

FEAD feedback on the EU rules on industrial emissions – revision

20 April 2020

FEAD, representing the private waste and resources management industry in Europe, welcomes the publication of the EC Inception Impact Assessment on the "**EU rules on industrial emissions - revision**" and would like to stress the following points:

FEAD member companies operate installations covered by the IED and by different BREFs: waste incineration plants, biological waste treatment plants, physico-chemical waste treatment plants.

FEAD does not call for a revision of the IED, and considers that climate ambitions, as well as circular economy benefits, should be addressed in other pieces of legislation. IED's philosophy relies on site specific permitting. It is not best suited for an overarching approach. Using the IED as a regulation for climate and circularity goals would be a risks of cost inefficiency and additional regulatory complexity.

We already expressed the following views in the public consultation of 13 September 2019:

1. FEAD acknowledges the environmental benefits resulting from the whole modernisation of the former IPPC, and the progress made in setting up BAT conclusions and BREFs that cover the most significant environmental impacts. However, we expressed a more nuanced opinion on the process leading to the choice of the best available techniques, and on whether or not the BREFs properly took into consideration the compliance and operational costs. We expressed major concerns on the fact that the uncertainties in existing measurement protocols (available Standard Reference Methods) do not allow for monitoring very low levels emissions. European standards for measurement methods at emission levels requested by some BREFs should be set up, and referred to, in the BREFs.
2. FEAD did not agree on the opinion that IED "should remain relevant to rapidly adapt to a zero-carbon economy by 2050". FEAD recalls that the IED should not be the instrument to reduce CO₂ emissions in the industry. BREFs already cover energy efficiency in most industrial sectors, and, as far as waste management is concerned, there is no leeway for reducing CO₂ emissions since the later directly depend on the carbon content of waste.

FEAD understands the revision of the IED, if decided, would target three objectives: improve the BREF elaboration process, explore the untapped potential for the IED to further contribute to the circular economy objectives, and interact with the decarbonisation of industry. We question these objectives in the IED context: the BREF elaboration process should remain technically, not politically driven. We do not clearly understand which pollutants should be put under review, since the general evaluation shows quite positive conclusions. Finally, decarbonisation and circular economy are already covered by other regulatory instruments.

In case the revision of the IED would be decided, following points should be addressed:

1. Improve the overall consistency of the structure and articles of the Directive. Articles related to a given activity should be moved to the Annex for that particular industry. For

instance, in Chapter 1 (Common Provisions), Art 3 (15), page L334/23, the definition of 'operator' is restricted to a small number of industries, compared to the list of Annex I.

2. Before starting the review of a BREF document, an assessment should be based on the 4 Key Environmental Issues (1. environmental relevance of a pollutant, 2. impact of the activity by the particular industry on total pollution in the EU, 3. identify new techniques that may lead to significant reduction of emissions, 4. check opportunities and mainly feasibility for significant improvement of BAT-AEL ranges).
3. One should consider to possibly adapt the fixed 8-years timing for the BREF review process, depending on the sector, justified by environmental (pollution issues), economic (quick or slow development) or technical (evolution of the techniques) reasons.
4. In the BREFs, the problem related to the uncertainty of measurement techniques for measuring low emission levels should be tackled. FEAD demands a standardisation process of measurement techniques to be started at CEN-CENELEC, and the resulting standards to be referred to in the BREFs. This is needed for implementation of some existing BREFs/BAT conclusions, much more urgently than a revision of the IED.
5. The industry must remain well associated and be represented within the TWG. Each participant must be able to provide tangible proofs of the technical feasibility of their proposals in an industrial way.
6. There may be activities currently out of the IED scope that cause pollution and for which the IED could be an appropriate policy instrument.

FEAD calls for a renewed attention to the issue of costs for the industry, in the context of the post-Covid-19 crisis, and the economic recession resulting from it. The decarbonisation of the industry should take into account the need for a transition period. Waste treatment activities comply with the highest environment requirements compared to other industries. Waste-to-Energy processes, in particular, must remain a competitive source of heat/electricity, with regard to non-industrial heat sources that are neither covered by the IED, nor by the EU ETS.

