

# Implementing *the* Integrated Pollution Prevention *and* Control Directive

Approximately 1,000 installations are governed by the Integrated Pollution Prevention and Control Directive (96/61/EC) in Sweden. Half of these hold operation permits under the Environmental Code, which means that they are considered to fulfil the requirements of the directive with regard to energy efficiency. The other half hold permits under the legislation that preceded the code and are not considered to fulfil the directive's requirements.

The deadline for fully implementing the directive is October 2007. By that date all installations must fully comply with the directive. Discussions in Sweden have focused mainly on two options: (i) new permit applications (or permit reviews) for all 500 installations not currently in compliance, or (ii) general binding rules setting the requirement level for each relevant criterion. However, a new proposal on how to deal with this problem has recently been presented.

Under this proposal, the government would impose an obligation on operators to declare to the inspection authorities (rather than the permit authority) how they comply with the relevant provisions of the Environmental Code (including the parts of the code that implement the directive). Based on the information received, the inspection authorities may then decide whether further measures and/or permit conditions are necessary. Under the current proposal, supplementary permit conditions may be issued by the inspection authorities or, if necessary, by the permit authority following a permit review initiated by the operator or the inspection authority.

The proposed system has much in common with the 'conditioning plans' under Article 14 of the Landfill Directive (1999/31/EC). Conditioning plans were new to Swedish environmental law before the Landfill Directive was implemented and it is likely that the directive is where the Swedish legislator found its inspiration.

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