# Emissions from waste incineration: note on the Parliament’s position ahead of trialogues

The European Parliament proposes multiple amendments on technical provisions relative to waste incineration. We believe that **these propositions would lead to legal uncertainty, implementation issues and, in some cases, would undermine the Sevilla process**.

Article 44 – paragraph 1 – point d a (new) – applications for permits and reporting requirements

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| **Present IED text** | **Parliament proposal** |
| 2. For waste incineration plants or waste co-incineration plants with a nominal capacity of 2 tonnes or more per hour, the report referred to in Article 72 shall include information on the functioning and monitoring of the plant and give account of the running of the incineration or co-incineration process and the level of emissions into air and water in comparison with the emission limit values. That information shall be made available to the public. | 2. For waste incineration plants or waste co-incineration plants with a nominal capacity of 2 tonnes or more per hour, the report referred to in Article 72 shall include information on the functioning and monitoring of the plant and give account of the running of the incineration or co-incineration process and the level of emissions into air and water in comparison with the emission limit values. ***This should include emissions data given in gross values and original laboratory analysis reports.*** That information shall be made available to the public. |

Mandating the publication of “*gross emission data*” **would not improve transparency but would create legal uncertainty** as there is no adopted definition of this term. In addition to this, a large amount of emission data would be provided to the public with no possibility to assess them or compare them because they would not have undergone a standardisation procedure that is mandated by EN standards (and by the IED that mandates using EN standards).

This would lead to serious misinterpretation issues and overburden competent authorities with requests for clarification by the public. It should therefore not be accepted in the final text.

Article 50 – paragraph 2a (new) – operating conditions

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| **Present IED text** | **Parliament proposal** |
|  | ***2a. Emissions to air from waste incineration and co-incineration plants shall also be monitored during other than normal operating conditions (OTNOC), particularly emissions of PCDD/F and dioxin like-PCBs during start-up and shut-down operations. The incineration and co-incineration plants shall prevent emissions of PCDD/F and dioxin like-PCBs during all operating times, including OTNOC, inter alia by ensuring that the flue gas cleaning system is in full operation prior to waste feed.*** |

This amendment repeats requirements already mandated by BAT 4 and BAT 5 of WI BAT Conclusions (published in December 2019 and to be applied in all installation by December 2023).

CEWEP believes that there is no reason for this repetition, especially because the BAT process follows technical progress and BATs are reviewed more often than level 1 legislation. **If the next WI BREF review uncovers a better technique than the one proposed, there would be conflicting provisions between BAT conclusions and IED**.

This would create legal uncertainty and confusion during implementation, going strongly against the Better Regulation principle. Additionally, **this undermines the Sevilla process** as it adds in the IED a technique that can be addressed in the BREF process. Therefore, this amendment should not be brought in the final text of the IED.

Annex VI – Part 8 – point 1.2 – monitoring of emissions

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| **Present IED text** | **Parliament proposal** |
| The half-hourly average values and the 10-minute averages shall be determined within the effective operating time (***excluding*** the start-up and shut-down periods if no waste is being incinerated) from the measured values after having subtracted the value of the confidence interval specified in point 1.3 of Part 6. The daily average values shall be determined from those validated average values. | The half-hourly average values and the 10-minute averages shall be determined within the effective operating time (***including*** the start-up and shut-down periods ***for dioxins, furans and dioxin-like polychlorinated biphenyls even*** if no waste is being incinerated) from the measured values after having subtracted the value of the confidence interval specified in point 1.3 of Part 6. The daily average values shall be determined from those validated average values. |

This amendment would create confusion. The current Annex VI part 8 (and in particular the bracket after “effective operating time”) helped the reader to understand what is the Effective operating time under which the average values shall be determined, i.e. ALL the periods during which waste is incinerated. The concept of Effective Operating Time is not defined anywhere else, neither in the IED nor in WI BAT Conclusions.

Waste incineration is the only sector which must measure emissions and check them against ELVs during periods which are not Normal Operating Conditions (NOC). This section of the IED makes it very clear. **This amendment would reduce the effectiveness of the article and in addition it seems to link the period with a pollutant (PCDD/F) and this is not a good practice**.

In any case, the aim of this amendment (i.e. ensuring that emissions of PCDD/F are checked even when there is no waste on the grate yet) is already achieved by the provisions in place in the Waste Incineration BAT Conclusions (BAT 5). This amendment should therefore be withdrawn from the final text.