

## COMMISSION IMPLEMENTING DECISION

of 28 February 2012

**establishing the best available techniques (BAT) conclusions under Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions for iron and steel production***(notified under document C(2012) 903)***(Text with EEA relevance)**

(2012/135/EU)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) <sup>(1)</sup>, and in particular Article 13(5) thereof,

Whereas:

(1) Article 13(1) of Directive 2010/75/EU requires the Commission to organise an exchange of information on industrial emissions between it and Member States, the industries concerned and non-governmental organisations promoting environmental protection in order to facilitate the drawing up of best available techniques (BAT) reference documents as defined in Article 3(11) of that Directive.

(2) In accordance with Article 13(2) of Directive 2010/75/EU, the exchange of information is to address the performance of installations and techniques in terms of emissions, expressed as short- and long-term averages, where appropriate, and the associated reference conditions, consumption and nature of raw materials, water consumption, use of energy and generation of waste and the techniques used, associated monitoring, cross-media effects, economic and technical viability and developments therein and also the best available techniques and emerging techniques identified after considering the issues mentioned in points (a) and (b) of Article 13(2) of that Directive.

(3) 'BAT conclusions' as defined in Article 3(12) of Directive 2010/75/EU are the key element of BAT reference documents and lay down the conclusions on best available techniques, their description, information to assess their applicability, the emission levels associated with the best available techniques, associated monitoring, associated consumption levels and, where appropriate, relevant site remediation measures.

(4) In accordance with Article 14(3) of Directive 2010/75/EU, BAT conclusions are to be the reference for setting the permit conditions for installations covered by Chapter 2 of that Directive.

(5) Article 15(3) of Directive 2010/75/EU requires the competent authority to set emission limit values that ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques as laid down in the decisions on BAT conclusions referred to in Article 13(5) of that Directive.

(6) Article 15(4) of Directive 2010/75 provides for derogations from the requirement laid down in Article 15(3) only where the costs associated with the achievement of emissions levels disproportionately outweigh the environmental benefits due to the geographical location, the local environmental conditions or the technical characteristics of the installation concerned.

(7) Article 16(1) of Directive 2010/75/EU provides that the monitoring requirements in the permit referred to in point (c) of Article 14(1) are to be based on the conclusions on monitoring as described in the BAT conclusions.

(8) In accordance with Article 21(3) of Directive 2010/75/EU, within four years of publication of decisions on BAT conclusions, the competent authority is to reconsider and, if necessary, update all the permit conditions and ensure that the installation complies with those permit conditions.

(9) Commission Decision of 16 May 2011 establishing a forum for the exchange of information pursuant to Article 13 of the Directive 2010/75/EU on industrial emissions <sup>(2)</sup> established a forum composed of representatives of Member States, the industries concerned and non-governmental organisations promoting environmental protection.

<sup>(1)</sup> OJ L 334, 17.12.2010, p. 17.

<sup>(2)</sup> OJ C 146, 17.5.2011, p. 3.