It was suggested by participants at the cluster 3 meeting on 19 April 2007, at which the draft report of this project was discussed, the IMPEL members might wish to identify good or best practices, for example concerning the application of risk-based approaches in the area of IPPC permit reconsiderations.

Appendix 1 – Project Terms of Reference

1. Scope

<p>1.1. Background</p>	<p>Article 13(2) of the IPPC Directive requires reconsideration of the conditions of an IPPC permit in particular circumstances, i.e. where there is significant pollution, substantial changes in BAT, operational safety requirements, or new requirements imposed by Community or national legislation. But in addition, article 13(1) requires MS to ensure that competent authorities periodically reconsider and, where necessary, update, permit conditions. Therefore, even if none of the "triggers" in article 13(2) occurs or is identified, article 13(1) imposes an obligation to reconsider the permit anyway, periodically.</p> <p>However, the Directive does not define what is meant by "periodically", or what such reconsideration should entail. This results in different practices among and within Member States (see for example the factsheet on IPPC permit reviews¹, chapters 3.3.1 and 4.4 of the report on IPPC implementation², and chapter 8 of the previous IMPEL project on Changes in Industrial Operation³).</p> <p>In the context of the review of the IPPC Directive, the Commission is considering whether the provisions of article 13 should be amended, and if so, how, to give more precision on when permits should be reconsidered or how this should be carried out. An initial assessment of the possibilities has already been undertaken (see the factsheet). In this context, receipt of some additional, practical information through the IMPEL network would be of value to further inform the assessment. In addition, an exchange of information on approaches to the reconsideration and updating of IPPC permits could be of value to the regulators which have to carry out these tasks, regardless of the IPPC review.</p>
<p>1.2. Link to MAWP and IMPEL's role and scope</p>	<p>Strategic Goal III - Development of Good Practices Strategic Goal V - Providing feedback to policy makers</p>
<p>1.3. Objective (s)</p>	<p>To obtain information from IMPEL relating to the reconsideration and updating of IPPC permits in order to exchange information and practices in this area, and as a specific element of IMPEL's ongoing contribution to the review of the IPPC Directive.</p>
<p>1.4. Definition</p>	<p>The project consists of organising a coordinated input from IMPEL on the reconsideration and updating of IPPC permits. In particular IMPEL members will be invited to provide information on:</p> <ul style="list-style-type: none"> • What measures have been put in place by regulators to implement Article 13(2) in practice, beyond simple transposition of the text? For example, who decides whether one of the Article 13(2) "triggers" has arisen for any particular installation, and on what basis (e.g. individual discretion, guidance, legislative specifications)? What process would then be followed to reconsider a permit? How long would such a reconsideration typically take, and cost? • In the absence of one of the Article 13(2) triggers, how often are permit reconsiderations carried out (or expected to be carried out) in fulfilment in Article 13(1)? Are there specific plans, resource allocations or legal requirements in this regard? How are such reconsiderations carried out and how much do they cost? Who takes the initiative to start the reconsideration – the operator or the regulator? Is there differentiation of timing or approach for

¹http://forum.europa.eu.int/Public/irc/env/ippc_rev/library?l=/gathering_amendments/draft_final_report&vm=detailed&sb=Title

²http://forum.europa.eu.int/Public/irc/env/ippc_rev/library?l=/implementation_entec/draft_final_report&vm=detailed&sb=Title

³<http://ec.europa.eu/environment/impel/pdf/changes.pdf>

	<p>different sizes or sectors of installations, or on other bases? It would be important to have a description not just of legal requirements, but also typical practice (e.g. average period for permit reviews, actual plans/procedures put in place), and concrete illustration with some real examples.</p> <ul style="list-style-type: none"> • How were the arrangements put in place to implement Articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option? <p>In order to generate answers to the questions proposed above, the following approach is proposed.</p> <p>Firstly, a core team will be established comprising a representative of the European Commission, Mr Ed Eggink who represents IMPEL on the IPPC Advisory Group, and it is suggested around 3-5 additional members of IMPEL cluster 3 (to be identified). This core team would meet in Brussels in early (ideally January) 2007 to discuss the project, review the information already available, identify the main additional data to pursue, and formulate a series of short, specific questions to do this. These questions would then be circulated to those IMPEL members taking part in the project (see section 2.1) as the basis for their responses. Members of the core team would encourage and help the participating IMPEL members to answer the questions over a specified period of a month.</p> <p>The information collected will be consolidated in a draft final report including a short summary section. The individual contributions and the report will then be discussed at an anticipated meeting of IMPEL cluster 3 in the spring of 2007 (possibly April).</p>
1.5. Product(s)	<ul style="list-style-type: none"> • Information on permit reconsideration and permitting approaches of participating IMPEL members • Consolidated report

2. Structure of the project

2.1. Participants	All IMPEL Members are invited to give input to the project. A wide participation is considered desirable to maximise the information exchange and the ability of the results to give a representative picture of practises EU-wide.
2.2. Project team	<ul style="list-style-type: none"> • The Commission Unit ENV.C.4 will take the lead in the project. • The Commission invites an IMPEL Member to take the co-lead (at the Helsinki plenary the UK indicated that it may take the co-lead) • A core project team would be formed comprising the Commission, the potential co-lead IMPEL member, Mr Ed Eggink who represents IMPEL on the IPPC Review Advisory Group, and it is suggested around 3-5 additional members of IMPEL cluster 3 (to be identified). At the Helsinki plenary the following members indicated their participation in the core team: IE, FI, NL, LT, UK
2.3. Manager Executor	The project will be managed by Mr Neil Emmott, in conjunction with the IMPEL member volunteering to co-lead.
2.4. Reporting arrangements	The draft report will be discussed in an IMPEL cluster 3 meeting anticipated to take place in spring 2007. A final report will be put to the Plenary in Berlin, 30 May-1 June 2007, for adoption.
2.5 Dissemination of results/main target groups	The report will be put on the IMPEL website and disseminated to the authorities in the Member States. The report will also be identified on the Commission's IPPC review website (with a link to the IMPEL website publication), and will be taken into account by the Commission (and it is hoped by other parties, e.g. the Council and the European Parliament) in the IPPC review process.

3. Resources required

3.1 Project costs	1 specific project meeting for the core team in Brussels – assume 6 participants; travel plus one day's subsistence estimated at €750 per person Total travel costs €4,500 Discussion of the information provided and draft report would be in the context of an anticipated cluster 3 meeting with no additional travel costs.
3.2. Fin. from Com.	100%
3.3. Fin. from MS (and any other)	None required
3.4. Human from Com.	Reviewing existing information, organising and hosting core team meeting, working with core team to formulate and disseminate questions: 4 days Reviewing information received and drafting report: 4 days Attending cluster 3 meeting and finalising report: 4 days

4. Quality review mechanisms

The quality of the report will be reviewed by the core team, and made available to the project contributors for comment. A draft report will be discussed within Cluster 3.

5. Legal base

5.1. Directive/Regulation/ Decision	Directive 96/61/EC concerning integrated pollution prevention and control
5.2. Article and description	Article 13 provisions relating to reconsideration and updating of permits
5.3 Link to the 6th EAP	More effective implementation and enforcement of environmental legislation is one of the priorities of the 6 th EAP. Well-designed approaches to reconsideration and updating of permits will support this.

6. Project planning

6.1. Approval	The draft ToR is presented for adoption at the Plenary Meeting in Espoo, 6-8 December 2006
(6.2. Fin. Contributions)	
6.3. Start	The project should start beginning of 2007
6.4 Milestones	1. core team meeting: January 2007 2. questions to IMPEL participants: February 2007 3. replies from IMPEL participants, consolidation and drafting of report: March 2007 4. discussion in IMPEL cluster 3: April 2007
6.5 Product	Final report May 2007
6.6 Adoption	IMPEL plenary in Berlin 30 May-1 June 2007

Appendix 2 – Questionnaire

Review of approaches to the reconsideration and updating of IPPC permits Questions for IMPEL members

Introduction

As part of the European Commission's review of the Integrated Pollution Prevention and Control (IPPC) Directive 96/61/EC, IMPEL is reviewing approaches to the reconsideration and updating of IPPC permits. You are invited to contribute to this project by completing the attached questionnaire and returning it by **13 March 2007** to neil.emmott@ec.europa.eu.

What is the project about?

The project is about how article 13 of the IPPC Directive is put into practice. This article is concerned with the reconsideration and updating of permit conditions by competent authorities for installations that have already been made subject to a permit implementing the IPPC Directive. The relevant provisions of article 13 are reproduced in the questionnaire. We know some installations were also first brought into compliance with the IPPC Directive by reconsidering pre-existing permits (rather than by issuing new permits), but this project is not about this reconsideration process.

We also know the IPPC Directive has only applied in practice since 1999, and most effort since then will have focused on ensuring existing installations have permits to comply with the Directive by 30 October 2007, so there will be little practical experience of reconsidering and updating permits in accordance with article 13. However, we would like to know about such practice where it exists. We would also like to know about plans to implement article 13, where appropriate based on experience with similar provisions in previous regimes.

We would like to receive not just information on the basic legal requirements, but also details of typical practice (e.g. average periods for reconsideration of permits, actual plans/procedures put in place, etc.), concretely illustrated by some real examples. Please give references of or links to any guidance documents, policies, etc. that you mention.

The status of your answers

We are not asking for formal answers to this questionnaire. Your replies will not be taken to represent the official position of your organisation or Member State. In answering the questionnaire you are asked to give your name plus that of your organisation, but also to indicate whether or not you would like your name to be included in the final report.

What will happen to the information?

The information is being collected to inform the review of the IPPC Directive which the Commission is undertaking in consultation with Member States and other stakeholders. As part of this review, the question of whether article 13 should be left as it is or be amended – for example to give more details on reconsideration processes or periods – is being considered. The Commission has already undertaken a preliminary assessment of options in this area. The purpose of this project is to fill some important gaps in this assessment by providing a more complete picture of how article 13 is being implemented.

In addition, the exchange of information should be of value to the authorities that carry out the reconsideration and updating of IPPC permits, regardless of the IPPC review. The project therefore also aims to highlight different experiences and practices in permit consideration with the intention of informing policy choices by Member States and authorities.

The information collected will be consolidated into a draft final report with a short summary section. This will be discussed at a meeting of IMPEL cluster 3 in April 2007, and will also be sent to all individual contributors for comment. A final report will go to the Plenary in Berlin, 30 May-1 June 2007, for adoption, and will be published on the IMPEL website.

More information

The terms of reference for the project are on the IMPEL website (in case you do not have access to this site, please contact Ms. Hilda Farkas in the IMPEL Secretariat (Hilda.farkas@ec.europa.eu) or your IMPEL national coordinator):

http://forum.europa.eu.int/Members/irc/env/test/library?l=/impel_ongoing_projects&vm=detailed&sb=Title

You may wish to refer to some information that has already been collected on the reconsideration and updating of IPPC permits. See in particular:

- the initial assessment of options for possible amendment of article 13
http://forum.europa.eu.int/Public/irc/env/ippc_rev/library?l=/gathering_amendments/draft_final_report&vm=detailed&sb=Title
- chapters 3.3.1 and 4.4 of a separate report on implementation of the IPPC Directive
http://forum.europa.eu.int/Public/irc/env/ippc_rev/library?l=/implementation_entec/draft_final_report&vm=detailed&sb=Title
- chapter 8 of a previous IMPEL project on Changes in Industrial Operation
<http://ec.europa.eu/environment/impel/pdf/changes.pdf>.

You can also contact members of the project core team as follows:

Neil Emmott, European Commission (project co-leader)
Tel. 00 322 299 0413, email neil.emmott@ec.europa.eu

Richard Clarke, Environment Agency of England and Wales (project co-leader)
Tel. 00 44 1709 312834, email richard.clarke@environment-agency.gov.uk

Pieter Roos, Netherlands Ministry of Housing, Spatial Planning and the Environment
Tel. 00 31 70 339 41 65, email pieter.roos@minvrom.nl

Ed Eggink, Province of Limburg Department for Environment and Water Policy
Tel. 00 31 43 389 7487, e-mail e.eggink@prvlimburg.nl

Elise Sahivirta, Finnish Ministry of the Environment
Tel 00 358 9 16039638, e-mail elise.sahivirta@ymparisto.fi

Thank you for your contribution!

Questionnaire

Part 1 – Contextual information

1. Please give your name and contact details	
2. Would you like your name to be included in the final report?	yes/no
3. Please give the name of your organisation	
4. What territory does your organisation cover?	
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	
6. Approximately how many IPPC installations fall under your organisation's responsibility?	

Part 2 – Implementation of article 13(1)

Article 13(1) of the IPPC Directive says: *"Member States shall take the necessary measures to ensure that competent authorities periodically reconsider and, where necessary, update permit conditions."*

(Note that, in addition to this requirement for periodic reconsideration under article 13(1), under article 13(2) of the Directive permits also must be reconsidered in certain specific circumstances. These cases are dealt with in Part 3 of this questionnaire.)

General questions	
7. What do you understand is meant by "reconsider" in this context?	
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details.	
Frequency of reconsideration	
9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow.	
9.1 Are specific rules on permit reconsideration frequency set out in law?	
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	
9.3 Please give details if the frequency can vary between sectors.	
9.4 Please give details if there is a risk based approach to determining frequency?	
9.5 Please give details of any other factors	

affecting reconsideration periods?	
Plans and processes for reconsideration of permits	
10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.	
<ul style="list-style-type: none"> • according to a sectoral plan (yes/no) • according to a general plan (yes/no) • case-by-case consideration (yes/no) • other approach (yes/no) Please give further details:	
11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions.	
11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.	
11.2 Who initiates the reconsideration – the operator, the authority or a third party?	
11.3 Is there any differentiation of approach for different sizes or sectors of installations?	
11.4 Is the public involved? If so, at what stage?	
11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	
11.6 Is there an administrative decision that can be appealed? If so, by whom?	

Part 3 – Implementation of article 13(2)

Article 13(2) says: “*The reconsideration shall be undertaken in any event where:*

- *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,*
- *substantial changes in the best available techniques make it possible to reduce emissions significantly without imposing excessive costs,*
- *the operational safety of the process or activity requires other techniques to be used,*
- *new provisions of Community or national legislation so dictate.”*

In the questions below the four indented points of article 13(2) are referred to as “triggers”.

General questions
12. How is article 13(2) (or how will it be) implemented in practice?
13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)?
Reconsideration process
14. What process would be followed to reconsider a permit under article 13(2)? Please

describe any differences from periodic reconsideration under article 13(1).	
15. Does such reconsideration open up the whole permit or just part of it?	
Assessment of the article 13(2) “triggers”	
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow.	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	
16.3 How is it determined, and by whom, if operational safety requires other techniques?	
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision?
18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details.
19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)?
20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option?
21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)?
22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project.

Thank you for your contribution. Please email the completed questionnaire to neil.emmott@ec.europa.eu

Appendix 3 – Completed Questionnaires

Belgium - Brussels

Part 1 – Contextual information

1. Please give your name and contact details	Valérie STOOOP vst@ibgebim.be 0032.775.75.39
2. Would you like your name to be included in the final report?	yes
3. Please give the name of your organisation	Brussels Environment (B.I.M.E)
4. What territory does your organisation cover?	Brussel's region
5. What is the responsibility of your organisation in relation to reconsideration of permits ?	policy-maker, technical advisor, practical implementation
6. Approximately how many IPPC installations fall under your organisation's responsibility?	10

Part 2 – Implementation of article 13(1)

General questions	
7. What do you understand is meant by "reconsider" in this context? To visit the plant, to analyse the documents, to check if the permit contains relevant conditions	
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details. A permit is delivered for 15 years. After this, the operator must ask for a prolongation of their permit for a further period of 15 years. It's a light procedure without a public consultation. After a new period of 15 years, they must do a complete procedure with a public consultation. A new text foreseeing a reconsideration every 5 years has been proposed to the Brussel's region government.	
Frequency of reconsideration	
9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow.	
9.1 Are specific rules on permit reconsideration frequency set out in law?	<ul style="list-style-type: none"> • Article 62 of our legislation (environmental permit Ordonnance) : prolongation = reconsidering the conditions of the permit 15 years after the initial permit • Article 64 (modification of a permit) and article 7§2 (extension of a permit) give others possibilities to reconsider permit but without a precise frequency
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum	The maximum period is 15 years. The minimum period legally unforced is 15 years. It should be 5 years within the future months.

periods (e.g. not longer than every X years)?	
9.3 Please give details if the frequency can vary between sectors.	No
9.4 Please give details if there is a risk based approach to determining frequency?	Presently : no In the future, every 5 years for PRTR and IPPC plants.
9.5 Please give details of any other factors affecting reconsideration periods?	Everytime a complain is brought to us, we can modify the permit. After an accident, after a visit, we can decide to review the conditions of the permit (modification)
Plans and processes for reconsideration of permits	
<p>10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.</p> <ul style="list-style-type: none"> • according to a sectoral plan (yes/no) : no • according to a general plan (yes/no): no • case-by-case consideration (yes/no) : no • other approach : no <p>Please give further details: global approach of all plants IPPC and non-IPPC for which some human resource are present. Resource allocation are used for an external study service (see point 16.2)</p>	
<p>11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions.</p> <pre> graph LR Permit -- 15 years --> Prolongation{Prolongation?} Prolongation -- Yes --> Renewal[Renewal] Prolongation -- No --> NoNewPermit[No new Permit] Renewal --> NewPermit[new Permit] Prolongation --- P1[Possible Extension Modification] Renewal --- P2[Possible Extension Modification] </pre>	
<ul style="list-style-type: none"> • Extension : when the operator want to extend his activities . If we consider that the extension doesn't bring additional environmental pollution, we can accept it. • Modification : - if the authority (BIME) considers that the fixed conditions of a permit don't match the protection of the environment, she has the right to modify the permit. - when the operator want to adapt the conditions of his permit without add an activity. If we consider that the modification brings no additional environmental pollution, we can accept it. 	
11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.	<ul style="list-style-type: none"> • Prolongation of a permit : free, shorter and no public consultation • Renewal of a permit : identical of a new permit (60 days to 450 days dependent on the type of installations) • Extension and modification of a permit : free, shorter (1 month) and no

	public consultation
11.2 Who initiates the reconsideration – the operator, the authority or a third party?	Can be the operator, the authority, the local authority or a third party (complaint)
11.3 Is there any differentiation of approach for different sizes or sectors of installations?	No
11.4 Is the public involved? If so, at what stage?	Yes in case of a renewal of the permit or in case of a refusal of a prolongation (then it's a new permit). The public is involved in an public consultation before the redaction of the permit.
11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	<ul style="list-style-type: none"> • Prolongation : informations about all the activities of the firm, effect's report • Extension and modification : informations only about the installation which is modified
11.6 Is there an administrative decision that can be appealed? If so, by whom?	Yes by anyone who can justify an interest

Part 3 – Implementation of article 13(2)

General questions	
12. How is article 13(2) (or how will it be) implemented in practice? Article 64 of the Order about environmental permit : modification of the permit : “ The authority modifies the environmental permit when she notices that this permit doesn't contain anymore relevant conditions, including the use of BAT, to prevent danger, a pollution or a risk for the environment and the health, to reduce it or to put it right. The authority can also modify the permit when the operator asks it on condition that the modification doesn't cause a worsening of the danger or the pollution for the environment or for the human health.”	
13. Who initiates reconsideration on the basis of the article 13(2) “triggers”, and on what basis (e.g. individual discretion, guidance, legislative specifications)?	
<ul style="list-style-type: none"> • B.I.M.E : individual discretion, guidance, legislative specification • Operator who want to use the BAT or soften points that he can't afford using the BAT : individual discretion 	
Reconsideration process	
14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1). The modification is explained on point 11	
15. Does such reconsideration open up the whole permit or just part of it? Can be both.	
Assessment of the article 13(2) “triggers”	
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow.	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	It's determined by the authority (us) : <ul style="list-style-type: none"> • At the time of a complaint • BAT are not applied

	<ul style="list-style-type: none"> • At the time of a visit • Because of an accident
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	The authority with the help of a study service based on Bref's
16.3 How is it determined, and by whom, if operational safety requires other techniques?	The authority with the help of the Fire brigade
16.4 Do you consider other criteria, not listed by the Directive, as "triggers" for reconsideration? If yes, please give details.	Yes - Complaints

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision? Yes, if the permit already contains the actual BAT, no significant changes and no complaint.
18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. In case of appeal by anyone who can justify an interest, the third party would be the Environmental College and the Government.
19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)? <ul style="list-style-type: none"> • Average time for a reconsideration of the permit of the plants in Brussels : 3 days • Average time for a reconsideration of the permit for IPPC companies : 10 days Our experience showed us that we needed almost the same time to reconsider a permit (IPPC) than to do a new one.
20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option? See point 11
21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)? This depends on the local conditions and should be left to the member states.
22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project. Substantial modification has to be defined more precisely. We propose the same definition as used in the COV directive.

Belgium – Flanders

Part 1 – Contextual information

<p>1. Please give your name and contact details</p>	<p>Paul Bernaert (Division Head) paul.bernaert@lne.vlaanderen.be Robrecht Vermoortel (IPPC Directive) robrecht.vermoortel@lne.vlaanderen.be Jan Baeten (implementation of BAT) jan.baeten@lne.vlaanderen.be</p> <p>Environmental Licences Division Koning Albert II-laan 20 bus 8 BE-1000 Brussels Belgium Tel: +32 2 553 79 97 Fax: +32 2 553 79 95 milieuvergunningen@lne.vlaanderen.be</p> <p>Note: the English translation of the Flemish Environmental Licences legislation is available online at : http://www.emis.vito.be/wet_ENG_navigator/milieuvergunning.htm References in the answers are made to</p> <ul style="list-style-type: none"> • Decree of the Flemish Council of 28 June 1985 concerning Environmental Licences • Order of the Flemish Government of 6 February 1991 concerning Environmental Licences (VLAREM I) • Order of the Flemish Government of 1 June 1995 concerning General and Sectoral provisions relating to Environmental Safety (VLAREM II)
<p>2. Would you like your name to be included in the final report?</p>	<p>yes</p>
<p>3. Please give the name of your organisation</p>	<p>Flemish government Environment, Nature and Energy Department Environmental Licences Division</p>
<p>4. What territory does your organisation cover?</p>	<p>Flemish Region (Belgium)</p>
<p>5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?</p>	<p>policy-maker technical advisor practical implementation</p>
<p>6. Approximately how many IPPC</p>	<p>1130</p>

installations fall under your organisation's responsibility?	
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Part 2 – Implementation of article 13(1)

General questions

7. What do you understand is meant by "reconsider" in this context?

The reconsideration can have different meanings and can happen in many cases:

7.1 *Applications for a renewal of a licence or applications for changing of a licensed establishment*

The licensing period is limited to a maximum of 20 years. At the end of that period (or sooner in some specific cases) a new license can be requested. This application is completely examined on the basis of the application file (similar to an application for a first permit) so that, when the licence is issued, it contains the necessary updated permit conditions specific conditions, taking into account BAT, specific local circumstances and environmental quality standards. In well-defined cases, a transition period is provided to allow the establishment to adjust to updated conditions.

When a licence is issued, a licence period is allocated to the installation in accordance with the assessment of the file or specific periods are allocated for certain specific conditions.

Existing installations are regularly relicensed in overall terms. Major changes to and extensions of installations are also subject to the licensing requirement. In such a case, an installation can opt for overall early relicensing. Also if it is taken over (by a new owner) an installation may apply for overall early relicensing.

According to the environmental licence decree (Article 21), the competent authority, giving reasons for its decision or at the request of the opinion-issuing authorities, can always amend or make additions to the licence conditions which it imposes.

According to Article 45 of VLAREM I, the following applies:

"§ 1. The competent authority can amend or make additions to the conditions imposed in the current definite licence(s)::

1° in an official capacity;

2° at the request of the advisory bodies referred to in Article 20, insofar as these are competent to deliver opinions relating to the installation concerned;

3° at the operator's request;

4° at the request of any natural person who or legal entity which could be directly adversely affected as a result of the installation and its operation;

5° at the request of any legal entity which is concerned with the protection of the environment which could be adversely affected as a result of the installation and its operation."

7.2 *Update of general and sectoral environmental conditions in VLAREM II*

The general and sectoral environmental conditions in VLAREM II are regularly updated on a motivated way. These conditions are general binding rules and are a part of the licence. The change of VLAREM II changes the conditions of all the licences that are concerned.

7.3 Regulary check of the license of an IPPC-license

In order to comply explicitly with the Directive, the following was explicitly included in VLAREM I (Article 41bis as regards the IPPC installations):

" For installations which are indicated in the fourth column of the classification list with the letter "X", the following provisions apply additionally according to EU Directive 96/61/EC of 24 September 1996 on integrated pollution prevention and control:

1° the licensing conditions are regularly checked by the competent authorities and if necessary officially amended according to the procedure referred to in Article 45. For existing GPBV installations, the first check must be carried out at the latest before 30 October 2007;

7.4 Other checks of an IPPC-license

a) In order to comply explicitly with the Directive, the following was explicitly included in VLAREM I (Article 41 bis as regards the IPPC installations):

" For installations which are indicated in the fourth column of the classification list with the letter "X", the following provisions apply additionally according to EU Directive 96/61/EC of 24 September 1996 on integrated pollution prevention and control:....

2° a check is carried whenever:

a) the pollution caused by the installation is such that the existing emission limit values in the licence must be changed or new emission limit values must be adopted;

b) important changes in the best available technologies make a significant limitation of the emissions possible without exorbitant costs;

c) the operational safety of the process or the activity requires the application of other techniques;

d) this is required by new legal provisions. "

b) When there is a licence with a discharge of waste water with dangerous substances there is a new examination every four years as stipulated in art. 41 of VLAREM I

§ 1. In the case that the application for an environmental licence relates to the disposal of dangerous substances as referred to in the EC directive 76/464/EEC of 4 May 1976 relating to pollution caused by certain dangerous substances which are dumped in the aquatic environment of the Community, and which are listed under section 3.4 or 3.6.3. in the classification list, and in the case where the application for the environmental licence relates to the direct or indirect disposal in groundwater of dangerous substances as referred to in the EC directive 80/68/EEC of 17 December 1979 concerning the protection of groundwater against pollution caused by the dumping of certain dangerous substances, the environmental licence must be subjected to a new examination at least every four years with regard to the abovementioned dumping.

[This examination and any amendments take place at least in accordance with the programmes drawn up according to article 2.3.6.1 of VLAREM II.]

§ 2. If the period of the licence for the disposal referred to in § 1 exceeds four years, the four yearly re-examination of this licence takes place officially in accordance with the procedure described in Article 45.

[The competent authority must, in accordance with article 20 of VLAREM I, hereby request advice from the public authorities mentioned in the classification list.]

8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details.

See question 7

For existing IPPC installations, the first check must be carried out at the latest before 30 October 2007.

The licence of the 559 installations for intensive rearing has been controlled with the control of the general binding rules in VLAREM II. The industrial installations have a control case by case before October 2007. For this, there was an action plan.

There is an intention to have a second check six to ten years later. But this is not stipulated in the legislation.

Frequency of reconsideration

9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow.

See question 7 and 8

9.1 Are specific rules on permit reconsideration frequency set out in law?

Yes. See question 7

9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?

See question 7

9.3 Please give details if the frequency can vary between sectors.

The frequency is the same for all sectors.

9.4 Please give details if there is a risk based approach to determining frequency?

See question 7 and 9.

These depends mostly on the advice of the experts.

When a licence is issued, a licence period is allocated to the installation in accordance with the assessment of the file or specific periods are allocated for certain specific conditions. These conditions are risk based.

9.5 Please give details of any other factors affecting reconsideration periods?

For example :

- *the use of groundwater coming from extraction of some aquifers is limited to 5 years.*
- *The licenses of landfills are often limited to five years.*

Art. 30 of VLAREM I:

§4. If no building permit is required for the establishment, the licence may be granted for a trial period of a minimum of six months and a maximum of two years.

Plans and processes for reconsideration of permits

10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.

- according to a sectoral plan (yes/no) *yes*

- according to a general plan (yes/no) *yes*
- case-by-case consideration (yes/no) *yes*
- other approach (yes/no) *no*

Please give further details: see question 7,8 and 11.

11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions.

11.1 See question 7 point 7.1

In order to take into account of BAT, the local circumstances and local environmental quality standards and specific characteristics of an environmental licence application, each environmental licence application was and is still examined individually on the basis of the application file. In this process, opinions are delivered by various authorities in order to ensure that whenever a licence is granted, the appropriate precautions have been taken against pollution (so that no substantial pollution is caused) and the matter is dealt with in a safe manner.

These opinions are integrated in commissions to produce a single overall proposal for a decision by the licence issuing authority.

On issuing the licence, the licence-issuing authority will include the necessary specific operating conditions. When a licence is issued, a licence period is allocated to the installation in accordance with the assessment of the file or specific periods are allocated for certain specific conditions.

11.2 See question 7 point 7.2

The conditions in VLAREM II are regularly updated using the data which becomes available, like BAT information and possible ELV's. The changes are prepared by commissions with the competent authorities.

In well-defined cases, a transition period is provided to allow the installation to adjust.

11.3 See question 7 point 7.3

The licensing conditions are regularly checked by the Environmental Licenses Division. There is a subadvice from other authorities about air-emissions and energy. There is a report of the check.

Checklists are drawn up per BREF specifically for the licence-issuing authority. These are intended to make it easier to use the BREF's, however the BREF's themselves remain the basis when determining the BAT at regional level. Local BAT-studies and other BAT-information are also used.

The used techniques are evaluated. There is a control of the ELV's in the licence.

If it is necessary the license is officially amended according to a procedure (see 11.1)

11.4 See question 7, point 7.4

If there are new BAT-techniques the conditions in VLAREM II can be adjusted (see 11.2). In the other cases the licensing conditions are checked case by case by the Environmental Licenses Division for these points. There is a report of the check.

The used techniques are evaluated. There is a control of the ELV's in the licence.

If it is necessary the licence is officially amended according to a procedure (see end 7.1)

11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.

See question 11

11.2 Who initiates the reconsideration – the

The authority

operator, the authority or a third party?	
11.3 Is there any differentiation of approach for different sizes or sectors of installations?	No
11.4 Is the public involved? If so, at what stage?	7.1.: For a renewal and a change of a licence, the public is involved in the beginning and at the end. When the licence is amended as a result of cases 7.3 and 7.4, the public is involved in the beginning and at the end
11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	Not in the cases 7.3 and 7.4. But when there is a lack of information it can be asked for with specific conditions in the licence. 7.1 For a renewal and a change of a licence, there is a very large demand for application/information with all IPPC- aspects like BBT, the expected emissions etc. .
11.6 Is there an administrative decision that can be appealed? If so, by whom?	When the licence is amended as a result of cases 7.3 and 7.4, then yes. 7.1 For a renewal and a change of a licence, appeals against the decisions of the Permanent Deputation can be lodged by: <ul style="list-style-type: none"> - any natural or legal person who may directly experience nuisance as a result of the establishment and operation of the installation; - any legal person who aims to protect the environment which may be affected by this nuisance. - by the the proper authorities.

Part 3 – Implementation of article 13(2)

General questions
<p>12. How is article 13(2) (or how will it be) implemented in practice?</p> <p><i>The experts-workgroups of the Environmental Licenses Division follow these evolutions and prepare the necessary measures for implementation.</i></p> <p><i>In some cases there is an implementation by a change of the general or specific conditions (binding rules), see question 7. answer 7.2. The experts-workgroups make proposals for the change of VLAREM II.</i></p> <p><i>If this is not implemented in the general binding rules, it will happens with a reconsideration obliged by law, case by case (see question 7 answer 7.1, 7.3 and 7.3).</i></p>
<p>13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)?</p> <p><i>The experts-workgroups of the Environmental Licenses Division follow these evolutions and</i></p>

<i>prepare the necessary measures for implementation.</i>	
Reconsideration process	
14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1).	
<i>The experts-workgroups of Environmental Licenses Division follow these evolutions continuously and prepare the necessary measures for implementation.</i>	
15. Does such reconsideration open up the whole permit or just part of it?	
<i>It can open up the whole licence if necessary.</i>	
Assessment of the article 13(2) “triggers”	
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow.	
<i>The information in the BREF’s or other BAT-studies (made in Flanders by VITO) or other BAT info are used to evaluate VLAREM II (general binding rules). If the difference becomes significant, VLAREM II will be changed. If there are no requirements in the general binding rules (VLAREM II) then the concerned licenses will be examined and changed if necessary.</i>	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	<i>Pollution is monitored by the Flemish Environmental Agency (VMM) and the Environmental Inspectorate Division. Revised or new emission limit values can be implemented according to art. 45 of VLAREM I: § 1. The competent authority can amend or make additions to the conditions imposed in the current definite licence(s): 1. in one’s official capacity; 2. at the request of the advisory bodies referred to in Article 20, insofar as these are competent to deliver opinions relating to the establishment concerned; 3. at the operator's request; 4. at the request of any natural person who or legal entity which could be directly adversely affected as a result of the establishment and the operation of the establishment; 5. at the request of any legal entity which is concerned with the protection of the environment which could be adversely affected as a result of the establishment and the operation of the establishment.</i>
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible	<i>The experts-workgroups of Environmental Licenses Division follows these evolutions</i>

to reduce emissions significantly without excessive costs?	<i>and prepare the necessary measures for implementation. There are Flemish BAT-studies made by VITO and these are online available.</i>
16.3 How is it determined, and by whom, if operational safety requires other techniques?	<i>Licences with significant danger or a lack of operational safety are not possible in Flanders by the restrictions of the law. Environmental Licenses Division investigates the safety aspects in the licence opinion procedure.</i>
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	<i>Part II of VLAREM II includes a number of environmental quality standards, among other things those resulting from the Community legislation and account of which has to be taken by the competent authorities concerning nuisance installations. In addition to this, already long before the Directive, the VLAREM licence had to contain the necessary conditions to prevent pollution. VLAREM II (Article 3.3.0.1.) states that the licence-issuing authority can impose conditions in order to maintain or meet environmental quality standards. So if there is new information about environmental quality standards can this be a trigger for reconsideration.</i>

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision? <i>Yes, if the reconsideration has proved that the conditions of the licence are up-to-date and the used techniques are BAT.</i>
18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. <i>No</i>
19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)? <i>The experts-workgroups of Environmental Licenses Division follow these evolutions and prepare the necessary measures for implementation. The workload and needed staff can not be fixed because it is a continuous work that also is done in considerations of other licenses. The reconsideration requires significant staff time.</i>
20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For

example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option?

The experts-workgroups of Environmental Licenses Division follow these evolutions continuous and prepare the necessary measures for implementation.

21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)?

Yes it helps, because this gives a clear view for everybody. A maximum period of six at ten years with a clear description of the process on EU-level would be advisable.

22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project.

The use of general binding rules can make a control of a licence very easy when there are many installations. The licence of 559 installations for intensive rearing have been reconsidered this way.

Bulgaria

Part 1 – Contextual information

1. Please give your name and contact details	Boyko Malinov Tel.: +359 29406035 Fax: +359 2 9813398 e-mail: malinov@moew.government.bg
2. Would you like your name to be included in the final report?	yes
3. Please give the name of your organisation	Ministry of Environment and Water
4. What territory does your organisation cover?	The whole territory of the Republic of Bulgaria
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	1. Legislator/policy - maker 2. Responsible for the IPPC Directive implementation in Bulgaria. 3. “Industrial Pollution Prevention” department within the Ministry is responsible for the reconsideration of the IPPC permits
6. Approximately how many IPPC installations fall under your organisation's responsibility?	1. Final appraisal will be completed after 31.10.2007. 2. One permit covers all installations on one site . Currently about 270 sites are subject to IPPC permitting. Between 2 – 4 installations in average are covered by a single permit.

Part 2 – Implementation of article 13(1)

General questions	
7. What do you understand is meant by "reconsider" in this context? To check out whether the permit conditions have to be changed or not	
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details. According to Environment Protection Act (EPA) the Competent Authority (CA) reconsiders the IPPC permits on a regular period of 5 years. If the reconsideration reveals “a change in the operation” – the CA undertakes update of the permit. This reconsideration may coincide with one or more of the circumstances, described in art.13.2 of the Directive.	
Frequency of reconsideration	
9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow.	
9.1 Are specific rules on permit reconsideration frequency set out in law?	Yes
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum	Fixed period

periods (e.g. not longer than every X years)?	
9.3 Please give details if the frequency can vary between sectors.	It doesn't vary between sectors
9.4 Please give details if there is a risk based approach to determining frequency?	We do not apply risk based approach
9.5 Please give details of any other factors affecting reconsideration periods?	<ol style="list-style-type: none"> 1. Under previous regimes the Compliance programs of the existing installations have been conceived to cover 5 year period. 2. The 5 year period corresponds to the administrative capacity of the CA 3. Taking into account the safeguards of the art.13.2 this period would give stability to the operators to focus on the operation itself and in parallel it is not long enough to loose the activity out of sight (in case some change has escaped the assessment of the operator and the enforcement authority).
Plans and processes for reconsideration of permits	
<p>10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.</p> <ul style="list-style-type: none"> • according to a sectoral plan • according to a general plan - yes • case-by-case consideration • other approach <p>Please give further details: Bulgaria issues the permits for the existing installations according to 4 year sector- wise schedule. According to the dates of the granted permits, schedule for the periodic reconsideration will be elaborated. Within "Industrial Pollution Prevention" department 2 experts are allocated to deal with reconsideration issues.</p>	
<p>11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions.</p> <ol style="list-style-type: none"> 1. Drafting a list of the permit holders whose permits should be reconsidered next year. 2. Notification of the permit holders along with a requirement to fill out and present questionnaire according to certain criteria (scope and format). These criteria are imposed in the IPPC Ordinance under the EPA. 3. Notification of the enforcement authorities (Regional Inspectorates on Environment and Water) with request for information on the occurrence of any of the circumstances, described in art.13.2 Directive. 4. Depending on the outcome of the questionnaire and the information sent by the regional inspectorates the CA might launch a reconsideration of the permit. <p>RECONSIDERATION PROCEDURE:</p> <ol style="list-style-type: none"> 1. The CA assesses the gathered information 2. The main component is the consultation amongst the CA, operator and the enforcement authority. Depending on the case other CA may be invited to participate in the consultation 3. Depending on the case (reason for reconsideration) CA decides for instance - whether to change permit conditions, which exactly, in what way, whether to accept the proofs, submitted by the operator for BAT implementation. The conclusions are fixed in a 	

<p>“Consultations’ protocol”. The protocol contains also conclusion whether to update the permit or not.</p> <p>4. The reconsideration ends by a letter of the minister, containing the protocol’s conclusions.</p> <p>4. The process relies strongly on the sufficiency and quality of the beforehand gathered information</p>	
<p>11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.</p>	<p>1. It is different procedure.</p> <p>2. Operators do not submit permit applications</p> <p>3. The length of the procedure is much shorter.</p>
<p>11.2 Who initiates the reconsideration – the operator, the authority or a third party?</p>	<p>In this case – the CA</p>
<p>11.3 Is there any differentiation of approach for different sizes or sectors of installations?</p>	<p>No</p>
<p>11.4 Is the public involved? If so, at what stage?</p>	<p>The public is not involved in the reconsideration process.</p> <p>1. The public gets involved in the permit update in case of a “significant pollution, caused by the installation”, subsequently to the permit reconsideration.</p>
<p>11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?</p>	<p>Yes, a questionnaire, which follows the scope and format of the permit conditions – where a change has been spotted – concrete information should be presented.</p>
<p>11.6 Is there an administrative decision that can be appealed? If so, by whom?</p>	<p>There is no administrative decision on the reconsideration of the permit. There is such on the subsequent update of the permit, if such is needed. PLS. see p.11</p>

Part 3 – Implementation of article 13(2)

<p>General questions</p>
<p>12. How is article 13(2) (or how will it be) implemented in practice? The requirements of the article have been transposed in EPA. Additionally the triggers of art.13.2 have been supplemented with “change of operation “ occurrence as a necessary stage before possible subsequent update (art.12.1). Bulgaria has experience so far with reconsideration and update of permits due to “changes in operation” and 1 case of “significant pollution”, caused by the installation.</p>
<p>13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)? The emphasis is put on the submission of sufficient proofs about the occurrence of some of the circumstances, described in art.13.2. There are no limitations on the entities that might submit such proofs. In case of a planed “change in operation” the initial information is submitted by the operator (according certain criteria) and is supplemented by justification of BAT implementation.</p>

<p>Depending on the case on the grounds of sufficient proofs the CA opens a reconsideration procedure.</p>	
<p>Reconsideration process</p>	
<p>14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1). The procedure is the same. There is different emphasis for each of the triggers, but this is also effective for art.13.1 cases.</p> <p>A distinctively different is the update procedure in case of a “significant pollution” caused by an installation – the CA proposes how to revise the ELVs and the public has access to the draft of the updated permit – respectively may contribute to the final updated permit.</p>	
<p>15. Does such reconsideration open up the whole permit or just part of it?</p> <p>Depends on the case. The required beforehand information clarifies this, but so far we haven’t got a case to reopen the whole permit. In the Bulgarian context the reconsideration is followed by update, if the reconsideration reveals such need – than the update opens those parts of the permit, that the reconsideration considered necessary.</p>	
<p>Assessment of the article 13(2) “triggers”</p>	
<p>16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow.</p>	
<p>16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?</p>	<p>Usually the signal comes from the enforcement authority and is grounded on the outcomes of the environment monitoring.</p>
<p>16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?</p>	<p>CA decides this on the grounds of presented written proofs – it means that upon receiving official information for new BAT existence a comparison between applied technique and this new BAT might be required, along with assessment of the “Significant reduction of the emissions” and entailed cost of the new BAT implementation.</p>
<p>16.3 How is it determined, and by whom, if operational safety requires other techniques?</p>	<p>Operational safety is not very central issue, considered in the permits, despite the prevention and proper accident reaction required by the permit conditions. Mainly this is due to the different CA.</p> <p>Again this is left to the discretion of the CA to decide on the grounds of the written proofs. Other possibility is if newly adopted legislation has a provision to update the permits in a way to reflect specific legislative requirements.</p> <p>We haven’t experienced such case but it is conceivable that more stricter safety rules might be in a contradiction to the BAT applied on the site at that time.</p>
<p>16.4 Do you consider other criteria, not listed</p>	<p>Yes – “change in operation” (but not</p>

<p>by the Directive, as “triggers” for reconsideration? If yes, please give details.</p>	<p>substantial) as it is described in the Directive. In the Environment Protection Act this condition is added to the art.13.2 cases. Typically two consecutive procedures would be carried out – reconsideration and if its conclusions say so – update of the permit conditions. Beforehand an information according standard criteria and BAT implementation proofs are required from the operator, than occurrence of a “Change in operation” and sufficiency of the information are assessed by the competent authority. In case of a double “Yes” answer – the Minister opens a “reconsideration” of the permit. If the assessment concludes that the “Change” is substantial - the operator is informed that the “change” is substantial and must undergo another procedure – issuance of an integrated permit.</p>
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Part 4 – General questions including questions about policy choices and costs

<p>17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision? Yes, it is possible in the following cases (according to our experience, predominantly due to “change in operation”): -departure from BAT – than the change is not allowed; - there is no need to change any of the conditions;</p>
<p>18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. The documents are publicly available (if do not contain a confidential information, protected by the law). There is a publicly available through the Internet site of the ministry register. The history of the permits, incl. the reconsideration is uploaded in the register, so anybody may get acquainted if a permit has been reconsidered. Than, according to certain rules the reconsideration information may be acquired.</p>
<p>19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)? The procedure typically takes about 1 month. The involved staff varies depending on the complexity of the case, but not less than 4 and more than 12 experts. Only the procedure coordinator is fully engaged from the beginning to the end of the process.</p>
<p>20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option? Yes, evaluation of the options was made – according to the impact on the environment (for instance – in case of significant pollution the reconsideration starts immediately), the abilities of the administration, facilitation of the development plans of the operators etc.</p>

21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)? In our opinion there could be a possible overlap among the different triggers of art.13.2 (last 3 dashes). In addition it is apparent that on occurrence of **mandatory** circumstances that affect the conditions of the permit, a reconsideration should be undertaken. On other hand if a revolutionary better BAT(second dash) is developed, than a well measured grace period might be requested by the industry, which is at the time in a compliance to the legislation. Than we may face the question about how often a revolutionary better BAT can be implemented without killing the obliged industry.

22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project.

Czech Republic

Part 1 – Contextual information

1. Please give your name and contact details	Štěpán Kyjovský, stepan.kyjovsky@cityofprague.cz , 00420236004214
2. Would you like your name to be included in the final report?	yes
3. Please give the name of your organisation	Municipality of Prague
4. What territory does your organisation cover?	City of Prague (500 sq. km, 1,2 mil. Pop.)
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	Practical implementation
6. Approximately how many IPPC installations fall under your organisation's responsibility?	Approximately 40

Part 2 – Implementation of article 13(1)

General questions	
<p>7. What do you understand is meant by "reconsider" in this context? A review whether general circumstances constituting permit conditions has not been changed. The authority shall carry out controls at least once every 8 years to ensure that there has been no change in the circumstances that could lead to a change in the integrated permit.</p> <p>In considering following answers we highly encourage you to take into account that the first permit has been issued only in the beginning of 2005.</p>	
<p>8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details. Now we are still standing up to ensure existing installations have permits to comply with the Directive by 30 October 2007, after that we will evaluate the regular annual integrated permit reports coming from individual installations and will consider other steps and other information to get a proper clue if some additional strategy or policy apart from statutory period of reconsideration is needed. There are some other strategies as well, setting specific goals for issuing and review permits (regional and city waste management plan e.g.), however, they are not enforceable due to the national legislation but only negotiable.</p>	
Frequency of reconsideration	
<p>9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow. No data yet available apart from reconsiderations on the basis of "triggers" that came in one surge (change of national legislation that caused reconsideration of approximately 1/3 of permits already issued) and reconsiderations initiated by the operators due to technological or organizational modification.</p>	
9.1 Are specific rules on permit reconsideration frequency set out in law?}	Not except for frequency.
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more	Maximum periods (not longer then every 8 years)

frequent than every X years) or maximum periods (e.g. not longer than every X years)?	
9.3 Please give details if the frequency can vary between sectors.	There are no differences between sectors
9.4 Please give details if there is a risk based approach to determining frequency?	Only on political, case-by-case basis, but not on purely scientific ground.
9.5 Please give details of any other factors affecting reconsideration periods?	No other factors yet known.
Plans and processes for reconsideration of permits	
<p>10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.</p> <ul style="list-style-type: none"> • according to a sectoral plan (yes/no) no • according to a general plan (yes/no) no • case-by-case consideration (yes/no) yes • other approach (yes/no) no <p>Please give further details: There is more or less stabilised crew, which is supposed to carry on work on issuing and reconsidering permits. It might refocus temporarily its everyday work to another field, but as the positions and their funding were once established, we want to retain our well-prepared staff unless some radical budget cut will occur.</p>	
<p>11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions. There are neither any specific details set in law nor any practical experiences of reconsideration based on article 13(1) yet.</p>	
11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.	It is supposed to be the same, but in fact it may be quicker and simpler if circumstances in some points will prove not to be changed. Then also some previous provisions from the permit already existing could be adopted without or with only a little change.
11.2 Who initiates the reconsideration – the operator, the authority or a third party?	The authority.
11.3 Is there any differentiation of approach for different sizes or sectors of installations?	Not yet
11.4 Is the public involved? If so, at what stage?	Only if the change of the circumstances that could lead to a change in the integrated permit could be considered as substantial change. Then the public is involved from the beginning of the process through the disclosure of basic information on appointed websites and displayed on official notice boards. The participants in a procedure to issue an integrated permit shall always include also civic associations, public benefit societies, federations of employers or chambers of commerce, whose sphere of business consists in enforcing and protecting professional interests or public interests pursuant to the special regulations, and also municipalities or regions in the territory of which this installation may affect the environment, if these participants applied in writing to the authority competent to grant the integrated permit within

	30 days of the date of disclosing information from the application. Later on during the course of the permitting process main information such as an expert statement on application are also disclosed.
11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	After examining the recent development of the installation and legislation (from the time of issuing previous permit) and preliminary consultations with the operator the exact template for reconsideration will be approved.
11.6 Is there an administrative decision that can be appealed? If so, by whom?	Operator can appeal against the issued permit to the Ministry of environment.

Part 3 – Implementation of article 13(2)

General questions	
12. How is article 13(2) (or how will it be) implemented in practice? Authority shall always control an integrated permit or the operation of an installation, if it is considered that there has been a serious breach of the conditions of the integrated permit, if the operator notifies them of a planned change in the installation, if there has been a change in the best available technique that allows for a substantial decrease in emissions not entailing excessive costs for the operator of the installation for the introduction thereof or if they discover that the operating safety of a process or activity of the installation requires that a different technology be used, if so required by a change in the emission limits or environmental quality standards implemented on the basis of other regulations or if the environmental pollution caused by operation of the installation is so high that it significantly exceeds the environmental quality standard and it cannot be approached other than through a change in the binding conditions for operation of the installation.	
13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)? Regional authority does so. For now it is supposed to be individual discretion but some ministerial guidance on reconsideration on the basis of at least some "triggers" is possible in the future.	
Reconsideration process	
14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1). No substantial differences.	
15. Does such reconsideration open up the whole permit or just part of it? When there are substantial connections, the whole permit might be open, but it does not have to be, if there is no need for that.	
Assessment of the article 13(2) "triggers"	
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) "triggers" has arisen? Please provide more information on the specific points that follow.	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	If there is a contradiction with some strategy, e. g. Air quality action plan, the negotiation with an operator is possible, but not enforcement. Air quality local and regional authority can do so if limits set by legislative specification on ambient concentration of selected air pollutants are exceeded.
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible	If Czech Environment Information Agency or responsible Ministry (depending on categories of industrial activities) which is monitoring BAT's

to reduce emissions significantly without excessive costs?	issues the relevant information, it is up to regional authority to negotiate with the operators whether the costs are excessive or not. However, update within the revision based on the 13(1) article is more probable.
16.3 How is it determined, and by whom, if operational safety requires other techniques?	On the basis of notification from state authorities for relevant sectors (hygiene, labour safety e.g.)
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	As listed above other criteria are: the consideration that there has been a serious breach of the conditions of the integrated permit or operator´s notification of a planned change in the installation.

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision? Only hypothetically, in case that no legislative or BAT development of circumstances and no operational and technological changes in the installation has occurred within the whole period.
18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. Czech Environmental Information Agency or another authorised person may prepare an expert statement on application if asked by permitting authority. In preparing the draft statement, the Agency shall take into account the statements of the public. Operator can appeal against the decision setting the permit conditions to the Ministry of environment. Ministry of environment can issue guidance or legislative specification how to implement the article 13(2).
19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)? Until now only reviews based on new provisions of national legislation or operational changes notified by operators have been done. Usually it requires roughly 1/2 staff time compared to determining a permit application. No other experiences until now.
20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option?
21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)? As the process of permitting vary a lot as to the time, circumstances, environmental risks, scale of installations e.g., we prefer the legislation that gives the overall frame to the process rather a legislation giving exact answers to foreseeable questions, but no space for off-hand solutions of the situations yet unexpected.
22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project.

Denmark (Southern part of Jutland and the island Fyn)

Part 1 – Contextual information

1. Please give your name and contact details	Mrs .Charlotte B. Larsen, MSc, MEM chbla@ode.mim.dk
2. Would you like your name to be included in the final report?	Yes
3. Please give the name of your organisation	Danish Ministry of Environment; Environmental Centre of Odense Ørbæk vej 100 DK 5220 Odense SØ
4. What territory does your organisation cover?	The Southern part of Jutland and the island Fyn
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	Practical implementation
6. Approximately how many IPPC installations fall under your organisation's responsibility?	Approximately 77 installations

Part 2 – Implementation of article 13(1)

General questions	
7. What do you understand is meant by "reconsider" in this context? Evaluation of whether the conditions in the permit are fulfilling the legislation and the performance ability of the branch (BAT/BREF)	
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details. Yes, permit are reconsidered after 8 years (first time) – then again after every 10 years.	
Frequency of reconsideration	
9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow. After 8-10 years, regulated in the legislation.	
9.1 Are specific rules on permit reconsideration frequency set out in law?	Yes
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	Fixed periods (first time 8 years then 10 years)
9.3 Please give details if the frequency can vary between sectors.	No variation between sectors
9.4 Please give details if there is a risk based approach to determining frequency?	No
9.5 Please give details of any other factors affecting reconsideration periods?	No

Plans and processes for reconsideration of permits	
<p>10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.</p> <ul style="list-style-type: none"> • according to a sectoral plan (no) • according to a general plan (yes) • case-by-case consideration (no) • other approach (no) <p>Please give further details: The companies pay by the hour.</p>	
<p>11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions.</p>	
<p>11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.</p>	<p>The same</p>
<p>11.2 Who initiates the reconsideration – the operator, the authority or a third party?</p>	<p>The authority</p>
<p>11.3 Is there any differentiation of approach for different sizes or sectors of installations?</p>	<p>No</p>
<p>11.4 Is the public involved? If so, at what stage?</p>	<p>The public is informed by ads that the reconsideration are in progress and is encouraged to give in their comments to the authority. And the reconsideration are announced afterwards.</p>
<p>11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?</p>	<p>The operator does not have to submit an application, but they may have to submit relevant information, e.g. updated drawings of the plant, new noise calculation etc.</p>
<p>11.6 Is there an administrative decision that can be appealed? If so, by whom?</p>	<p>Yes, by those who have a special interest eg. Neighbours, the company itself some environmental organisations.</p>

Part 3 – Implementation of article 13(2)

General questions
<p>12. How is article 13(2) (or how will it be) implemented in practice? The article is implemented in the Danish legislation and covers more than the IPPC plants.</p>
<p>13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)? The authority</p>
Reconsideration process
<p>14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1). None</p>
<p>15. Does such reconsideration open up the whole permit or just part of it? It can do both.</p>
Assessment of the article 13(2) "triggers"
<p>16. Please can you provide any information or examples on how it is (or will be) assessed</p>

whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow. Mostly the same as question 11	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	The authorities
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	The authorities
16.3 How is it determined, and by whom, if operational safety requires other techniques?	The authorities
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	New

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision? No changes in the production and the pollution, if there is legal compliance and if BAT is implemented.
18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. No not really
19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)? It varies depending of the size of the plant
20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option? Legislation
21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)? Yes, by EU
22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project.

Denmark (Northern part of Jutland)

Part 1 – Contextual information

1. Please give your name and contact details	Mrs Rikke Højer, MSc
2. Would you like your name to be included in the final report?	Yes
3. Please give the name of your organisation	Danish Ministry of the Environment; Environmental Centre of Århus.
4. What territory does your organisation cover?	The northern part of Jutland.
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	Practical implementation.
6. Approximately how many IPPC installations fall under your organisation's responsibility?	96 installations in total. 84 of these fall under the IPPC directive.

Part 2 – Implementation of article 13(1)

General questions	
7. What do you understand is meant by "reconsider" in this context?	To asses if the permit live up to (new) legislation and BAT.
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details.	Yes periodic, the first reconsideration after 8 years and subsequently after 10 years.
Frequency of reconsideration	
9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow. After 8-10 years. The 8 years because environmental permits are legal protected for the first 8 years.	
9.1 Are specific rules on permit reconsideration frequency set out in law?	Yes, look above.
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	Fixed periods (first time after 8 years – then every 10 years).
9.3 Please give details if the frequency can vary between sectors.	No variation between sectors.
9.4 Please give details if there is a risk based approach to determining frequency?	No
9.5 Please give details of any other factors affecting reconsideration periods?	No
Plans and processes for reconsideration of permits	
10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.	

<ul style="list-style-type: none"> • according to a sectoral plan (no) • according to a general plan (yes) • case-by-case consideration (no) • other approach (no) Please give further details: The company pays by hour.	
11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions. The authority opens up the process by writing to the holder of the environmental permit. Often a meeting is held to clear up differences in current production from the permits (if any), to explain the process and to set up a timeframe. Then the permit holder has some time – typically 1-2 months to collect all relevant materials. At this time the first public announcement is shown in the local newspaper and relevant documents are submitted to all relevant parties. Then a period of hearing is 2-4 weeks. A draft is made and sent to the company and interested persons who have reacted on the first public announcement. The period of hearing is again 2-4 weeks. After a new permit has been signed the public is heard again in a second public announcement and the permit is sent directly to parties who have asked for it. There is now 4 weeks to appeal. There is only 8 years of legal protection on new terms. <i>See also included file (only in Danish) from our quality system.</i>	
11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.	The same.
11.2 Who initiates the reconsideration – the operator, the authority or a third party?	The authority.
11.3 Is there any differentiation of approach for different sizes or sectors of installations?	No- same approach.
11.4 Is the public involved? If so, at what stage?	When the process is initiated and when the ruling is done.
11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	They have to point out differences – if any – from the existing permit and BAT. This may include surveys on the external pollution.
11.6 Is there an administrative decision that can be appealed? If so, by whom?	Yes, by everybody who has a special interest in the permit, for example neighbours, environmental organizations...

Part 3 – Implementation of article 13(2)

General questions	
12. How is article 13(2) (or how will it be) implemented in practice? The article is implemented in a general way in the law and applies to not only IPPC installations but also any other pollution installation that needs an environmental permit. Triggers are different if they occur before or after the 8 years of legal protection on new terms.	
13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)? Most often the authority.	
Reconsideration process	
14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1).	

No differences.	
15. Does such reconsideration open up the whole permit or just part of it? Can do both, but must often only the part involved.	
Assessment of the article 13(2) “triggers”	
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow. Same as question 11 if the installation is under the IPPC directive. If not the first public hearing is excluded.	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	The authorities
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	The authorities
16.3 How is it determined, and by whom, if operational safety requires other techniques?	The authorities
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	New information on the negative effect of the pollution. If the pollution cause a negative environmental effect that could not have been for seen by the time of permit.

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision? Yes, if there have been no changes in production and pollution, if there is legal compliance and if BAT is followed.	
18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. Only if the permit is appealed to the board of appeal.	
19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)? That varies a lot – perhaps from 50 up to 250 hours. New terms on BAT is often the key issue.	
20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option? ?	
21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)? Yes – by EU.	
22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project. -	

Estonia

Part 1 – Contextual information

1. Please give your name and contact details	Truusa, Juri
2. Would you like your name to be included in the final report?	yes/no. If it seems important, I am not against
3. Please give the name of your organisation	Ministry of Environment
4. What territory does your organisation cover?	Estonia
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	I am councillor of the environmental management and technology department (legislation, policies, technical advise, follow up of implementation)
6. Approximately how many IPPC installations fall under your organisation's responsibility?	100 from IPPCD scope + 120 by national IPPC Act (mainly cattle farms, some plywood and wood fibre board installations)

Part 2 – Implementation of article 13(1)

General questions	
7.	<p>What do you understand is meant by "reconsider" in this context? One integrated permit replace all sc single environmental permits. Integrated permit is the new type of permit for all the installations belonging into IPPC scope. For Estonia "reconsideration" means update of initially set permit conditions (requirements) in an integrated permit or changing the previously issued integrated permit itself as it required in the Integrated Pollution Prevention and Control Act:</p> <p>§ 24. Grounds for updating requirements of permit</p> <p>The requirements of the permit shall be updated if:</p> <ol style="list-style-type: none"> 1) the norms provided by legislation on which the requirements of the permit are based are changed; 2) the pollution caused by the installation is of such significance that negative effects are caused to the environment of the site of the installation, and the existing emission limit values of the permit need to be revised, or new such values need to be determined; 3) changes in the best available techniques make it possible to significantly reduce emissions or the hazard created thereby without imposing excessive costs; 4) in order to prevent accidents, techniques different from those determined by the permit are required; 5) significant changes in the nature or functioning of an installation have been imposed or are proposed.
8.	<p>Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details. Yes, see details below:</p> <p>Integrated Pollution Prevention and Control Act: § 21. Term of validity of permit</p> <p>The permit shall be granted for an unspecified term.</p> <p>§ 22. Review of permit conditions</p> <p>The issuer of permits shall review the requirements of the permit and perform an on-site inspection of the</p>

installation at least once a year. The annual inspection of an installation may be combined with the inspection of the installation by way of environmental supervision.

Frequency of reconsideration

9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow.

Look at point 8, IPPC Act § 22

9.1 Are specific rules on permit reconsideration frequency set out in law?	Yes, IPPC Act §22
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	Yes, IPPC Act §22
9.3 Please give details if the frequency can vary between sectors.	No differences between sectors
9.4 Please give details if there is a risk based approach to determining frequency?	No extra rules for frequency, which is always once per year. Risk base is indirectly mentioned in IPPC Act § 24 2), 4) and 5). Also in the IPPC Act - §9 (3) The following shall be annexed to an application for permit: 1) an environmental impact assessment statement, in the cases and pursuant to the procedure provided for in the Environmental Impact Assessment and Environmental Auditing Act; 2) in the case of an enterprise liable to be affected by a major accident, information pursuant to clauses 11 (4) of the Chemicals Act .
9.5 Please give details of any other factors affecting reconsideration periods?	Not directly binded to reconsideration periods, but reconsideration is needed in the cases of change in nature or functioning of installation; essential construction works in the installation; the operator is bankrupt or is liquidated as a legal person, and the operation is not continued by another operator.

Plans and processes for reconsideration of permits

10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.

- according to a sectoral plan (no)
- according to a general plan (no)
- case-by-case consideration (yes)
- other approach (yes)

Please give further details: every integrated permit should be reviewed and updated (reconsidered) if needed during the 1 year after date of issuing or after previous review. So, no special plan is needed, because all arrangement of reconsideration is settled in the IPPC Act. Precise yearly planning of jobs, including controls and reviews and, is consequently obligations of Environmental Inspection and it 7 regional officies as well as ministerial County Environmental Departments (15, one per each County).

11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions.	
11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.	No, it is regular periodically repeated process commonly initiated by authorities (permit writers as authorities, who are responsible for properly set permit conditions, and inspectors as enforcement authorities, who follows routine procedure of control.
11.2 Who initiates the reconsideration – the operator, the authority or a third party?	Commonly environmental authority, but also operator have rights to ask for reconsideration.
11.3 Is there any differentiation of approach for different sizes or sectors of installations?	No
11.4 Is the public involved? If so, at what stage?	Results of reviewing and control are publicly available by internet after reviewing of an installation. In the case of EIA, public involved from the stadium of open discussion of EIA programme until to the end of procedure.
11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	<p>Yes, additional information up to environmental authorities requirements.</p> <p>If an operator initiates reconsideration, it is equal to entire procedure from composition of application etc.</p> <p>It is settled in IPPC Act:</p> <p>§ 25. Procedure for changes or amendment of permit</p> <p>(1) In the cases where the amendment of a permit is initiated by an operator, the procedure shall be conducted pursuant to §§ 10-14 of this Act.</p> <p>(2) In the cases where amendment of a permit is initiated by the issuer of permits, the issuer of permits shall inform the operator by post or electronic means of the grounds for updating the conditions of the permit, request submission of the information listed in § 9 of this Act which is necessary for the amendment of the permit, and set a term for submission of the information. Upon determining the term, the issuer of permits shall take into consideration the extent and availability of the information.</p> <p>(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)</p> <p>(3) If the extent of amendments made to a permit might interfere with effective monitoring of the production of the installation, the issuer of permits may require the operator to apply for a permit where such amendments would be taken into consideration.</p> <p>(4) In the case of change of operator, the issuer of permits shall make amendments to the information concerning the operator without using the procedure.</p>

	<p>The issuer of permits shall, within five working days after the receipt of the notice concerning the change of operator, send the corresponding amendment to the permit to the operator, one copy thereof to the city or rural municipality government of the location of the installation and another copy to the Environmental Inspectorate by post or electronic means.</p> <p>(19.06.2002 entered into force 01.08.2002 - RT I 2002, 61, 375)</p>
11.6 Is there an administrative decision that can be appealed? If so, by whom?	

Part 3 – Implementation of article 13(2)

General questions	
12. How is article 13(2) (or how will it be) implemented in practice? Commonly through yearly followed reviews and controls of IPPC installations. See above point 8 - § 24	
13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)? Commonly environmental authorities, but operators have rights to do the same. See above point 11.5 - § 25	
Reconsideration process	
14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1). If operators initiates the process the normal integrated permit procedure follows. Selection of the process initiated by authorities depends from nature of changes in the installation on case by case bases. See above.	
15. Does such reconsideration open up the whole permit or just part of it? It depends from nature of changes in the installation on case by case bases. See above.	
Assessment of the article 13(2) “triggers”	
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow.	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	<p>Every operator has self- monitoring system (process monitoring and emission monitoring, in certain cases impact monitoring) and they are obliged to report in quarterly bases all emissions to the “own” County environmental Department. State monitoring programme is designed in a way to be capable to discover significant pollution caused by most important polluters. Appeals from inhabitants to The Environmental Inspection (for example by the phone 1313) are also signals for determining what kind of violation is under</p>

	the question, who is responsible for that and what kind of actions, including revising of ELV, has to be taken.
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	It is obligation of Ministry of Environment. BAT information is broadly available by internet (for example www.envir.ee/ippc special website), training system for environmental authorities works, BAT as a main tool for minimization of negative impact of industrial activities is commonly presented. Some seminars are opened for representatives of industries and their associations, guidances prepared and publicly available.
16.3 How is it determined, and by whom, if operational safety requires other techniques?	Inspection of Labor Safety, also Environmental Inspection during regular or ad hoc inspections
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	No

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision? No, IPPCD is carefully transposed. Integrated Pollution Prevention and Control Act and subsidiary legislation makes it legally impossible without violation of the law.
18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. It is possible in the cases if operators already use ISO 14000, EMAS or other environmental management system.
19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)? Duration of issuing process is limited. See IPPC Act § 14. Review of application for permit: (1) The issuer of permits shall decide on the grant of a permit within 120 calendar days after the application is accepted for processing. (2) Where the permit applied for concerns a large or technically complex installation or an extensive or technically complex category of activity and therefore, reaching a decision takes more time, the issuer of permits has the right to extend the term specified in subsection (1) of this section but not for a longer period than one year after the acceptance of the application for processing. The applicant for a permit shall be notified of the extension of the term, its reasons and the proposed term for the making of the decision. (3) When upon the processing of an application for a permit, it becomes evident that additional information is necessary, the issuer of permits shall inform the applicant of such need and propose that such information be submitted. The applicant shall bear the costs of submission of additional information. (4) The period for the processing of the application shall be extended by the time needed for submission of additional information. ----- Practical experience about duration of reconsideration is pure, but it seems that in simple cases (update of permit conditions) it takes several days (2-3) in averages, in most complicated cases (no experience yet) entire procedure should be followed

(normally 120 days).

20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option?
No differences in periods or/and approaches.

21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)?
Legal requirements at national level is needed. Legal requirements at EU level are also acceptable.

22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project.
OK

Finland

Part 1 – Contextual information

1. Please give your name and contact details	Mikko Attila and Hanna Lönngren
2. Would you like your name to be included in the final report?	Yes
3. Please give the name of your organisation	Finnish Environment Institute (SYKE)
4. What territory does your organisation cover?	Finland
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	Technical advisor
6. Approximately how many IPPC installations fall under your organisation's responsibility?	670

Part 2 – Implementation of article 13(1)

General questions	
7. What do you understand is meant by "reconsider" in this context? The whole permit is "opened" and the permit conditions are reconsidered and updated, if necessary. These situations occur when the operation is substantially changed or the reconsidering date is put in the previous permit. You can change either one or two permit conditions or the whole permit is re-evaluated. In extreme cases the operation can be denied.	
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details. No, but it is under consideration because of the different practises of the authorities.	
Frequency of reconsideration	
9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow. In average 8.3 years (2002–2006); calculated from our national permit decision follow-up data. In practice, the frequency varies case by case depending on expected changes in BAT, legislation etc.	
9.1 Are specific rules on permit reconsideration frequency set out in law?	No
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	No
9.3 Please give details if the frequency can vary between sectors.	Despite the fact that we do not have any rules regarding the frequency, some variation exists in practice. The average frequency is e.g. in activity 1.1. 8.3 years and in activities 6.6(a–c) 10.3 years.
9.4 Please give details if there is a risk based approach to determining frequency?	No

9.5 Please give details of any other factors affecting reconsideration periods?	E.g. the "speed" of the development of the sector.
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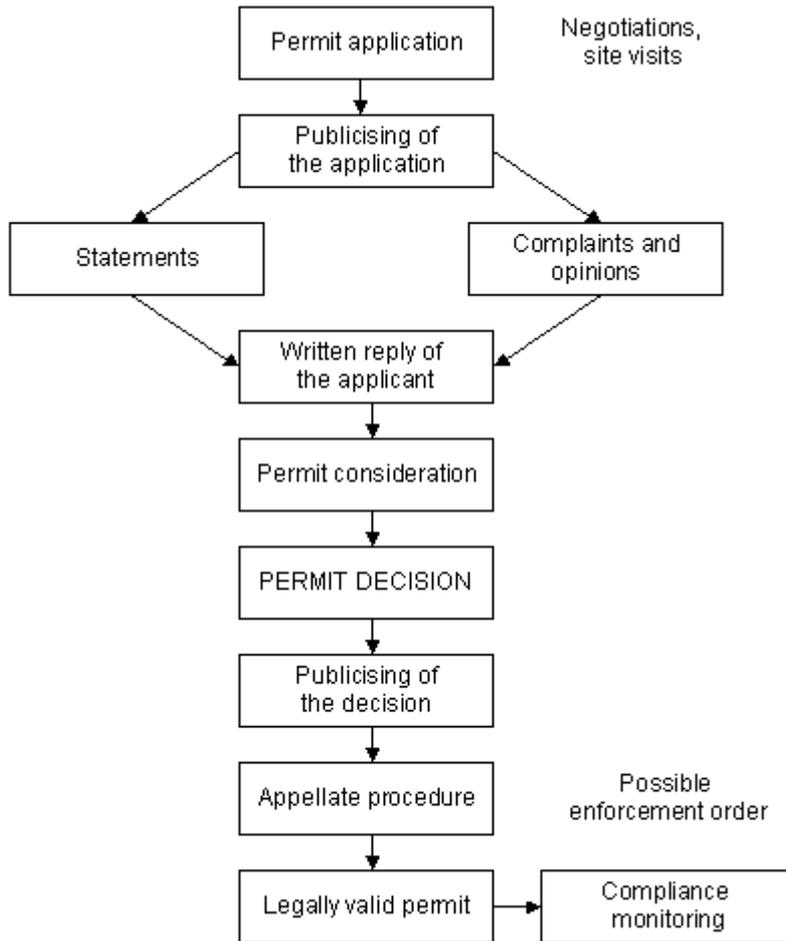
Plans and processes for reconsideration of permits

10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.

- according to a sectoral plan (yes/no) No
- according to a general plan (yes/no) No
- case-by-case consideration (yes/no) No
- other approach (yes/no) No

Please give further details: Under consideration.

11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions.



This is the common permit procedure. When reconsidering an existing these steps are taken into account case by case. In practice the consideration is as wide as the original permit application.

11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.	Generally the same, but in some cases the statements can be left out.
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11.2 Who initiates the reconsideration – the operator, the authority or a third party?	Mainly the authority by setting the reconsideration date in the permit decision. In case of substantial change the initiative comes usually from the operator. In some
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	cases also from a third party (neighbour).
11.3 Is there any differentiation of approach for different sizes or sectors of installations?	No according to the legislation, but in practice yes depending on the significance of the sector and the size of the installation.
11.4 Is the public involved? If so, at what stage?	Yes, see the diagram in question 11 (complaints and opinions + appellate procedure).
11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	Yes, appropriate information as in the original permit application.
11.6 Is there an administrative decision that can be appealed? If so, by whom?	Yes, by the operator, the parties involved and the authority.

Part 3 – Implementation of article 13(2)

General questions	
12. How is article 13(2) (or how will it be) implemented in practice? It is implemented in our national legislation as such. In practice it has been implemented case by case.	
13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)? See 11.2.	
Reconsideration process	
14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1). No differences.	
15. Does such reconsideration open up the whole permit or just part of it? In substantial changes the whole permit will be opened and reconsidered, but in case of reconsidering one or some permit conditions they will be updated only.	
Assessment of the article 13(2) “triggers”	
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow. Case by case assessment.	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	Case by case assessment, determination by permit authority or the operator.
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	No evidence so far because our IPPC permits are relatively new (granted since 2000).
16.3 How is it determined, and by whom, if operational safety requires other techniques?	See 16.2.
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	No.

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no

<p>change in the conditions? What criteria or circumstances would lead to such a decision? Under 13(1) yes, under 13(2) no. If nothing significant has changed in the operation or the nearby environment affected by the operation.</p>
<p>18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. No.</p>
<p>19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)? In average 13.6 months in 2006. No data available on staff time.</p>
<p>20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option? No, the directive is implemented as such.</p>
<p>21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)? Yes, clarification of triggers on national level.</p>
<p>22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project. Connecting EMAS as a "carrot" to IPPC regime could be useful. Maximum reconsideration interval on the EU level could e.g. be 8 years and connected with EMAS 12 years.</p>

Germany

Part 1 – Contextual information

1. Please give your name and contact details	Dr. Gisela Holzgraefe Staatliches Umweltamt Itzehoe Breitenburger Straße 25 25524 Itzehoe phone: 00494821/662100 mail: Gisela.Holzgraefe@stua-iz.landsh.de
2. Would you like your name to be included in the final report?	yes
3. Please give the name of your organisation	Staatliches Umweltamt Itzehoe (environmental state authority, subsequent authority to the Ministry for Agriculture and the Environment of Schleswig-Holstein)
4. What territory does your organisation cover?	southern part of the Land Schleswig-Holstein, 5 administrative counties and the town of Lübeck (5 000 km ³)
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	permit writing, practical implementation and inspection
6. Approximately how many IPPC installations fall under your organisation's responsibility?	132

General hint: Germany is a federal republic consisting of 16 states (Bundesländer). The federal parliament transfers European regulations into German law. Concerning water and nature there are additional laws on Länder level. The enforcement (licensing, supervision) of environmental law is task of the Länder. Each federal state has its own organisation of the environmental administration. In Schleswig-Holstein the licence writer is at the same time the inspector. In several other states the tasks are separated. Consequently the answers given here refer only to the situation in Schleswig-Holstein. They are not representative for the Federal Republic of Germany.

Part 2 – Implementation of article 13(1)

General questions	
7. What do you understand is meant by "reconsider" in this context?	check whether the installation is in compliance with the licence, this means check whether there are considerable differences between the state of the installation and the last issued licence, the licence for material alterations subject to licensing, notifications and subsequent orders, check whether the installation meets the targets of BAT/BREF's
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details.	Plan concerning environmental inspections for industrial installations which need a licence under the Federal Immission Control Act (Bundes-Immissionsschutzgesetz – BImSchG) in Schleswig-Holstein. The Ministry for the Environment of Schleswig-Holstein has implemented it by decree in 2002.

The preparation of the inspection normally starts with the study of the file containing the license, management organisation schedule of the company, technical details, essential environmental facts, subsequent orders, emissions monitoring reports etc. (Description of the overall process see question 11)

Frequency of reconsideration

9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow.

9.1 Are specific rules on permit reconsideration frequency set out in law?

No. Art. 52 Federal Immission Control Act, Supervision: “The competent authority shall carry out **regular checks of licenses** to the extent necessary, bring them up to date by imposing supplementary requirements”. It is up to the individual states (Länder) to establish inspection plans and programmes

9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?

Inspection plan Schleswig-Holstein three categories: frequencies to aim at:
 IPPC-installations, which at the same time are installations acc. to column 1 of the appendix to the Ordinance Concerning Installations Subject to Licensing Requirements (4. BImSchV): once in two years;
 the rest of column 1 installations and waste management installations: once in three years;
 the rest of column 2 installations and relevant installations not needing a licence acc. to the 4. BImSchV: once in six years
 Seveso II-installations:
 Company areas with upper duties: once per year
 Company areas with lower duties: once in three years

9.3 Please give details if the frequency can vary between sectors.

Occurrence of accidents and other incidents, complaints and special problems may be criteria for shorter inspection frequencies

9.4 Please give details if there is a risk based approach to determining frequency?

Yes, frequencies depend on the environmental impact and risk of installations. Result: different categories for routine (regular) inspections (see 9.2)

9.5 Please give details of any other factors affecting reconsideration periods?

Apart from amendmets of provisions, occurrence of accidents, complaints and knowledge of special problems are criteria for shorter and non-routine inspection frequencies.

Plans and processes for reconsideration of permits

10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by

<p>answering the yes/no questions and then give further details.</p> <ul style="list-style-type: none"> • according to a sectoral plan (yes/no): no • according to a general plan: In Schleswig-Holstein a resource project has been carried out in 2001, which has to be updated regularly. Reconsiderations are not a separate point in the list of tasks. They belong to the preparation of inspections and after the inspection they may result in writing a subsequent order or starting a permit procedure (material alteration to installation subject to licensing). • case-by-case consideration (yes/no) • other approach (yes/no) <p>Please give further details:</p>	
<p>11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions.</p> <p>Study of the file, on-site visit including check of the correspondence of licence and installation as well as conditions of its operation and check of the fulfillment of the obligations given in the licence and check whether the installation meets the targets of BAT/BREF's, protocol, decision on follow-up reactions (issue of a letter because of very small or insignificant formal noncompliance, if necessary fix a fine, issue of a subsequent order or start of a licensing procedure) and finally control whether the obligations are fulfilled</p>	
<p>11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.</p>	<p>Is not be the same, because licence and installation already exist</p>
<p>11.2 Who initiates the reconsideration – the operator, the authority or a third party?</p>	<p>Depends on the situation. If it is a regular inspection, the authority is the initiator. If the inspection is a reaction on a complaint, it is a third party, e.g. a neighbour. The operator may initiate a reconsideration too.</p>
<p>11.3 Is there any differentiation of approach for different sizes or sectors of installations?</p>	<p>No</p>
<p>11.4 Is the public involved? If so, at what stage?</p>	<p>Depends on the situation. When the starting point for the reconsideration was a complaint, those who submitted the complaint, get on demand the information about measures taken by the authority (during the process/at the end of the process). In case the reconsideration leads to a licensing procedure, it may lead to a procedure including the involvement of the public (this means: application, public notice in the official gazette and daily newspapers, application is laid out for public inspection, submission of objections, date for public discussion, protocol and licence including statement of the grounds shall be served to persons who have lodged objections.).</p>
<p>11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?</p>	<p>No</p>
<p>11.6 Is there an administrative decision that can be appealed? If so, by whom?</p>	<p>If the decision is the fixing of a fine, a subsequent order or a licence the operator can</p>

	file an objection and go to court afterwards. In case of a licence third parties like neighbours have the same rights.
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Part 3 – Implementation of article 13(2)

General questions	
12. How is article 13(2) (or how will it be) implemented in practice?	<p>Depends on the case mentioned in article 13 (2) and the legal bases where the new regulations are written down. Law or ordinance: limit values are valid directly for the operator.</p> <p>Administrative regulations (e.g. TA Luft, TA Lärm): the authority has to issue subsequent orders or to include the new obligations or limit values in a new licence. Administrative regulations normally include deadlines for existing installations to catch up with the newest standards and ELV's.</p> <p>First dash: subsequent order or new licence, or quitclaim by the operator</p> <p>Second dash: subsequent order or a new licence</p> <p>Third dash: subsequent order or licence (depends on the nature and extent of the alteration that has to be done)</p> <p>Fourth dash: depends on the legislation, example: Amendment of the Technical Instructions on Air Quality Control - TA Luft 2002 includes a programme with deadlines for the modernisation of existing installations. The authorities have to issue subsequent orders or start licensing procedures.</p>
13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)?	<p>First dash: the authority or perhaps a neighbour by a complaint</p> <p>Sec. Dash: the authority or the operator</p> <p>Third dash: normally the authority or it is a consequence of an accident or incident</p> <p>Fourth dash: the authority by fulfilling its obligations</p>
Reconsideration process	
14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1).	<p>First dash: Process: Check the file, the situation on site, the background and the reasons, decide on measures to be taken by the operator, then decide whether this is a material alteration to the installation (important for the decision subsequent order or new licence).</p> <p>Difference: Time frame. If the pollution caused by the installation is of such significance that the ELV's need to be revised the authority has to react immediately after having got the knowledge. Then it may be better to write a subsequent order.</p> <p>Sec. dash: same process</p> <p>Third dash: time frame, if there is a considerable danger the authority has to react immediately and there is little room for negotiations till when the measures have to be put into practice</p> <p>Fourth dash: if there are deadlines fixed in the provision, special reconsideration campaigns are carried out.</p>
15. Does such reconsideration open up the whole permit or just part of it?	<p>Depends on the findings of the reconsideration.</p> <p>Reconsideration may even lead to the finding that the installation does not any longer need a licence according to the IPPC Directive resp. Immission Control Act because the relevant criteria like production capacity are not exceeded any more.</p> <p>The reconsideration may lead to a licence procedure for a substantial change. This does not in any case open up the whole licence.</p>

Assessment of the article 13(2) “triggers”	
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow.	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	In general for specific types of installations: by experts of the German Working Group on immission control issues of the Federal States and the Federal Government (LAI) or the German Working Group on water issues (LAWA), For an individual installation: by the inspector e.g. in case of odour nuisances when the existing pollution is already very high. Difficult cases: decision after discussion with experts of the State Ministry.
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	In general for specific types of installations: By experts of the LAI, LAWA, the German association of engineers (VDI), the Federal Agency for the Environment (UBA). Via the state ministries for the environment the information of LAI and LAWA reaches the environmental authorities. Technical norms of the VDI and UBA-reports are accessible for the staff of environmental authorities. For an individual installation: by the inspector e.g. in case of odour nuisances, noise and high level of existing pollution etc. Difficult cases: decision after discussion with experts of the State Ministry.
16.3 How is it determined, and by whom, if operational safety requires other techniques?	In general for specific types of installations: By the experts of the Commission on Process Safety (“Kommission für Anlagensicherheit”) in cooperation with external experts after investigation of accidents and incidents (e.g. recently after several accidents at biogas installations). Individual installation: By the inspector (perhaps in cooperation with an external expert) e.g. after an Seveso II inspection. Difficult cases: decision after discussion with experts of the State Ministry.
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	Yes, neighbour complaints, accidents and incidents

Part 4 – General questions including questions about policy choices and costs

<p>17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision? Yes, the installation works in compliance with the licence and amendments of law and regulations and BREF's have not taken place, no complaints, no accidents and incidents.</p>
<p>18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. In Germany the state Ministries for the environment have to check the work of the subsequent authorities. If a case goes to court the licence and the reconsideration work, the question whether the authority has fulfilled its tasks may be evaluated too.</p>
<p>19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)? No statistics available.</p>
<p>20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option? By the integration of the regulations in the Immission Control Act (Article 52 Supervision) and the individual inspection plans and programmes of the federal states in Germany (e.g. Plan concerning environmental inspections for industrial installations which need a licence under the Federal Immission Control Act (Bundes-Immissionsschutzgesetz – BImSchG) in Schleswig-Holstein.).</p>
<p>21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)? No, it is not helpful to have regulations for things that work automatically.</p>
<p>22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project. -----</p>

Greece

Part 1 – Contextual information

1. Please give your name and contact details	D.Hadjidakis (dhadjidakis@edpp.gr) V.Tryfona-Panagopoulou (v.tryfona@dearth.minenv.gr)
2. Would you like your name to be included in the final report?	Yes
3. Please give the name of your organisation	Ministry for the Environment, Physical Planning and Public Works Directorate for Air Pollution and Noise Control Department of industries
4. What territory does your organisation cover?	The whole country
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	Legislator and practical implementation. Our Department imposes environmental license conditions (permit terms) to and realises controls and inspections of all activities in the country falling under its responsibility, both during construction and regular/normal operation, and evaluates the compliance with the permit terms (included the EU and national environmental legislation).
6. Approximately how many IPPC installations fall under your organisation's responsibility?	The total number of IPPC installations in Greece is close to 370 (June 2006). More than 120 installations fall under our Department's responsibility.

Part 2 – Implementation of article 13(1)

General questions	
7. What do you understand is meant by "reconsider" in this context? The permit conditions are reconsidered under the light of the eventual new legislation (including IPPCD provisions for existing installations) and the eventual substantial modifications to the concerned installations. Conditions concerning the "good practice" based on our organisation's later experience can also be imposed.	
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details. The permit conditions are reconsidered on a periodical basis, usually every 5 years, otherwise if substantial modifications to the concerned installations are demanded.	
Frequency of reconsideration	
9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow. Usually, 5 years. This figure does not result from the legislative framework and is indicative for our Department.	
9.1 Are specific rules on permit	No

reconsideration frequency set out in law?	
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	No
9.3 Please give details if the frequency can vary between sectors.	There is no frequency's variation between sectors.
9.4 Please give details if there is a risk based approach to determining frequency?	
9.5 Please give details of any other factors affecting reconsideration periods?	
Plans and processes for reconsideration of permits	
10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details. <ul style="list-style-type: none"> • according to a sectoral plan (yes/no) • according to a general plan (yes/no) • case-by-case consideration (yes/no) • other approach (yes/no) Please give further details: No, there are no concrete plans and resource allocations.	
11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions. The concerned operator submit to our Department a dossier with details and data about the installation whose the permit is to be reconsidered (substantial modifications to the process and to facilities, raw materials' nature and consumption, monitoring results, proposed BAT etc). If our Department considers that the modifications are substantial, then the whole procedure for the environmental licensing is followed (environmental impact assessment study's public communication, common ministerial decision (environmental permit)), otherwise only a new common ministerial decision is issued. In both cases, the council of the concerned prefecture is informed about.	
11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.	The whole procedure for the environmental licensing is not followed, if the modifications are not considered substantial. Only a new common ministerial decision is issued.
11.2 Who initiates the reconsideration – the operator, the authority or a third party?	The initiative for the reconsideration is an operator's obligation.
11.3 Is there any differentiation of approach for different sizes or sectors of installations?	No.
11.4 Is the public involved? If so, at what stage?	If our Department considers that the modifications are substantial, then the public is informed about (environmental impact assessment study's public communication) to express its opinion before the common ministerial decision (environmental permit) is issued. In both cases, substantial and no substantial modifications, the public (council of the concerned prefecture) is informed about.

	In due time, the public can appeal to the State Council against the common ministerial decision.
11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	A dossier with details and data (substantial modifications to the process and to the facilities, raw materials' nature and consumption, monitoring results, proposed BAT) has to be submitted.
11.6 Is there an administrative decision that can be appealed? If so, by whom?	In due time, the public can appeal to the State Council against the common ministerial decision.

Part 3 – Implementation of article 13(2)

General questions	
12. How is article 13(2) (or how will it be) implemented in practice? If it is considered necessary, the abovementioned procedure (Question 11) is followed.	
13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)? The reconsideration could be due to an operator's or to our organisation's initiation (due to an individual discretion, to legislative specifications, to State Council's resolution etc).	
Reconsideration process	
14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1). The operator is called to submit a specified dossier. The abovementioned procedure (Question 11) is then followed.	
15. Does such reconsideration open up the whole permit or just part of it? If minor modifications have to be realised, then a supplementary decision (permit) is issued, otherwise a new permit is issued (the old one is annulled).	
Assessment of the article 13(2) "triggers"	
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) "triggers" has arisen? Please provide more information on the specific points that follow.	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	The relevant competent authorities are our Department and our Ministry's other organisations. Concerning air pollution, existing monitoring results are evaluated in the case of most of large combustion plants and refineries. In any case, model predictions may be evaluated. In any case concerning water pollution, existing monitoring results are evaluated.
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	The competent authorities are our Department and the relevant organisation of the Ministry for the Development.
16.3 How is it determined, and by whom, if operational safety requires other techniques?	The competent authority is the Ministry for the Environment.
16.4 Do you consider other criteria, not listed	If the permit conditions are not well applied

by the Directive, as “triggers” for reconsideration? If yes, please give details.	by the operator, then a reconsideration could be considered as “trigger”.
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Part 4 – General questions including questions about policy choices and costs

<p>17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision? A permit reconsideration could lead to no change in the substantial conditions, but could lead to structural modifications to the text and in any case, normally, leads to an updated text concerning new legislative references.</p>
<p>18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. In due time, the public can appeal to the State Council against the common ministerial decision (Question 11.6). Following an appeal (in any case, not only in reconsidering permits), the Administration General Inspector, the Citizen’s Councillor and the State Council may check the work of competent authorities.</p>
<p>19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)? It depends of the procedure to be followed. If the whole procedure has to be followed (Question 11), then several months are needed. If the case is simplified, then several days are needed. The staff time needed varies from several days to several weeks.</p>
<p>20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option? In the case of existing installations, our organisation is actually reconsidering their permits due to the limit date (30.09.2007) concerning the application of IPPCD provisions. This arrangement was put in place a couple of years ago.</p>
<p>21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)? A 5 years period seems a rational review period. In any case, in the reconsideration framework, the Competent Authorities may keep the possibility to evaluate the concerned dossier</p>
<p>22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project.</p>

Hungary

Part 1 – Contextual information

1. Please give your name and contact details	<i>Ms Ildikó Babcsány</i>
2. Would you like your name to be included in the final report?	<i>yes/no</i>
3. Please give the name of your organisation	<i>National Inspectorate for Environment, Nature and Water</i>
4. What territory does your organisation cover?	<i>The National Inspectorate is a second-instance authority (appeal body), and as such, the whole territory of Hungary is in its competence. (The permitting is done by the regional inspectorates.)</i>
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	<i>technical advisor to inspectorates in BAT issues, advisor to the ministry decision-making in case of appeals against (IPPC) permits</i>
6. Approximately how many IPPC installations fall under your organisation's responsibility?	<i>there are altogether 1048 IPPC installations in Hungary</i>

Part 2 – Implementation of article 13(1)

General questions	
7. What do you understand is meant by "reconsider" in this context?	<i>Check of the permit conditions against the activity carried out at the installation; check if all the requirements are still valid, if any of them needs amendment.</i>
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details.	<i>We have legislative requirement for reconsidering permits periodically, 20 § (8) of the Governmental Decree 314/2005. (XII.25.) on the EIA and IPPC permitting sets out that.</i>
Frequency of reconsideration	
9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow.	
9.1 Are specific rules on permit reconsideration frequency set out in law?	<i>Yes, 20 § (8) of the Governmental Decree 314/2005. (XII.25.) on the EIA and IPPC permitting sets out reconsideration frequency.</i>
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum	<i>It says not longer than every 5 years.</i>

periods (e.g. not longer than every X years)?	
9.3 Please give details if the frequency can vary between sectors.	<i>No.</i>
9.4 Please give details if there is a risk based approach to determining frequency?	<i>No.</i>
9.5 Please give details of any other factors affecting reconsideration periods?	<i>No.</i>
Plans and processes for reconsideration of permits	
<p>10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.</p> <ul style="list-style-type: none"> • according to a sectoral plan (yes/<u>no</u>) • according to a general plan (yes/<u>no</u>) • case-by-case consideration (yes/<u>no</u>) • other approach (yes/<u>no</u>) <p>Please give further details:</p>	
<p>11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions.</p>	
<p>11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.</p>	<p><i>The procedure is similar to the original permitting procedure for existing installations. An environmental audit should be carried out at the installation according to the rules in the relevant legislation (12/1996. (VII.4.) KTM Decree) and the legislation on IPPC (314/2005. (XII.25. Gov. Decree) and the documentation shall be handed in to the authority.</i></p> <p><i>The main difference is that in case of a first IPPC permit for an existing installation, it is obligatory to carry out a comprehensive environmental audit, in case of a permit reconsideration it is up to the inspectorate to decide if a comprehensive or a partial audit is needed.</i></p>
<p>11.2 Who initiates the reconsideration – the operator, the authority or a third party?</p>	<p><i>The inspectorates oblige the installation to carry out the audit. Usually it is written already in the IPPC permit as one of the conditions, with a deadline.</i></p>
<p>11.3 Is there any differentiation of approach for different sizes or sectors of installations?</p>	<i>No.</i>
<p>11.4 Is the public involved? If so, at what stage?</p>	<i>No.</i>
<p>11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?</p>	<i>Yes, see 11.1.</i>
<p>11.6 Is there an administrative decision that can be appealed? If so, by whom?</p>	<i>Yes, the original IPPC permit may be amended or a new permit may be issued. The</i>

operator can appeal against the decision.

Part 3 – Implementation of article 13(2)

General questions

12. How is article 13(2) (or how will it be) implemented in practice?

20. § (9) of the 314/2005. (XII.25. Gov. Decree says:

“ If the Inspectorate establishes that

a) new emission limit values need to be specified because of quantitative or qualitative changes in emissions or significant change has happened compared to the content of the integrated permit for the use of the environment or the user of the environment wishes to change the activity on a significant level;

b) specification of new emission thresholds and requirements are necessary due to major changes in the best available technique;

c) the operational safety of the activity requires new techniques to be used;

d) the pollution caused by the installation is so significant that the existing limit values of the permit need to be revised

it shall oblige the user of the environment to perform an environmental audit, taking Article 19, Paragraph (2) into consideration. Based upon the results of the environmental audit procedure, the Inspectorate shall modify the integrated permit for the use of the environment according to Paragraph (12).”

13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)?

The inspectotare initiates.

The following can act as a basis for this decision:

-the operator has the obligation to notify the inspectorate every case a change in operation or and incident/accident happened,

-also there is an obligation for regular reporting on emissions to the inspectorate

-22. § (3) of the 314/2005. (XII.25. Gov. Decree sets out an obligation for the inspectorate to carry out inspections at IPPC installations at least once a year,

-public complaints/notifications

-ministry notifies the inspectorate on a change in BAT

Reconsideration process

14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1).

The inspectorate obliges the operator to carry out an environmental audit at the installation according to the rules in the relevant legislation (12/1996. (VII.4.) KTM Decree) and the legislation on IPPC (314/2005. (XII.25. Gov. Decree) and the documentation shall be handed in to the authority – same procedure as under Art. 13 (1) (20. § (8) of the Hungarian IPPC legislation).

15. Does such reconsideration open up the whole permit or just part of it?

Depending the magnitude and the nature of the changes it can be part of the permit or the whole permit.

Assessment of the article 13(2) “triggers”	
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow.	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	<i>The inspectorate has the right to decide on a case by case basis.</i>
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	<i>The Ministry for Environment and Water follows the changes in BAT and notifies the inspectorates.</i>
16.3 How is it determined, and by whom, if operational safety requires other techniques?	<i>Safety issues are in the competence of a different authority. This other authority takes part in the IPPC permitting as an expert authority, and also carries out inspections, and the authorities notify each other on their findings.</i>
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	<i>No.</i>

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision? <i>In case of a reconsideration according to Art 13 (1) it is possible to leave the permit conditions unchanged, if the conditions are still valid and sufficient in regulating the operation of the installation (no change in the operation or BAT since the original IPPC permit was issued). In case of a reconsideration according to Art 13 (2) probably a change in the conditions would be needed, as a change in the operation, emissions or the BAT already happened.</i>
18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. <i>No, but there is the possibility to appeal against the decision.</i>
19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)? <i>According to (20. § (8) of the Hungarian IPPC legislation) the inspectorate has 60 days to decide starting from the day the audit documentation is handed in.</i>
20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option?

Generally 5 years is given in Hungarian legislation as permit revision/reconsideration period. It seems to be an ideal period, not too long, not too short. The authorities' opinion was also asked when the decision in the legislation was made, and also the –at that time-planned 3 years period of BREF revisions.

21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)?

Yes, precise legislative requirements for permit reconsideration on EU level would make the procedure in the different MSs more comparable. This would ensure more similar treatment of operators in the different MSs.

A fixed time period for permit reconsideration according to Art 13 (1) would be useful. We propose the no longer than every 5 years period used in Hungary.

22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project.

Latvia

Part 1 – Contextual information

1. Please give your name and contact details	Mrs. Judite Dipane Phone +7084 218 Fax +371 7084212 e-mail: judite.dipane@vvd.gov.lv
2. Would you like your name to be included in the final report?	Yes
3. Please give the name of your organisation	State Environmental Service of the Republic of Latvia
4. What territory does your organisation cover?	The territory of Latvia and continental shelf, economic zones of the Baltic Sea and the Riga Gulf, territorial waters and inland waters
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	practical implementation
6. Approximately how many IPPC installations fall under your organisation's responsibility?	84

Part 2 – Implementation of article 13(1)

General questions	
7. What do you understand is meant by "reconsider" in this context? Review or supplement of IPPC permit.	
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details. IPPC permit is valid for 5 years. If the effects of a polluting activity on human health or the environment have not been sufficiently ascertained, the permit shall be issued for a shorter period. In general after each 5 years permit should be issued again (e.g. reviewed and supplemented).	
Frequency of reconsideration	
9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow.	
9.1 Are specific rules on permit reconsideration frequency set out in law?	Yes, national Law "On Pollution" set up requirements: 1) IPPC permits shall be issued for a period of five years. If the effects of a polluting activity on human health or the environment have not been sufficiently ascertained, the permit shall be issued for a shorter period. 2) A regional environmental board shall, in accordance with the procedures prescribed by the Cabinet, review permit conditions and, if

	necessary, renew or supplement them.
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	In general frequencies established as a fixed period (5 years) - period of validity of the permit.
9.3 Please give details if the frequency can vary between sectors.	<p>According requirements specified in 9.1. in particular cases period of validity of permits is less than 5 years, e.g., there is variety of permit reconsideration frequency:</p> <p><u>Energy industries:</u> Combustion installations with a rated thermal input exceeding 50 MW - 4 cases</p> <p><u>Chemical industry</u> Chemical installations for the production of basic organic chemicals – 1 case</p> <p><u>Other activities</u> Installations for the intensive rearing of poultry or pigs – 1 case</p>
9.4 Please give details if there is a risk based approach to determining frequency?	<p>There are risk based requirements on the matter regarding the issuing of a permit or reviewing of permit conditions (reviewed, renewed or added to during the whole period of validity of the permit) set up in national Law “On pollution”:</p> <ol style="list-style-type: none"> 1) when information regarding the negative effects of pollution on human health or the environment have been received, the limit values of environmental quality rules have been exceeded or amendments to the regulatory enactments determining the environmental quality rules have been made; 2) when due to new best available techniques it is possible to substantially reduce emission, in performing a IPPC activity; 3) when in accordance with an opinion of State institutions the use of another technology is required in order to guarantee the safety of the process; 5) prior to changes to the polluting activity; 6) if the pollution created by the installation is so substantial that it is necessary to review the conditions of the permit or the emission limits specified therein, or to specify new emission limits in the permit.
9.5 Please give details of any other factors affecting reconsideration periods?	There are other requirements on the matter regarding the issuing of a permit or reviewing

	<p>of permit conditions (reviewed, renewed or added to during the whole period of validity of the permit) set up in national Law “On pollution”:</p> <ol style="list-style-type: none"> 1) when it is determined by other regulatory enactments; 2) in the cases of dispute procedure specified by national Law “On Pollution”; 3) if it is provided for in the conditions of the permit.
Plans and processes for reconsideration of permits	
<p>10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.</p> <ul style="list-style-type: none"> • according to a sectoral plan (yes/no) • according to a general plan (yes/no) • case-by-case consideration (yes/no) • <u>other approach</u>: yes, period of validity of permit (in general: 5 years) <p>Please give further details:</p>	
<p>11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions.</p>	
<p>11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.</p>	<p>Yes, it is the same as the original permit application</p>
<p>11.2 Who initiates the reconsideration – the operator, the authority or a third party?</p>	<p>An operator shall submit an application: 1) for the receipt of a new permit; 2) for the implementation of substantial changes in the polluting activity; 3) within a period of one month after the discovery of the circumstances when:</p> <ul style="list-style-type: none"> • information regarding the negative effects of pollution on human health or the environment have been received, the limit values of environmental quality rules have been exceeded or amendments to the regulatory enactments determining the environmental quality rules have been made; • due to new best available techniques it is possible to substantially reduce emission, in performing IPPC activity; • in accordance with an opinion of State institutions the use of another technology is required in order to guarantee the safety of the process; • it is determined by other regulatory

	<p>enactments;</p> <ul style="list-style-type: none"> • if the pollution created by the installation is so substantial that it is necessary to review the conditions of the permit or the emission limits specified therein, or to specify new emission limits in the permit <p><u>An operator or natural or legal persons, also public organisations</u> may dispute a decision taken by a regional environmental board regarding the issue of a IPPC permit or separate permit conditions to the Environmental State Bureau.</p> <p>The Environmental State Bureau can take a decision to revoke the decision of the State Environmental Service (regional environmental board) regarding the issuing of a permit or to set aside part of the conditions of the permit, as well as to instruct the regional environmental board to issue a new permit changing the conditions of the permit.</p>
<p>11.3 Is there any differentiation of approach for different sizes or sectors of installations?</p>	<p>No, there is no difference between size or sectors of installations</p>
<p>11.4 Is the public involved? If so, at what stage?</p>	<p>Yes, an application for the receipt of IPPC permit or for the substantial changes in the polluting activity shall be available to the public in order that it may submit proposals regarding matters related to the issue of the permit.</p> <p>The public have access to the necessary information regarding monitoring and control results.</p> <p>Any person may apply to the Environmental State Bureau with a submission also when the requirements specified in regulatory enactments in relation to the right of public participation and the right to information has not been observed.</p>
<p>11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?</p>	<p>Yes, A permit for the initiation, continuation or substantial change of a polluting activity shall be issued if an operator has submitted an application in conformity with the requirements prescribed by national Law “On Pollution” and other regulatory enactments</p>
<p>11.6 Is there an administrative decision that can be appealed? If so, by whom?</p>	<p>Yes, IPPC permit is an administrative act. An operator or natural or legal persons, also public organisations may dispute a decision taken by a regional environmental board</p>

	regarding the issue of a IPPC permit or separate permit conditions within a time period of one month of the day the decision comes into effect, to the Environmental State Bureau.
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Part 3 – Implementation of article 13(2)

General questions	
12. How is article 13(2) (or how will it be) implemented in practice?	
<p>An operator shall submit an application within a period of one month after the discovery of the circumstances when:</p> <ul style="list-style-type: none"> • information regarding the negative effects of pollution on human health or the environment have been received, the limit values of environmental quality rules have been exceeded or amendments to the regulatory enactments determining the environmental quality rules have been made; • due to new best available techniques it is possible to substantially reduce emission, in performing IPPC activity; • in accordance with an opinion of State institutions the use of another technology is required in order to guarantee the safety of the process; • it is determined by other regulatory enactments; • if the pollution created by the installation is so substantial that it is necessary to review the conditions of the permit or the emission limits specified therein, or to specify new emission limits in the permit. 	
13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)?	
An operator has obligation to initiate reconsideration according national legislative specifications.	
Reconsideration process	
14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1).	
There is no difference from periodic reconsideration.	
15. Does such reconsideration open up the whole permit or just part of it?	
Reconsideration opens all permit when new permit should be issued and just part of permit when unsubstantial changes in the polluting activity take place.	
Assessment of the article 13(2) “triggers”	
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow.	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new	In accordance with the procedures prescribed by regulatory enactments and a permit,

<p>emission limit values are needed?</p>	<p>operators carry out regular measurements and notify the regional environmental board thereof:</p> <ul style="list-style-type: none"> • An operator shall carry out monitoring in accordance with the permit which specifies the parameters to be determined, the sites of taking samples, the frequency and methods of measurements, the type of compilation and keeping of data • An operator shall inform relevant institutions without delay: <ul style="list-style-type: none"> - if threats to human life, health or the environment have arisen or may arise due to a polluting activity; or - in the event of an accident or a threat thereof. <p>Monitoring data shall be available to the issuer of a permit, control institutions, the relevant local government and the public. Performers of IPPC activities shall draw up an annual report regarding monitoring results and send it to the issuer of the permit and the relevant local government; it shall be available to control institutions and the public.</p>
<p>16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?</p>	<p>The State Environmental Bureau creates and maintains a database of the best available techniques in the relevant area and notifies regional environmental boards thereof, as well as provides consultations to entrepreneurs and organise training in respect of this issue.</p>
<p>16.3 How is it determined, and by whom, if operational safety requires other techniques?</p>	<p>Competent authority evaluates an application regarding substantial changes in polluting activity:</p> <ul style="list-style-type: none"> • description of the installation and its activities; • used raw materials and auxiliary materials and other substances and energy utilised or generated by the relevant installation; • the sources of emission from the installation; • the environmental conditions on the site of operation of the installation • the nature and quantities of the substances which may be emitted from the installation into water, air (except for greenhouse gas emissions) or soil, as well as the substantial impact of the emission on the environment; • the technology and other techniques

	<p>intended to be utilised in order to prevent or, if such is impossible, reduce emission from the relevant installation;</p> <ul style="list-style-type: none"> • the best available techniques which the operator performing IPPC activities uses or has intended to use to prevent or restrict the occurrence of pollution; • measures to be taken in order to prevent or reduce generation of waste and recover the waste generated by the installation; • procedures by which the monitoring of the polluting activity is intended to be carried out etc.
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	No

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision? There are no practical examples when reconsideration leads to no change in the conditions.
18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. Procedure of reconsideration also includes obligation to provide with copy of permit project to relevant municipal institutions, public health agency, the State Environmental bureau and all state, municipal or non-government organizations which applied for such information at the Regional environmental board.
19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)? Regional environmental board have to issue a new permit within 90 days (as well as in case of implementation of substantial changes in the polluting activity) and have to reconsider a permit within 60 days after receiving relevant application.
20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option? Procedure of setting up permit conditions includes consultation with operator, other state institutions, municipal government and public participation. Also upon issuing a permit for the performance of a polluting activity for which, in accordance with regulatory enactments, an environmental impact assessment is required, the regional environmental board shall evaluate and take into account the report on the environmental impact assessment and comply with the opinion of the State Environmental Bureau regarding the final report on the environmental impact assessment.
21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)? Yes.

22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project. IPPC permit is an administrative act in Latvia and permitting procedure, including reconsideration of permit, is very complicated administrative process.

Lithuania

Part 1 – Contextual information

1. Please give your name and contact details	Vaclovas Berzinskas Head of Pollution Prevention Unit, Lithuanian Agency for Environmental Protection, Ministry of Environment. Juozapaviciaus str. 9, LT-09311, Vilnius, Lithuania Tel. +370-5-2662824, fax: +370-5-2662800, e-mail: v.berzinskas@aaa.am.lt
2. Would you like your name to be included in the final report?	yes
3. Please give the name of your organisation	Lithuanian Agency for Environmental Protection, Ministry of Environment
4. What territory does your organisation cover?	Whole territory of the state
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	Technical advisor
6. Approximately how many IPPC installations fall under your organisation's responsibility?	156

Part 2 – Implementation of article 13(1)

General questions	
7. What do you understand is meant by "reconsider" in this context?	It means "to change permit conditions (requirements) with respect to changed situation in the fields of emissions, local environment or laws"
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details.	We do not have.
Frequency of reconsideration	
9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow. In general IPPC permits are granted "for ages".	
9.1 Are specific rules on permit reconsideration frequency set out in law?	No
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	No such provisions
9.3 Please give details if the frequency can vary between sectors.	We do not have
9.4 Please give details if there is a risk based approach to determining frequency?	No risk based approach is applied

9.5 Please give details of any other factors affecting reconsideration periods?	We do not have
Plans and processes for reconsideration of permits	
10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.	
<ul style="list-style-type: none"> • according to a sectoral plan (yes/no) No • according to a general plan (yes/no) No • case-by-case consideration (yes/no) No • other approach (yes/no) No Please give further details:	
11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions. Process involves submitting a new permit application and preparing a new permit.	
11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.	In principle the same procedure. The operator is obliged to provide to the competent authority the information about any changes in performance of operations and about substantial changes. If the permitting body decides that the changes are substantial it informs the operator about his duty to reconsider the permit.
11.2 Who initiates the reconsideration – the operator, the authority or a third party?	Directly only the operator or the authority can initiate the reconsideration. The legal right on reconsideration belongs to authority.
11.3 Is there any differentiation of approach for different sizes or sectors of installations?	No
11.4 Is the public involved? If so, at what stage?	Yes, public is involved two times (after accepting of application and before granting reconsidered permit).
11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	Yes, he does. He has to submit a new application.
11.6 Is there an administrative decision that can be appealed? If so, by whom?	Administrative decision does exist (by director of Regional Department for Environmental Protection who grants the permits). Operator or public can appeal only to the court.

Part 3 – Implementation of article 13(2)

General questions
12. How is article 13(2) (or how will it be) implemented in practice? These provisions are transposed to IPPC Permitting Rules (56.1-56.3 p.p.)
13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)?
Reconsideration process

14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1). The same process as said in 11.5, it means like to get a new permit. We do not have provisions on periodical reconsideration.	
15. Does such reconsideration open up the whole permit or just part of it? Formally it opens whole permitting, but really it covers only the part of the permit.	
Assessment of the article 13(2) “triggers”	
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow.	
We do not have experience on practical reconsideration, but we expect that if these “triggers” will arise it can be done in different ways (ministerial order about new EU legislation, monitoring results and public complains) finally resulting obliging the operator to renovate the permit.	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	Environmental monitoring is conducted by the same IPPC permitting authority
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	Lithuanian Environmental Protection Agency is responsible for information and dissemination of BAT reference documents.
16.3 How is it determined, and by whom, if operational safety requires other techniques?	Lithuanian Environmental Protection Agency among other institutions is also involved in reconsideration of Safety Reports of potentially dangerous installations. The main responsible authority for this, if needed, will take actions and provide corresponding information.
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	No

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision? It is impossible. If no changes in conditions are expected, no reason at all to reconsider the permit. In cases of complains on damaged environment firstly EIA papers, technical project (design), permit conditions and local environment are again investigated.	
18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. No	
19. How long and how much staff time does reconsideration typically take (in absolute terms or in comparison to determining a permit application)? 90-120 days	
20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option? During preparation of IPPC Permitting Rules and taking in account our experience it was decided to set the same provisions (criteria, approaches) which are presented in the Directive.	

No additional approaches (criteria, provisions) were proposed, and approach on timing (periods) was rejected.

21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)?

Yes, we really think that precise legal requirements for reconsideration of permits help very much. In any case we think that precise criteria are better than timing. The state level – the best option.

22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project. Due to small experience we do not have any additional proposals. **We also think that good inspection and enforcement processes promote reconsideration of the permits!**

Netherlands – (Southern region)

Part 1 – Contextual information

3. Please give the name of your organisation	Provincie Noord-Brabant Directie Ecologie Postbus 90151 5200 MC 's-Hertogenbosch
4. What territory does your organisation cover?	The southern region of the Netherlands.
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	We're authorized to give permits to industrial installations as named in appendix I of the IPPC-directive.
6. Approximately how many IPPC installations fall under your organisation's responsibility?	About 130 installations (incl. installations as named in category 6.6 of Appendix I)

Part 2 – Implementation of article 13(1)

General questions	
7. What do you understand is meant by "reconsider" in this context? Whether permit conditions are still up to date in relation to new legislation or new developments and new techniques.	
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details. No, we don't have a strategy of policy to periodically reconsider permits.	
Frequency of reconsideration	
9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow.	
9.1 Are specific rules on permit reconsideration frequency set out in law?	No
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	Yes, we have a kind of fixed periods. Every 5 years we reconsider the permits for installations for waste treatment or waste incineration. For waste disposals and other industrial installations we do that every 10 years (it's a maximum period). We've experienced that also for industrial plants we reconsider the permit earlier than 10 years, because the industrial plants operate in a dynamic environment. So every change in process will most of the time lead to an application. In that case we consider if a new permit is needed and if so, we'll always reconsider the existing permit conditions (are they still actual?)
9.3 Please give details if the frequency can vary between sectors.	See 9.2

9.4 Please give details if there is a risk based approach to determining frequency?	No
9.5 Please give details of any other factors affecting reconsideration periods?	No
Plans and processes for reconsideration of permits	
<p>10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.</p> <ul style="list-style-type: none"> • according to a sectoral plan : no • according to a general plan : no • case-by-case consideration : yes • other approach <p>Please give further details: As already mentioned in the answer of question 9.2 we don't have a general plan. For waste treatment (especially for chemical waste treatment) it was allowed, according to the legislation (Wet milieubeheer), to give a permit for 5 or 10 years, because the techniques on waste treatment were developing very quickly at that time (in '90's). Now, in general the permits for waste treatment are given for a period of 10 years.</p>	
11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions.	
11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.	<p>If the permit is given for a certain period (5 or 10 years), reconsidering the permit or permit conditions, is the same procedure as the original permit application procedure. So the initiator is the operator.</p> <p>If the reconsidering is based on updating the permit conditions (are they still actual?) the initiator is the competent authority (most of the time). This procedure is not as long as a original permit application procedure.</p>
11.2 Who initiates the reconsideration – the operator, the authority or a third party?	The authority or operator (11.1), but also a third party can also ask the authority to reconsider permit or permit conditions. It's not a usual procedure.
11.3 Is there any differentiation of approach for different sizes or sectors of installations?	No
11.4 Is the public involved? If so, at what stage?	Yes, if the authority has taken a concept-decision, the public can react.
11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	In the case that the operator is the initiator he has to submit an application.
11.6 Is there an administrative decision that can be appealed? If so, by whom?	Yes, the operator and the public can appeal on the administrative decision.

Part 3 – Implementation of article 13(2)

General questions

<p>12. How is article 13(2) (or how will it be) implemented in practice? Art. 13.2 is kind of implemented in art. 8.22 en 8.23, lid 1 of the Wet milieubeheer.</p>	
<p>If the reconsidering is based on new legislation most of the time it's the competent authority who's the initiator, as meant in articles 8.22 and 8.23 Wet milieubeheer. This procedure is not as long as a normal permit procedure. If reconsideration is necessary because for example, there are new techniques developed and the level of emissions or energyconsumption will be less, the permit holder is initiator. This procedure is the same as a normal permit application procedure.</p>	
<p>Reconsideration process</p>	
<p>14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1). A procedure as meant in art. 13 (1) is most of the time started by the operator. An art. 13(2) procedure can be started by the operator (it's explained in the answer 12) or in some cases by the authority. This is practice for our authority: If new legislation must be implemented in permit conditions, we'll sometimes update the permit conditions of several permits in one procedure (project). And second: in our organisation we have a kind of a commission who's responsible for updating the standard permit conditions. Everyone needs to use those standard permit conditions in their permits for installaties. It's a guarantee that the most actual permit conditions are used. As named we don't have a policy or a plan of reconsidering permit conditions. Sometimes we reconsider permit conditions of several permits (up to 100) in one procedure. There's no difference in process between a reconsideration based on 13.1 and 13.2</p>	
<p>15. Does such reconsideration open up the whole permit or just part of it? It depends on the situation: if it's a permit of 10 years or more, the whole permit will be reconsidered. In other situations only a part of the permit is reconsidered, for example some of the permit conditions.</p>	
<p>Assessment of the article 13(2) "triggers"</p>	
<p>16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) "triggers" has arisen? Please provide more information on the specific points that follow.</p>	
<p>16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?</p>	<p>By monitoring the emissions on behalf of the installation we (the authority; the supervisor who's responsible for controlling the permit conditions) are triggered that there is a necessity of changing the permit conditions or apply new emission limit values.</p>
<p>16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?</p>	<p>The policy staff member, who's responsible for the permit is determined to take initiative if there are substantial changes in BAT. Finally the operator has to apply on a new permit, or changing the permit conditions.</p>
<p>16.3 How is it determined, and by whom, if operational safety requires other techniques?</p>	<p>The same person and the same process as named in 16.3</p>
<p>16.4 Do you consider other criteria, not listed by the Directive, as "triggers" for reconsideration? If yes, please give details.</p>	<p>No.</p>

Part 4 – General questions including questions about policy choices and costs

<p>17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision? No.</p>
<p>18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. There are no arrangements between those bodies and the authority. But there are bodies, like the Inspection for the Environment, who needs to control the permits in general of the competent authorities. So it would be logical that they also check the work in reconsidering permit conditions.</p>
<p>19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)? A reconsideration (if it's needed and the initiator is the competent authority) will take about four months (including involving the public).</p>
<p>20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option? No.</p>
<p>21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)? No.</p>
<p>22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project.</p>

Netherlands - (Rijnmond)

Part 1 – Contextual information

1. Please give your name and contact details	Yolanda Waas Yolanda.Waas@DCMR.NL
2. Would you like your name to be included in the final report?	Yes
3. Please give the name of your organisation	DCMR Environmental Protection Agency
4. What territory does your organisation cover?	Rijnmond (large industrial area in the south of Holland)
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	Practical implementation in order of the Providence of South Holland
6. Approximately how many IPPC installations fall under your organisation's responsibility?	100

Part 2 – Implementation of article 13(1)

General questions
<p>7. What do you understand is meant by "reconsider" in this context?</p> <p>Updating permits to developments in best available techniques and environmental quality.</p>
<p>8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details.</p> <p>The text of article 13 is more or less literally implemented in national law. It is up to the competent authorities to write permitting plans to bring the legal requirements into practice. The competent authorities receive a financial compensation for this work.</p> <p>DCMR has a policy for reconsidering permits periodically. This policy is based on different factors as there are environmental impact, changes of BAT, accidents/incidents, new legislation etc.</p>
Frequency of reconsideration
<p>9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow.</p> <p>Legal requirements:</p> <ul style="list-style-type: none"> - Waste management permit need to be reconsidered every 10 years, have a validity of 10 years. - Permits with emission limit values based on Directive 2006/11/EC (codification of 76/464) on dangerous substances discharges need to be reconsidered every 4 years. <p>For other installations under the IPPC Directive reconsideration should take place every 5 to 7 years. However, it is up to the competent authorities to write permitting plans to bring this into practice.</p>

<p>It is the policy of DCMR to reconsider the permit every 7 years. This doesn't mean that the permits will be renewed every 7 years. A renewal is necessary if BAT has changed, if the environmental air quality has changed, if environmental legislation has changed, because of accidents/ incidents etc. This means that permits can be renewed or changed within this 7 years or later than 7 years.</p>	
9.1 Are specific rules on permit reconsideration frequency set out in law?	See 9.
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	See 9.
9.3 Please give details if the frequency can vary between sectors.	See 9.
9.4 Please give details if there is a risk based approach to determining frequency?	See 9.
9.5 Please give details of any other factors affecting reconsideration periods?	<ul style="list-style-type: none"> - Application by the operator - Inspection - Complaint by third party - New or updated BREFs or national guidelines on best available techniques - New or amended national or European environmental legislation - Accidents/incidents - Developments in environmental quality
Plans and processes for reconsideration of permits	
<p>10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.</p> <ul style="list-style-type: none"> • according to a sectoral plan (yes/no) • according to a general plan (yes/no) • case-by-case consideration (yes/no) • other approach (yes/no) <p>Please give further details:</p>	
<p>11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions.</p> <p>A check if the permit:</p> <ul style="list-style-type: none"> - reflects the practical situation in the installation - reflects best available techniques - still fits within the environmental quality or if more stringent requirements are needed - complies with national or European environmental legislation <p>It is up to the competent authority to choose the level of detail and depth of the reconsideration.</p> <p>DCMR takes all above mentioned issues in consideration.</p>	

<p>11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.</p>	<p>If the competent authority concludes a permit needs to be amended, the procedure is the same as for a new permit and other permit amendments.</p> <p>In practice this means that because of the lack of national legislation we have problems to get an application from the operator when a permit needs to be changed. Mostly we need this application for renewal of the permit. Only when the operator wants to change his installation he will be fully cooperated to come to a good application. Else it takes a long time before we have a good application.</p>
<p>11.2 Who initiates the reconsideration – the operator, the authority or a third party?</p>	<ul style="list-style-type: none"> - Operator - Authority - Third party
<p>11.3 Is there any differentiation of approach for different sizes or sectors of installations?</p>	<p>Yes.</p>
<p>11.4 Is the public involved? If so, at what stage?</p>	<p>Yes,</p> <ul style="list-style-type: none"> - the public may request a permit reconsideration; - there is public participation in the procedure for amending or renewing a permit following a permit reconsideration.
<p>11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?</p>	<p>Not necessarily.</p> <p>Most of the time we need an application for changing, renewing the permit. Without application it is not possible to change installations in the permit according to BAT(it depends on the costs of the changes).</p>
<p>11.6 Is there an administrative decision that can be appealed? If so, by whom?</p>	<p>Yes,</p> <ul style="list-style-type: none"> - if a third party requested a permit reconsideration; - if the permit reconsideration is followed by a procedure for amending or renewing a permit.

Part 3 – Implementation of article 13(2)

General questions

12. How is article 13(2) (or how will it be) implemented in practice?

The ‘triggers’ mentioned in article 13(2) are four of many legal and non-legal ‘triggers’ that may lead to a permit reconsideration.

13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)?

<p>Competent authority, f.e. based on:</p> <ul style="list-style-type: none"> - Application by the operator - Inspection - Complaint by third party - New or updated BREFs or national guidelines on best available techniques - New or amended national or European environmental legislation - Accidents/incidents - Developments in environmental quality 	
Reconsideration process	
<p>14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1).</p> <p>Identical to article 13(1)</p>	
<p>15. Does such reconsideration open up the whole permit or just part of it?</p> <p>Both are possible.</p>	
Assessment of the article 13(2) “triggers”	
<p>16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow.</p> <p>Examples of situations or information sources that ‘trigger’ a reconsideration:</p> <ul style="list-style-type: none"> - Application by the operator - Inspection - Complaint by third party - New or updated BREFs or national guidelines on best available techniques - New or amended national or European environmental legislation - Accidents/incidents - Developments in environmental quality 	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	Competent authority, f.e. based on the situations and information sources mentioned in answer to question 16.
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	See 16.1
16.3 How is it determined, and by whom, if operational safety requires other techniques?	See 16.1
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	See 16.1

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision?

Yes, if the permit still reflects best available techniques and environmental quality does not require additional measures, the consideration leads to no change.

18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details.

Yes, the National Environmental Inspectorate and National Water Management Inspectorate inspect the competent authorities.

19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)?

Depends on the complexity of the installation and its geographical location. Variation from 150 hours to 1000 hours may occur, excluding the operator's time investment. The procedure to amend or renew a permit takes six months, but including the usual pre-consultation between operator and competent authority and possible appeal procedures may take much longer.

20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option?

The existing pre-IPPC system was continued. This system has historically developed, bottom-up.

21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)?

Guidance on the elements a permit reconsideration should contain and the level of detail and depth it should have, would support competent authorities and harmonize approaches in the EU.

A risk-based/strategic approach is expected to be most effective in terms of environmental benefits in relation to implementation costs.

Non-binding and not too detailed guidance would probably fit best with the large variety in installations, their impacts and geographical locations.

Idem

22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project.

Netherlands (VROM)

Part 1 – Contextual information

1. Please give your name and contact details	Pieter Roos pieter.roos@minvrom.nl
2. Would you like your name to be included in the final report?	yes
3. Please give the name of your organisation	VROM = Ministry of Housing, Spatial Planning and the Environment
4. What territory does your organisation cover?	Netherlands
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	Policy-maker and legislator, The answers are
6. Approximately how many IPPC installations fall under your organisation's responsibility?	2216

Part 2 – Implementation of article 13(1)

General questions
7. What do you understand is meant by "reconsider" in this context? Updating permits to developments in best available techniques and environmental quality.
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details. The text of article 13 is more or less literally implemented in national law. It is up to the competent authorities to write permitting plans to bring the legal requirements into practice. The competent authorities receive a financial compensation for this work.
Frequency of reconsideration
9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow. Legal requirements: - Waste management permit need to be reconsidered every 10 years, have a validity of 10 years. - Permits with emission limit values based on Directive 2006/11/EC (codification of 76/464) on dangerous substances discharges need to be reconsidered every 4 years. For other installations under the IPPC Directive reconsideration should take place every 5 to 7 years. However, it is up to the competent authorities to write permitting plans to bring this into practice.

9.1 Are specific rules on permit reconsideration frequency set out in law?	See 9.
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	See 9.
9.3 Please give details if the frequency can vary between sectors.	See 9.
9.4 Please give details if there is a risk based approach to determining frequency?	See 9.
9.5 Please give details of any other factors affecting reconsideration periods?	<ul style="list-style-type: none"> - Application by the operator - Inspection - Complaint by third party - New or updated BREFs or national guidelines on best available techniques - New or amended national or European environmental legislation - Accidents/incidents - Developments in environmental quality
Plans and processes for reconsideration of permits	
<p>10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.</p> <ul style="list-style-type: none"> • according to a sectoral plan (yes/no) • according to a general plan (yes/no) • case-by-case consideration (yes/no) • other approach (yes/no) <p>Please give further details:</p> <p>It is up to the competent authorities to write permitting plans to bring the legal requirements into practice. The competent authorities receive a financial compensation for this work.</p>	
<p>11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions.</p> <p>A check if the permit:</p> <ul style="list-style-type: none"> - reflects the practical situation in the installation - reflects best available techniques - still fits within the environmental quality or if more stringent requirements are needed - complies with national or European environmental legislation <p>It is up to the competent authority to choose the level of detail and depth of the reconsideration.</p>	
11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.	If the competent authority concludes a permit needs to be amended, the procedure is the same as for a new permit and other permit amendments.
11.2 Who initiates the reconsideration – the operator, the authority or a third party?	<ul style="list-style-type: none"> - Operator - Authority - Third party
11.3 Is there any differentiation of approach	No.

for different sizes or sectors of installations?	Of course the staff capacity and expertise needed varies depending on the complexity of the installation and its geographical location. It is up to the competent authorities to write permitting plans to bring the legal requirements into practice
11.4 Is the public involved? If so, at what stage?	Yes, <ul style="list-style-type: none"> - the public may request a permit reconsideration; - there is public participation in the procedure for amending or renewing a permit following a permit reconsideration.
11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	Not necessarily.
11.6 Is there an administrative decision that can be appealed? If so, by whom?	Yes, <ul style="list-style-type: none"> - if a third party requested a permit reconsideration; - if the permit reconsideration is followed by a procedure for amending or renewing a permit.

Part 3 – Implementation of article 13(2)

General questions
12. How is article 13(2) (or how will it be) implemented in practice? The ‘triggers’ mentioned in article 13(2) are four of many legal and non-legal ‘triggers’ that may lead to a permit reconsideration.
13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)? Competent authority, f.e. based on: <ul style="list-style-type: none"> - Application by the operator - Inspection - Complaint by third party - New or updated BREFs or national guidelines on beste available techniques - New or amended national or European environmental legislation - Accidents/incidents - Developments in environmental quality
Reconsideration process
14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1). Identical to article 13(1)

15. Does such reconsideration open up the whole permit or just part of it?	
Both are possible, up to the competent authority.	
Assessment of the article 13(2) “triggers”	
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow.	
Examples of situations or information sources that ‘trigger’ a reconsideration:	
<ul style="list-style-type: none"> - Application by the operator - Inspection - Complaint by third party - New or updated BREFs or national guidelines on best available techniques - New or amended national or European environmental legislation - Accidents/incidents - Developments in environmental quality 	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	Competent authority, f.e. based on the situations and information sources mentioned in answer to question 16.
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	See 16.1
16.3 How is it determined, and by whom, if operational safety requires other techniques?	See 16.1
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	See 16.1

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision?	
Yes, if the permit still reflects best available techniques and environmental quality does not require additional measures, the consideration leads to no change.	
18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details.	
Yes, the National Environmental Inspectorate and National Water Management Inspectorate inspect the competent authorities.	
19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)?	
Depends on the complexity of the installation and its geographical location. Variation from 150 hours to 1000 hours may occur, excluding the operator’s time investment. The procedure to amend or renew a permit takes six months, but including the usual pre-consultation between operator and competent authority and possible appeal procedures may	

take much longer.

20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option?

The existing pre-IPPC system was continued. This system has historically developed, bottom-up.

21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)?

Guidance on the elements a permit reconsideration should contain and the level of detail and depth it should have, would support competent authorities and harmonize approaches in the EU.

A risk-based/strategic approach is expected to be most effective in terms of environmental benefits in relation to implementation costs.

Non-binding and not too detailed guidance would probably fit best with the large variety in installations, their impacts and geographical locations.

22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project.

Netherlands (Provincie Limburg)

Part 1 – Contextual information

3. Please give the name of your organisation	Provincie Limburg
4. What territory does your organisation cover?	Environmental permits falling under the authority of Province Limburg
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	practical implementation / permitter
6. Approximately how many IPPC installations fall under your organisation's responsibility?	36

Part 2 – Implementation of article 13(1)

General questions	
<p>7. What do you understand is meant by "reconsider" in this context? Reconsider if the permit conditions are still up to date, in accordance with BAT and article 8.22 of the Environmental Management Act on reconsidering of permits.</p> <p>Heroverwegen of de voorwaarden waaronder een vergunning is verleend nog actueel (overeenkomstig BBT) zijn. (Overeenkomstig artikel 8.22 van de Wet milieubeheer)</p>	
<p>8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details. Legal basis: 8.22 of the Environmental Management Act on reconsidering of permits.</p> <p>Non-legal: in accordance with policy goals/programme permits are reconsidered every 5 to 10 years, unless changes in the industrial proces make a earlier reconsideration necessary (based on the national financial incentive programme Van Rijn-Vellekoop in the early 90s).</p> <p>Wettelijk vlgs. artikel 8.22 Wet milieubeheer. Niet wettelijk: beleidsmatig / programmatisch gebeurd dat iedere 5 – 10 jaar, voor zover niet al eerder wijzigingen in het proces aan de orde zijn die een aanpassing van de vergunning noodzakelijk maken. (Voormalige Van Rijn-Vellekoop acties).</p>	
Frequency of reconsideration	
<p>9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow. See 8.</p> <p>Zie vraag 8.</p>	
9.1 Are specific rules on permit reconsideration frequency set out in law?	<p>Article 8.22 of the Environmental Management Act requires a 'periodical' reconsidering of permits.</p> <p>Waste managment permits have a fixed permit validy of 10 years.</p> <p>Artikel 8.22 Wet milieubeheer (regelmatig).</p>

	Voor afvalstoffenverwerkende inrichtingen geldt overigens een maximale vergunningstermijn van 10 jaar.
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	<p>The Environmental Management Act does not require a fixed period (the term ‘periodical’ is used).</p> <p>For waste management permits the fixed period is 10 years (see 9.1).</p> <p>In Wet milieubeer geen specifieke periodes aangegeven (artikel 8.22 spreekt enkel van regelmatig). Voor afvalstoffenverwerkende inrichtingen 10 jaar (zie 9.1).</p>
9.3 Please give details if the frequency can vary between sectors.	<p>Not applicable.</p> <p>N.v.t.</p>
9.4 Please give details if there is a risk based approach to determining frequency?	<p>Policy goals/Permit programme differ in reconsideration of permits for simple installations with low environmental impact (minimum once per 10 years) and complex installations with high environmental impact, among others IPPC-installations (minimum once per 5 years).</p> <p>Beleidsmatig / Programmatisch: verschil in heroverweging bij vergunningen van eenvoudige inrichtingen met weinig milieu-impact (minimaal 1 keer / 10 jaar) en complexe inrichtingen met veel milieu-impact, waaronder de IPPC-inrichtingen (minimaal 1 keer / 5 jaar).</p>
9.5 Please give details of any other factors affecting reconsideration periods?	<p>Changes in industrial proces, introduction of new, better techniques with lower environmental impact.</p> <p>Proceswijzigingen, introductie nieuwe, betere, minder milieubelastende technieken.</p>
Plans and processes for reconsideration of permits	
<p>10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.</p> <ul style="list-style-type: none"> • according to a sectoral plan (yes/no) Waste management (legally once every 10 years permit renewal) Afvalstoffenverwerkende inrichtingen (wettelijk 1/10jaar vernieuwen). • according to a general plan (yes/no) Policy goals/Permit programme: every 5 to 10 years reconsideration. Beleidsmatig / Programmatisch: iedere 5 – 10 jaar heroverwegen. • case-by-case consideration (yes/no) Possible for specific installations. Mogelijk bij specifieke inrichtingen. • other approach (yes/no) <p>Please give further details:</p>	

<p>11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions.</p> <p>When new BATs (BREFs) are introduced Province Limburg consults the operator. This consultation may lead to a permit procedure with the steps draft-decision, public participation, final decision and appeal possibility.</p> <p>Bij introductie van nieuwe BBT's (Brefs) met exploitant in overleg treden hierover. Uit dit vooroverleg kan een vergunningprocedure volgen met de stappen ontwerpbesluit, inspraak, definitief besluit en beroepsmogelijkheden.</p>	
<p>11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.</p>	<p>The procedure is the same (in case of a permit amendment). Different options are possible:</p> <ul style="list-style-type: none"> - permit revision (covers the whole installation); - permit amendment (covers part of the installation); - official amendment initiated by Province Limburg; - official amendment initiated by Province Limburg but on request of the operator. <p>Procedure is gelijk (indien wijziging van de vergunning aan de orde is). Daarbij kunnen verschillende trajecten worden doorlopen: revisievergunning, veranderingsvergunning, ambtshalve aanpassing, aanpassing op verzoek.</p>
<p>11.2 Who initiates the reconsideration – the operator, the authority or a third party?</p>	<p>In principle Province Limburg. However the operator or a third party may also take the initiative.</p> <p>In principe de overheid. Echter exploitant of een derde kunnen ook initiërend zijn.</p>
<p>11.3 Is there any differentiation of approach for different sizes or sectors of installations?</p>	<p>See 9.4</p> <p>No differences in procedures (informal pre-consultation → formal permit procedure).</p> <p>Zie 9.4.</p> <p>Qua proces (vooroverleg -> vergunningtraject) is er geen verschil in aanpak.</p>
<p>11.4 Is the public involved? If so, at what stage?</p>	<p>Yes, the possibility for the public to bring in views and objections is part of the permit procedure.</p> <p>Ja, in het kader van een vergunningsprocedure kunnen zienswijzen worden ingediend.</p>

11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	No, not a legal obligation. Neen, niet wettelijk verplicht.
11.6 Is there an administrative decision that can be appealed? If so, by whom?	Yes, public with sufficient interest may appeal. Ja, belanghebbende kunnen gebruik maken van hun beroepsrecht.

Part 3 – Implementation of article 13(2)

General questions	
12. How is article 13(2) (or how will it be) implemented in practice? Article 8.22 Environmental Management Act and article 8a.1 of the Installations and Permits Decree. Middels artikel 8.22 Wet milieubeheer sub artikel 8a.1 van het Inrichtingen en vergunningenbesluit.	
13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)? In principle Province Limburg, for individual cases, but more often per industrial sector based on new technical information. Also third parties may request a reconsideration of permit conditions. In principe de overheid. Kan voor individuele gevallen zijn maar normaliter op basis van gewijzigde inzichten branchesgewijs. Ook derden kunnen verzoeken voor heroverweging van vergunningeisen.	
Reconsideration process	
14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1). No difference with periodical reconsiderations. Normal permit procedure. Geen verschil met periodieke heroverweging. Normale vergunningprocedure.	
15. Does such reconsideration open up the whole permit or just part of it? Both are possible, depending on reconsideration of a part of the installation or the whole installation. Kan beide, afhankelijk of het de gehele inrichting betreft of slechts een deel / compartiment.	
Assessment of the article 13(2) “triggers”	
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow.	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	The current permit or general binding rules are leading. Possibly other legislation leads to reconsideration (Decree on ambient air quality, NEC Directive). Vigerende vergunning of algemene regels zijn primair maatgevend. Mogelijk andere

	besluiten die aanleiding geven de vergunning aan te passen (BLK, NEC-plafonds)
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	Province Limburg based on new BREFs Overheid, bij vaststelling nieuwe Brefs.
16.3 How is it determined, and by whom, if operational safety requires other techniques?	Province Limburg based on new regulations or guidance. Overheid, bij vaststelling nieuwe regelgeving of richtlijnen.
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	Energy-use, resource-use, impact on soil quality, noise impact, waste prevention options. Energieverbruik, grondstoffenverbruik, bodembelasting, geluidbelasting, afvalstoffenreductiemogelijkheden, ...

Part 4 – General questions including questions about policy choices and costs

<p>17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision? Yes, if the operator still operates within the emission limit values. However, the Province Limburg will always negotiate with the operator on possibilities for a more stringent permit.</p> <p>Ja, indien exploitant nog binnen de normering opereert. Wel zal de overheid altijd met de exploitant onderhandelen over mogelijke aanscherping van de vergunning.</p>
<p>18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. Yes,</p> <ul style="list-style-type: none"> - the National Environmental Inspectorate advises based on article 8.7 and 21.3 Environmental Management Act; - the City Council/Municipal authorities of the municipality where the installation is situated; - the public during the public participation phase of the permit procedure and in general as environmental information is publicly available. <p>Ja, procedureel de VROM-Inspectie in het kader van hun adviestaak (artikel 8.7 Wm, aangewezen op basis van artikel 21.3 Wm) en B&W van de gemeente waar de inrichting is gelegen. Verder alle belanghebbenden in het kader van een vergunningprocedure. Milieu-informatie kan door eenieder worden ingezien.</p>
<p>19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)? The permit procedure takes 6 months. This excludes pre-consultation aimed at reaching consensus as much as possible. The time needed varies of course with the scope of the permit amendment: 10-20 days.</p> <p>Wettelijk proceduretermijn van 6 maanden. Dit is zonder het ‘vooroverleg’ om, zoveel mogelijk, tot overeenstemming te komen. Benodigde tijd varieert natuurlijk ook met de mate</p>

van aanpassing: 10 – 20 dagen.

20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option? Articles are implemented literally.

Artikelen zijn 1 op 1 geïmplementeerd.

21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)?

Yes. Reconsideration in principle every five years is reasonable, also for industry. To guarantee a level playing field as much as possible this should be established at European level.

Ja. In principe ieder 5 jaar heroverwegen is redelijk, ook voor bedrijfsleven. Als, dan zoveel mogelijk Europese gelijkschakeling, dus op EU-niveau vastleggen.

22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project.

Netherlands – (Waterregion/board within Province Noord – Brabant)

Part 1 – Contextual information

3. Please give the name of your organisation	Waterschap Aa en Maas Pettelaarpark 70 5216 PP 's-Hertogenbosch
4. What territory does your organisation cover?	Waterregion/board within Province Noord-Brabant, Netherlands
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	Practical implementation / Permitter
6. Approximately how many IPPC installations fall under your organisation's responsibility?	50 industrial IPPC-installations 400 IPPC-installations for intensive livestock farming

Part 2 – Implementation of article 13(1)

General questions	
7. What do you understand is meant by "reconsider" in this context?	Updating permits to developments in best available techniques and environmental quality.
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details.	Reconsideration every four years or based on inspection reports.
Frequency of reconsideration	
9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow.	Reconsideration every four years or based on inspection reports. For non-IPPC-permits reconsideration takes place every 10 years.
9.1 Are specific rules on permit reconsideration frequency set out in law?	Yes, Decree on four yearly reconsidering of permits. This decree is based on Directive 2006/11/EC (codification of 76/464) on dangerous substances discharges.
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	Fixed periodes.
9.3 Please give details if the frequency can	The frequency varies between complex

vary between sectors.	(IPPC) and non-complex installations. The system will be evaluated and probably amended with the introduction of the Combined Permit for environmental and environmental related permits and the Activities Decree, which exempts many (non-IPPC) installations from the permit obligations.
9.4 Please give details if there is a risk based approach to determining frequency?	
9.5 Please give details of any other factors affecting reconsideration periods?	<ul style="list-style-type: none"> - Application by the operator - Inspection - Complaint by third party - New or updated BREFs or national guidelines on beste available techniques - New or amended national or European environmental legislation - Accidents/incidents - Developents in environmental quality
Plans and processes for reconsideration of permits	
<p>10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.</p> <ul style="list-style-type: none"> • according to a sectoral plan (yes/no) • according to a general plan (yes/no) • case-by-case consideration (yes/no) • other approach (yes/no) <p>Please give further details:</p> <p>Yes, there is a permitting plan which allocates resources to reconsideration of permits. The selection/priorities are based on informtion from the permit information system.</p>	
<p>11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions.</p> <p>Permits are tested on the following criteria:</p> <ol style="list-style-type: none"> 1. Is the permit still in line with the current policy goals; 2. Is the permit clear and can it be interpreted in only one way; 3. Does the permit give the necessary flexibility and at the same time give sufficient protection of the water quality. <p>The following practical parameters are used for permit reconsiderations:</p> <ol style="list-style-type: none"> a. New or updated national sector specific BAT-reference documents; b. Legal four yearly reconsideration; c. Environmental management plan operator; d. Original application in accordance with general evaluation method (for environmental risks) e. Permit conditions on functional use emissionreduction techniques; f. Permit conditions on monitoring. 	

An inspection of the installation can be part of the reconsideration.	
11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.	If it is concluded that a permit needs to be amended, the procedure is the same as for a new permit and other permit amendments.
11.2 Who initiates the reconsideration – the operator, the authority or a third party?	- Operator - Authority - Third party
11.3 Is there any differentiation of approach for different sizes or sectors of installations?	No.
11.4 Is the public involved? If so, at what stage?	Yes, - the public may request a permit reconsideration; - there is public participation in the procedure for amending or renewing a permit following a permit reconsideration.
11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	Not necessarily.
11.6 Is there an administrative decision that can be appealed? If so, by whom?	Yes, - if a third party requested a permit reconsideration; - if the permit reconsideration is followed by a procedure for amending or renewing a permit.

Part 3 – Implementation of article 13(2)

General questions
12. How is article 13(2) (or how will it be) implemented in practice? The ‘triggers’ mentioned in article 13(2) are four of many legal and non-legal ‘triggers’ that may lead to a permit reconsideration.
13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)? Competent authority, f.e. based on: - Application by the operator - Inspection - Complaint by third party - New or updated BREFs or national guidelines on best available techniques - New or amended national or European environmental legislation - Accidents/incidents - Developments in environmental quality
Reconsideration process

14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1).	
Identical to article 13(1)	
15. Does such reconsideration open up the whole permit or just part of it?	
Both are possible.	
Assessment of the article 13(2) “triggers”	
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow.	
Examples of situations or information sources that ‘trigger’ a reconsideration:	
<ul style="list-style-type: none"> - Application by the operator - Inspection - Complaint by third party - New or updated BREFs or national guidelines on best available techniques - New or amended national or European environmental legislation - Accidents/incidents - Developments in environmental quality 	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	Competent authority, f.e. based on the situations and information sources mentioned in answer to question 16.
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	See 16.1
16.3 How is it determined, and by whom, if operational safety requires other techniques?	See 16.1
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	See 16.1

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision?	
Yes, if the permit still reflects best available techniques and environmental quality does not require additional measures, the consideration leads to no change.	
18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details.	
Yes, the National Water Management Inspectorate the waterboard.	
19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)?	
The permitting plan allocates resources to reconsideration of permits. The selection/priorities	

are based on information from the permit information system.

20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option?

The existing pre-IPPC system was continued.

21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)?

Guidance on the elements a permit reconsideration should contain and the level of detail and depth it should have, would support competent authorities and harmonize approaches in the EU.

A risk-based/strategic approach is expected to be most effective in terms of environmental benefits in relation to implementation costs.

Non-binding and not too detailed guidance would probably fit best with the large variety in installations, their impacts and geographical locations.

22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project.

Norway

Part 1 – Contextual information

1. Please give your name and contact details	Bjørn A. Korssjøen bjk@sft.no
2. Would you like your name to be included in the final report?	Yes
3. Please give the name of your organisation	Norwegian Pollution Control Authority
4. What territory does your organisation cover?	Norway
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	Responsible for permits (practical implementation)
6. Approximately how many IPPC installations fall under your organisation's responsibility?	250 (including permits given by the County Governours)

Part 2 – Implementation of article 13(1)

General questions	
7. What do you understand is meant by "reconsider" in this context? If there are changes in activity at the installations/plants or in techniques used in the industry sector, this will initiate "reconsideration" of the individual permits. Changes in technique will emerge both in BREF documents and information from industry/.	
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details. No	
Frequency of reconsideration	
9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow.	
9.1 Are specific rules on permit reconsideration frequency set out in law?	No
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	No
9.3 Please give details if the frequency can vary between sectors.	See 9.2
9.4 Please give details if there is a risk based approach to determining frequency?	See 9.2
9.5 Please give details of any other factors affecting reconsideration periods?	
Plans and processes for reconsideration of permits	

<p>10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.</p> <ul style="list-style-type: none"> • according to a sectoral plan (yes/no) No • according to a general plan (yes/no) No • case-by-case consideration (yes/no) yes • other approach (yes/no) No <p>Please give further details: We have a continuous follow up on all individual permits.</p>	
<p>11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions. If there are changes in the activities on the installation, we have a broad process to update the permit, including announcement and public hearing. After considering techniques, we issue a new permit.</p>	
11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.	Yes
11.2 Who initiates the reconsideration – the operator, the authority or a third party?	All parties
11.3 Is there any differentiation of approach for different sizes or sectors of installations?	The general process is the same
11.4 Is the public involved? If so, at what stage?	Yes. Public hearing of application, and possible complaint when the permit is issued.
11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	In most cases, yes.
11.6 Is there an administrative decision that can be appealed? If so, by whom?	All parties

Part 3 – Implementation of article 13(2)

General questions	
12. How is article 13(2) (or how will it be) implemented in practice? Through Norwegian legislation and practice.	
13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)? Normally the authorities based on general information on changes/development in techniques/BAT, changes in recipient conditions, or new legislation.	
Reconsideration process	
14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1). No differences from periodic reconsideration.	
15. Does such reconsideration open up the whole permit or just part of it? Both.	
Assessment of the article 13(2) “triggers”	
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow.	

16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	Authorities / consultant agencies (reports given to consider the state of the environment/recipient).
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	Assessment by authorities/consultants, and based on revision of BREF documents from Sevilla, The Nordic Council etc.
16.3 How is it determined, and by whom, if operational safety requires other techniques?	Authorities.
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	Complaints from neighbours may initiate further following up from the authorities.

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision? Yes. On the basement of an overall assessment, we consider changes/no changes.
18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. Yes, the Office of auditor-general checks the work of the Pollution control authorities. In addition, ESA will follow up on Norway’s implementation.
19. How long and how much staff time does reconsideration typically take (in absolute terms or in comparison to determining a permit application)? Typically around nine months.
20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option? National legislation (Pollution Control Act) from 1973.
21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)? In our case, we don’t think legal requirements would help in the process of reconsideration permits. We prefer individual evaluation of the permits, or groups of permits (industry sector).
22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project.

Poland

Part 1 – Contextual information

1. Please give your name and contact details	Monika Kosińska
2. Would you like your name to be included in the final report?	yes
3. Please give the name of your organisation	Ministry of the Environment
4. What territory does your organisation cover?	Poland
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	Legislator, policy-maker
6. Approximately how many IPPC installations fall under your organisation's responsibility?	about 2 500 installations

Part 2 – Implementation of article 13(1)

General questions	
7. What do you understand is meant by "reconsider" in this context? In this context "reconsider" should mean that permitting authority analyze each issued permit taking into consideration changes which took place during the period and possible improvement.	
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details. No, in case of necessary changes the procedure will be the same as the procedure of issuing permit.	
Frequency of reconsideration	
9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow. Expected frequency is at least every 5 years, it was determined in Polish law.	
9.1 Are specific rules on permit reconsideration frequency set out in law?	Yes
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	Yes, as maximum periods – not longer than every 5 years
9.3 Please give details if the frequency can vary between sectors.	There are no different periods for reconsideration for different sectors.
9.4 Please give details if there is a risk based approach to determining frequency?	No
9.5 Please give details of any other factors affecting reconsideration periods?	Changes in law or changes in BAT
Plans and processes for reconsideration of permits	
10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.	

- according to a sectoral plan (yes/no)
- according to a general plan (yes/no)
- case-by-case consideration (yes/no)
- other approach (yes/no)

Please give further details:

According to the law.

11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions.
The permitting authority decides to reconsider a permit after 5 years from issuing permit or in case of changes in law or changes in BAT.

11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.	After the authority finish reconsideration process and state that there is a need for changes in the permit, the same procedure as the original permit issuing procedure is conducted.
11.2 Who initiates the reconsideration – the operator, the authority or a third party?	The authority is obliged to initiate the reconsideration.
11.3 Is there any differentiation of approach for different sizes or sectors of installations?	No
11.4 Is the public involved? If so, at what stage?	The public is involved when the authority states that the permit need to be changed.
11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	The operator has to submit an application concerning change of the permit if the authority identify such need.
11.6 Is there an administrative decision that can be appealed? If so, by whom?	Only when there is a need for a permit change.

Part 3 – Implementation of article 13(2)

General questions
12. How is article 13(2) (or how will it be) implemented in practice? The integrated permit granted shall also be subject to review where there has been a change in the best available techniques, allowing for a substantial reduction in the emission levels without entailing excessive costs, or where this results from the need to align the operation of the installation with the amended environmental legislation.
13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)? It is initiated by permitting authority.
Reconsideration process
14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1). After reconsidering a permit under article 13(2) if there is a change needed the permitting authority will conduct integrated permit procedure.
15. Does such reconsideration open up the whole permit or just part of it? By reconsideration according to article 13(2) there might be open up just part of permit that was identified as needing the reconsideration.
Assessment of the article 13(2) “triggers”
16. Please can you provide any information or examples on how it is (or will be) assessed

whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow.	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	It is determined by permitting authority who inform operator about the need to apply for a new/changed permit.
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	It is determined by permitting authority who inform operator about the need to apply for a new/changed permit.
16.3 How is it determined, and by whom, if operational safety requires other techniques?	It is determined by permitting authority who inform operator about the need to apply for a new/changed permit.
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	It is case by case reconsidered by permitting authority.

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision? If requirements from article 13(1) are complied there is smaller possibility that there will be no change in the permit conditions as a result of reconsideration.
18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. Minister of the Environment have possibility to turn to permitting authorities for additional information if the permitting authority is already conducting permit procedure on the basis of reconsideration.
19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)? There hasn't been periodical reconsideration held in Poland yet, but as for change in permit according to the changes in law the procedure is supposed to take 2 months. At the same time procedure of issuing permit for the first time according to the law can take no longer than 6 months.
20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option? After evaluation of different possibilities it was chosen 5 year period (which is half of the maximum time the integrated permit is valid) as the most convenient.
21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)? It would help if there were provisions developed on EU level concerning information which criteria should be taken into consideration while reviewing the permit.
22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project.

Romania

Part 1 – Contextual information

1. Please give your name and contact details	Gabriela Mirela Băgăianu mirela.bagaianu@anpm.ro autorizari@anpm.ro
2. Would you like your name to be included in the final report?	Yes
3. Please give the name of your organization	National Environmental Protection Agency
4. What territory does your organization cover?	National
5. What is the responsibility of your organization in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	Coordinator Member of the work groups who modify the national legislation in the environmental field
6. Approximately how many IPPC installations fall under your organization's responsibility?	National Environmental Protection Agency has in subordination eight regional agencies and 42 department's agencies The regional environmental protection agency are the competent authorities for the process of granting permit in the pollution control field At national level there are 638 IPPC installations

Part 2 – Implementation of article 13(1)

General questions	
7. What do you understand is meant by "reconsider" in this context?	Reexamination, reevaluation, analysis of the condition of the permit,
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details.	The transposition of the article 13 f the Directive is made by the 25 th article of the 152/2005 governmental order approved by 86/2006 law The 25 th article : The competent authority evaluated periodically the conditions of the integrated permit, and when is necessary review (update) the permit. The review of the integrated shall be undertaken in any event where: - 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, - substantial changes in the best available techniques make it possible to reduce emissions significantly without imposing excessive costs, - the operational safety of the process or activity requires other techniques to be used, - new provisions of legislation so dictate.
Frequency of reconsideration	
9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow.	There is no frequency established

9.1 Are specific rules on permit reconsideration frequency set out in law?	No
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	No The authority granting the integrated permit for 10 years or for the period of the action plan in case that the IPPC installation has transition period After that the authority granted a new permit for the IPPC installation - reconsider the condition of the old permit
9.3 Please give details if the frequency can vary between sectors.	-
9.4 Please give details if there is a risk based approach to determining frequency?	-
9.5 Please give details of any other factors affecting reconsideration periods?	In Romania the permit has a validity period witch is 10 years (ordinary) or identically with the period of the action's plan who has measures for the corresponding to BAT
Plans and processes for reconsideration of permits	
<p>10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.</p> <ul style="list-style-type: none"> • according to a sectorial plan (yes/no) no • according to a general plan (yes/no) no • case-by-case consideration (yes/no) yes • other approach (yes/no) yes <p>There is no frequency established by the national legislation, so the competent authority (REPA) decide what is this period.</p> <p>Please give further details: in 2007 there is a schedule for the critical examination of the quality of the integrated permits. There is a disposition received from the Ministry in cooperation with NEPA and in this moment the work groups are organized by the activities and in 15'th march a preliminary report will be send to the Ministry who can decided the necessary measures.</p> <p>For the IPPC installation witch don't have transition period for complying with the IPPC Directive and have action's plan for complying with BREF demands witch has terms before the last day of October this year - all this permits needs to be reconsidered before 31th October this year.</p>	
<p>11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions.</p> <p>The reconsideration process for the implementation of 13(1) article of IPPC Directive involve reexamination and updating of the permit's conditions</p>	
11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.	Yes
11.2 Who initiates the reconsideration – the operator, the authority or a third party?	The authorities or the operator
11.3 Is there any differentiation of approach for different sizes or sectors of installations?	The procedure is the same
11.4 Is the public involved? If so, at what stage?	Yes There are public debates organized for the

	correct information of the public and also there are a lot of announcement at each stage of the procedure
11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	Only the reports witch are required according to the integrated permit If the permit's conditions are changed the operator must inform the authority and submit a reconsideration permit application
11.6 Is there an administrative decision that can be appealed? If so, by whom?	All the authority's decisions can be appealed in the Court of Law by anyone

Part 3 – Implementation of article 13(2)

General questions	
12. How is article 13(2) (or how will it be) implemented in practice? There is now organized a work group who elaborate a procedure for the review of the integrated permit. The procedure is proposed to be finished in august 2007	
13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)? The operator, the environmental authorities or legislative specifications	
Reconsideration process	
14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1). The reconsider is made for the article 13(2) in specific cases and the permit is review For the article 13(1) the reexamination in periodically and the review is made only when the conditions of the permit are changed	
15. Does such reconsideration open up the whole permit or just part of it? All the permit	
Assessment of the article 13(2) “triggers”	
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow.	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	The authority establishes when the analysis of the operator's self monitoring reports is made or by the authorities database of monitoring
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	The operator by his specialists can determine these possibility when the BAT is review There is a possibility that the proposal can be made by the member of the national work group responsible with the BAT techniques
16.3 How is it determined, and by whom, if operational safety requires other techniques?	The operator determined that
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	In Romania the water's permit is a part of the integrated permit. It is necessary to reconsider the permit when the water permit is review

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no

<p>change in the conditions? What criteria or circumstances would lead to such a decision?</p> <p>13(1) – yes</p> <p>13(2)- no</p>
<p>18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. The National Guard is controlling the conditions of the permit, has full access to the documentation and verify if the procedure is followed correctly (the 10th article of the government decision 1440 / 2005)</p>
<p>19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)?</p> <p>The staff is the same</p> <p>There is no estimation made of such a period.</p> <p>The period is different because the regional has a different number of IPPC installations</p>
<p>20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option?</p> <p>Not yet</p>
<p>21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)?</p> <p>Yes</p> <p>Annually or every 2 years</p>
<p>22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project.</p> <p>It is necessary to established by law a period of reconsider - annually</p> <p>It is necessary to reconsider the permit when the owner of the IPPC installation is changed or when a part of the installation is closed, or the capacity is increased</p>

Slovak Republic

Part 1 – Contextual information

1. Please give your name and contact details	Bohuslav Bezuch , Slovak Inspectorate of Environment Karloveska 2 841 04 Bratislava, Slovakia Tel. 00421/2/60292437 Mail: bezuch@sizp.sk
2. Would you like your name to be included in the final report?	yes
3. Please give the name of your organisation	Slovak Inspectorate of Environment, Karloveska 2, 841 04 Bratislava, Slovakia
4. What territory does your organisation cover?	Whole territory of Slovak Republic
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	Practical implementation – competent permitting body
6. Approximately how many IPPC installations fall under your organisation's responsibility?	500

Part 2 – Implementation of article 13(1)

General questions	
7. What do you understand is meant by "reconsider" in this context?	Reconsideration means periodical review of permit conditions and their actualisation/amendment.
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details.	The obligation of reconsidering is incorporated to our IPPC national legislation.
Frequency of reconsideration	
9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow. Frequency given by legislation is maximally 8 years (in case, that in installation EMAS or similar system is involved 10 years)	
9.1 Are specific rules on permit reconsideration frequency set out in law?	Yes, see above
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	Yes, see above
9.3 Please give details if the frequency can vary between sectors.	No vary
9.4 Please give details if there is a risk based approach to determining frequency?	No

9.5 Please give details of any other factors affecting reconsideration periods?	Changes in the installation
Plans and processes for reconsideration of permits	
10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.	
<ul style="list-style-type: none"> • according to a sectoral plan (yes/no) • according to a general plan (yes/no) • case-by-case consideration (yes/no) • other approach (yes/no) yes – depends on permit issue Please give further details:	
11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions. Until now only for changes in installations	
11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.	Depending on character of change described in application by operator
11.2 Who initiates the reconsideration – the operator, the authority or a third party?	In the case of change in installation the operator
11.3 Is there any differentiation of approach for different sizes or sectors of installations?	No
11.4 Is the public involved? If so, at what stage?	In the case of substantial change in installation
11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	Yes, in the case of changes in installation
11.6 Is there an administrative decision that can be appealed? If so, by whom?	By inspectorate of environment

Part 3 – Implementation of article 13(2)

General questions
12. How is article 13(2) (or how will it be) implemented in practice? By inspections in installation
13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)? Individual discretion
Reconsideration process
14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1). No differences
15. Does such reconsideration open up the whole permit or just part of it? Case by case
Assessment of the article 13(2) “triggers”
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow.

16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	By competent bodies of state authority
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	By competent bodies of state authority by the inspection in the installation
16.3 How is it determined, and by whom, if operational safety requires other techniques?	By competent bodies of state authority
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	No

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision? Yes, it is possible if no significant changes occurs in installation and given conditions are relevant also for further operation.
18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. the work could be checked by higher level competent authority or by court.
19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)? The process of periodical reconsideration is not yet actual, as the IPPC process started in our country only in 2003. Reconsideration based on changes in installation depends on the character of change, usually is shorter than normal permitting process.
20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option? Competent authority can in any time check the fulfilling of the operational condition formulated in permit. If any problems are identified, the permit is reconsidered immediately.
21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)? Legal requirements for reconsideration is incorporated in our legislation (see item 9), but our system is flexible and allows the reconsideration in any time.
22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project.

Sweden

Part 1 – Contextual information

1. Please give your name and contact details	Erik Nystrom erik.nystrom@naturvardsverket.se Henrik Malmberg henrik.malmberg@naturvardsverket.se Inga Birgitta Larsson Ingabirgitta.larsson@naturvardsverket.se
3. Please give the name of your organisation	Swedish EPA
4. What territory does your organisation cover?	Sweden
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	Of the four possibilities given we would say “policy- maker” and “technical advisor”.
6. Approximately how many IPPC installations fall under your organisation's responsibility?	As SEPA is a national authority all approx. 1 060 installations

Part 2 – Implementation of article 13(1)

General questions
7. What do you understand is meant by "reconsider" in this context? Consider whether or not any changes in BAT for the sector, current emissions and consumption, and/or impact on the environment of the particular installation merit a change in permit conditions in an existing “IPPC-permit” and, if so, see to it that relevant changes are made.
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details. The CA is, according to our legislation, obliged to continuously reconsider permit conditions and, where necessary, take action in order to update the conditions. According to legislation there are a number of listed circumstances which trigger a reconsideration of permit conditions, i.e. 1. when ten years, or the shorter period fixed by the Government or the authority appointed by the Government in consequence of Sweden’s membership of the European Union, have elapsed since the decision granting a permit entered into force; 2. where the activity is responsible to a significant extent for an infringement of an environmental quality standard;

3. if the applicant for the permit has misled the licensing authority by supplying incorrect information or omitting to supply information that was relevant to the permit or the conditions;
4. if the terms of the permit that relates to the activity or measure have not been complied with;
5. if the activity causes any significant damage that was not anticipated when the permit was granted;
6. if the conditions in the surrounding area have changed significantly;
7. if a significant improvement in terms of human health or the environment can be achieved by the use of a new process or treatment technology;
8. if the use of a new technology for measuring or estimating pollution levels or other environmental impacts would significantly improve the possibility of controlling the activity;
9. if the activity takes place, entirely or to a significant extent, in an area subject to a prohibition imposed by a rule or decision issued pursuant to chapter 9, section 4 of the Environmental Code.

(i.e. “Where special reasons exist on account of the need to protect human health or the environment, the Government may issue rules or decisions for a certain part of the country prohibiting:

1. the discharge of wastewater, solid matter or gas from land, buildings or structures; or
2. the depositing of solid matter.

This shall be applicable where such activities may lead to pollution or adverse impact on water areas, land or groundwater.”)

The permits themselves are normally unlimited in time. The competent authorities, CA, for demanding a reconsideration of permit conditions are the Swedish EPA, the regional state authorities and the Legal, Financial and Administrative Services Agency. When the operative inspection responsibility has been delegated from the regional inspection authority to the municipal inspection authority the municipal inspection authority may demand a reconsideration of permit conditions. Based on inter alia the annual environmental reports, the CA can decide whether or not to take action.

Frequency of reconsideration

9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow.

Permits are given for a certain production levels, not for certain emission levels. When an installation e.g. intends to produce more than allowed or make other, not minor, changes it needs a new permit. This means in practice that most large companies need new permits more often than every ten years. This might however not be the case for smaller companies and companies in sectors which are expanding or making other not minor changes.

The CA for inspection is legally obliged to continuously reconsider permit conditions and,

where necessary, take action in order to update the conditions.	
9.1 Are specific rules on permit reconsideration frequency set out in law?	There are, in our legislation, no fixed periods established within which reconsideration shall take place. Instead, as mentioned above, the CA for inspection is obliged to reconsider permit conditions continuously.
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	No
9.3 Please give details if the frequency can vary between sectors.	-
9.4 Please give details if there is a risk based approach to determining frequency?	See 8
9.5 Please give details of any other factors affecting reconsideration periods?	See 8
Plans and processes for reconsideration of permits	
<p>10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details.</p> <ul style="list-style-type: none"> • according to a sectoral plan • (yes/no) • according to a general plan (yes/no) • case-by-case consideration (yes/no) • other approach (yes/no) <p>Please give further details:</p> <p>See last para under 9.</p> <p>Although not the topic here, one might note that according to an ordinance from the Swedish government all IPPC installations with pre-IPPC permits have to be re-considered and updated as necessary in order to meet the dead-line of October 30th, 2007. In this process the operator has to give the CA for inspection the necessary information on performance to enable the CA to judge whether or not additional measures has to be taken and, if so, the legal procedure needed. This is thus a specific effort to meet the deadline of October 30th 2007 and not what this questionnaire aims at.</p>	
<p>11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions.</p> <p>See 8 and 16</p>	
11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.	Depends. If only minor additional measures are needed they can be decided upon by the CA for inspection. If new conditions are deemed to be needed, the matter has to be

	brought to the CA for permitting for consideration.
11.2 Who initiates the reconsideration – the operator, the authority or a third party?	Reconsideration can be initiated either by the operator or the CA. The operator normally initiates a reconsideration of a permit when the installation needs a new permit, e.g. with higher production figures.
11.3 Is there any differentiation of approach for different sizes or sectors of installations?	Not in principle.
11.4 Is the public involved? If so, at what stage?	Yes, if there eventually is a case of updating the permit conditions. If so, the public is involved at an early stage.
11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	The operator has an obligation to supply the CA for permitting with all information necessary for reconsidering the permit.
11.6 Is there an administrative decision that can be appealed? If so, by whom?	Any decision by the CA for permitting, can be appealed by those concerned.

Part 3 – Implementation of article 13(2)

General questions	
12. How is article 13(2) (or how will it be) implemented in practice?	
See 8	
13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)?	
The CA or the operator.	
Reconsideration process	
14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1).	
No differences.	
15. Does such reconsideration open up the whole permit or just part of it?	
Can be both. If the change concerns only a well defined part of a plant the reconsideration can be focused on that part. Note also that permits are normally given “for ever” for a certain level of production, while conditions can be changed.	
Assessment of the article 13(2) “triggers”	
16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) “triggers” has arisen? Please provide more information on the specific points that follow.	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	By the CA for inspection based on information it receives from e.g. visits and the mandatory annual reports.

16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	Based on experience from similar installations in the country and on information available on what has been achieved internationally, including the information in the BREFs. Normally the CA for inspection brings the matter to the CA for permitting. This CA decides whether or not measures must be taken.
16.3 How is it determined, and by whom, if operational safety requires other techniques?	Normally by the CA for inspection. In case of Seveso-installations on the higher threshold the CA for inspection might be supported by the Swedish Rescue Services Agency. The CA for inspection brings the matter to the CA for permitting. This CA decides whether or not measures must be taken.
16.4 Do you consider other criteria, not listed by the Directive, as “triggers” for reconsideration? If yes, please give details.	See the total list in 8.

Part 4 – General questions including questions about policy choices and costs

<p>17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no change in the conditions? What criteria or circumstances would lead to such a decision?</p> <p>Of course is it possible, as the CA is “obliged to continuously reconsider permit conditions and, where necessary, take action in order to update the conditions”. If the criteria listed in 8. above are not met the CA for inspection is not likely to bring the matter to the CA for permitting.</p>
<p>18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details.</p> <p>No</p>
<p>19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)?</p> <p>The first part of “reconsideration” is thus, as we see it, the process of determining whether or not conditions should be changed. This first part is thus a continuous obligation, see 8. If this part of the reconsideration by the CA for inspection does not lead to any further action then the time spent is of course much less than if a permit procedure is eventually initiated.</p> <p>A process to change conditions in a permit can take a number of man-weeks for each of the CAs involved To this must be added the time and resources spent by the operator to write a permit application and participate in the procedures.</p>
<p>20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option?</p> <p>The arrangements have in principle be the same since the late 1960-ies.</p>
<p>21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)?</p>

We think that it is advantageous that the current regulation in IPPC is flexible. Moreover, we think that it is precise enough.

A more precise legal requirement could lead to need for considerably more man-power or divert current resources from more urgent measures to less urgent ones. More precise requirements will thus risk to be contra productive. The CAs should be trusted to decide where to put their limited resources. A permit application is very resource intensive for both operators and CAs and the resources available can often be better spent on other activities than compulsory legal requirements for reconsideration of permits.

One might also note that the larger, and environmentally most important, installations normally need to change or expand their activities to meet changes in demand. This means that, at least in Sweden, the operators quite regularly need to send in applications for new permits.

22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project.

United Kingdom

Part 1 – Contextual information

1. Please give your name and contact details	Paul Nash Environment Agency Chester Road Buckley Flintshire CH7 3AJ
2. Would you like your name to be included in the final report?	yes
3. Please give the name of your organisation	Environment Agency
4. What territory does your organisation cover?	England and Wales
5. What is the responsibility of your organisation in relation to reconsideration of permits (e.g. legislator, policy-maker, technical advisor, practical implementation)?	policy-maker, technical advisor and practical implementation
6. Approximately how many IPPC installations fall under your organisation's responsibility?	Circa 3000

Part 2 – Implementation of article 13(1)

General questions	
7. What do you understand is meant by "reconsider" in this context? Review the basis for permit determination and ensure that the relevant BAT and environmental quality standards are met. Confirm that any process changes have been incorporated in the permit. Review the environmental performance of the sector and confirm the environmental impact of this performance. Any changes in legislation have been applied.	
8. Do you have a strategy or policy for reconsidering permits periodically? If yes, please give details. Yes we have a policy for reviewing permits at least every 8 years. This could be shorter depending on BREF updates, sector specific and risk-based issues.	
Frequency of reconsideration	
9. What is the average frequency or expected frequency of periodic permit reconsiderations and how has this been determined? Please give details on the points that follow. The frequency is expected to vary between 4-8 years depending upon BREF review, other legislation and sector risk.	
9.1 Are specific rules on permit reconsideration frequency set out in law?	The PPC Regs specify that 'regulators shall periodically review the conditions of permit ...'
9.2 Are permit reconsideration frequencies established as fixed periods (e.g. every X years), minimum periods (e.g. not more frequent than every X years) or maximum periods (e.g. not longer than every X years)?	Maximum review periods are fixed at 8 years

9.3 Please give details if the frequency can vary between sectors.	Each sector will have different review periods instigated by risk-based approach and changes in the BREF/technology, legislation or policy decision.
9.4 Please give details if there is a risk based approach to determining frequency?	The sector review period incorporates an element of risk when determining the appropriate period of review.
9.5 Please give details of any other factors affecting reconsideration periods?	A substantial change permit variation can be used as a 'periodic review' of the PPC permit. An accident or incident could trigger a review of an installation, which may lead to a sector permit review.
Plans and processes for reconsideration of permits	
10. Are there concrete plans and resource allocations for carrying out periodic permit reconsiderations? If yes, please indicate the nature of the plans and resource allocations by answering the yes/no questions and then give further details. <ul style="list-style-type: none"> • according to a sectoral plan (yes/no) Yes • according to a general plan (yes/no) Yes • case-by-case consideration (yes/no) No – • other approach (yes/no) No Please give further details: The National Permitting Team will undertake the permit reconsiderations. The relevant policy advisor, not exceeding 8 years has determined the review period. The NPT will be resourced to undertake these reviews.	
11. What does the reconsideration process involve? Please give a description of the overall process and then answer the following more specific questions. The permits will be reviewed on a sector basis following the latest BREF update or an 8-year timeframe. The performance of the sector will be reviewed in accordance with the relevant sector plan. This will generate a review plan proportional to the environmental risks of the sector used by the national permitting team undertaking the review.	
11.1 Is the procedure the same as the original permit application procedure or different? Please give details of any main differences.	No the reconsideration process will only focus on issues in the review plan generated by a BREF revision and/or sector performance.
11.2 Who initiates the reconsideration – the operator, the authority or a third party?	Environment Agency
11.3 Is there any differentiation of approach for different sizes or sectors of installations?	Yes a sector-based approach is to be adopted.
11.4 Is the public involved? If so, at what stage?	Only if there is a contentious issue pertaining to an installation. Sector Plans are within the public domain hence available for comment.
11.5 Does the operator have to submit any application/information as the basis for a permit to be reconsidered? If so, what?	Yes, based on the sector review plan.
11.6 Is there an administrative decision that can be appealed? If so, by whom?	The same appeal process can be used for all our decisions and permit variations.

Part 3 – Implementation of article 13(2)

General questions	
<p>12. How is article 13(2) (or how will it be) implemented in practice? Any breaches to the ELV's will be reported to the Environment Agency at a local level and investigated in line with our enforcement and prosecution policy. This may result in a permit review. The other three triggers are likely to be identified by a policy or technical guidance change that will invoke a permit review probably on a sector basis.</p>	
<p>13. Who initiates reconsideration on the basis of the article 13(2) "triggers", and on what basis (e.g. individual discretion, guidance, legislative specifications)? The ELV and operational safety triggers are likely to be at a local inspector level. The changes in BAT will be via technical guidance and trigger 4 by legislation will be via Environment Agency national teams.</p>	
Reconsideration process	
<p>14. What process would be followed to reconsider a permit under article 13(2)? Please describe any differences from periodic reconsideration under article 13(1). For the first and third trigger the permit would be reviewed according to the latest BREF/ technical guidance initiated at local level. This would occur when the breach was reported rather than wait for a sector review.</p>	
<p>15. Does such reconsideration open up the whole permit or just part of it? It is likely just to cover the affected part of the permit; but may trigger a full review dependant upon the position in the permit review cycle.</p>	
Assessment of the article 13(2) "triggers"	
<p>16. Please can you provide any information or examples on how it is (or will be) assessed whether one of the article 13(2) "triggers" has arisen? Please provide more information on the specific points that follow. The operator will be required to make a formal submission that will to determine BAT for the installation; this could result in a permit variation.</p>	
16.1 How is it determined, and by whom, if pollution is so significant that revised or new emission limit values are needed?	The operator or local inspector using our guidance on the impact of the emission and results of the point source monitoring.
16.2 How is it determined, and by whom, if substantial changes in BAT make it possible to reduce emissions significantly without excessive costs?	Will be contained in the relevant technical guidance issued by our national team to operators and local area staff; this should indicate if a step change in BAT has been made.
16.3 How is it determined, and by whom, if operational safety requires other techniques?	The Health and Safety Executive are responsible for operational safety in the UK. We jointly regulate the (SEVESO) COMAH sites with the HSE so maintain awareness of safety issues. If there was a step change in safety requirements this would be incorporated into technical guidance and permits reviewed accordingly.
16.4 Do you consider other criteria, not listed by the Directive, as "triggers" for reconsideration? If yes, please give details.	No

Part 4 – General questions including questions about policy choices and costs

17. Is it possible that a permit reconsideration under article 13(1) or article 13(2) leads to no

<p>change in the conditions? What criteria or circumstances would lead to such a decision? Yes, no change in legislation, BREF's, permit templates and site operation etc could not require any change to the permit.</p>
<p>18. Are there any arrangements for controls by third parties, e.g. official bodies that may check the work of competent authorities in reconsidering permits? If yes, please give details. Only on appeal to the relevant government office.</p>
<p>19. How long and how much staff time does a reconsideration typically take (in absolute terms or in comparison to determining a permit application)? Unable to comment as I have no direct experience of a permit review. (Currently we allow 16 hours in work planning tools but this doesn't include time taken to vary the permit if required.)</p>
<p>20. How were the arrangements put in place to implement articles 13(1) and (2) selected? For example, was there an evaluation of different possibilities (e.g. different reconsideration periods and/or approaches to reconsideration) as the basis for selecting the preferred option? For 13(1) it is a sector approach that will follow a considered review plan. For the triggers 1 and 3 in 13(2) it is likely to be compliance driven by the local inspector.</p>
<p>21. Do you think it helps if there are precise legal requirements for reconsideration of permits? If so what, what provisions on review periods and/or processes do you consider best, and at what level (e.g. national, EU)? No, there is no substitute for a good working relationship between the operator and regulator; extra legislation would be another burden on industry without producing any environmental benefit. Each member state should be allowed to determine how this article is complied with.</p>
<p>22. Please give any further information that you wish to include to explain reconsideration of IPPC permits in your organisation or Member State or otherwise to contribute to this project. I would advocate no changes to the current system until all permits have been issued and in place for a number of years to allow the operator and regulator fully understand and utilise the current legislation. Any changes made under this article will be predominantly a bureaucratic exercise, which would far exceed any environmental benefits gained. As stated above a good working relationship between operator and regulator will achieve more environmental benefits. We should concentrate our efforts on facilitating this relationship by providing clear legislation and guidance on BAT etc and incentives for the operator to continuously improve their environmental performance.</p>