



Industrial Emissions Directive (IED) 2010/75/EU – implementation issues and future challenges

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To cover:

- 1. The BAT (Best Available Techniques) information exchange process**
- 2. Implications of published BAT conclusions**
- 3. Commission actions to support IED implementation by Member States (MS)**
- 4. Commission expectations/challenges**

1.1 BAT remains at the heart of the IED

A. Installations are to use BAT (General principles §11)

B. Permit conditions are to include (§14):

- emission limit values (ELVs) for all relevant pollutants - Annex II
- ELVs based on the use of the best available techniques (BAT)

C. Information exchange to draw up, review & update BREFs (§13)

- Continues the '*Sevilla process*' as existed under IPPC
- Formalised in Commission Implementing Decision 2012/119/EU
- To address in particular:
 - a) environmental performance of installations (emissions, consumption, waste)
 - b) techniques used, associated monitoring, cross-media effects, economic and technical viability
 - c) Based on (a) and (b), to identify BAT and emerging techniques.

1.2 Best Available Techniques (BAT) §3(10)

Best

most effective
in achieving a
**high general
level of
protection of
the
environment**
as a whole

Available

developed on a scale to
be implemented in the
relevant industrial
sector, **under
economically and
technically viable
conditions**, advantages
balanced against costs

Techniques

the **technology**
used *and* the
way the
installation is
**designed, built,
maintained,
operated and
decommissioned**

1.3 BAT information exchange (Technical Working Group)

**Member State
experts**

**Commission
(IPPC Bureau +DG ENV)**

**Industry
experts**

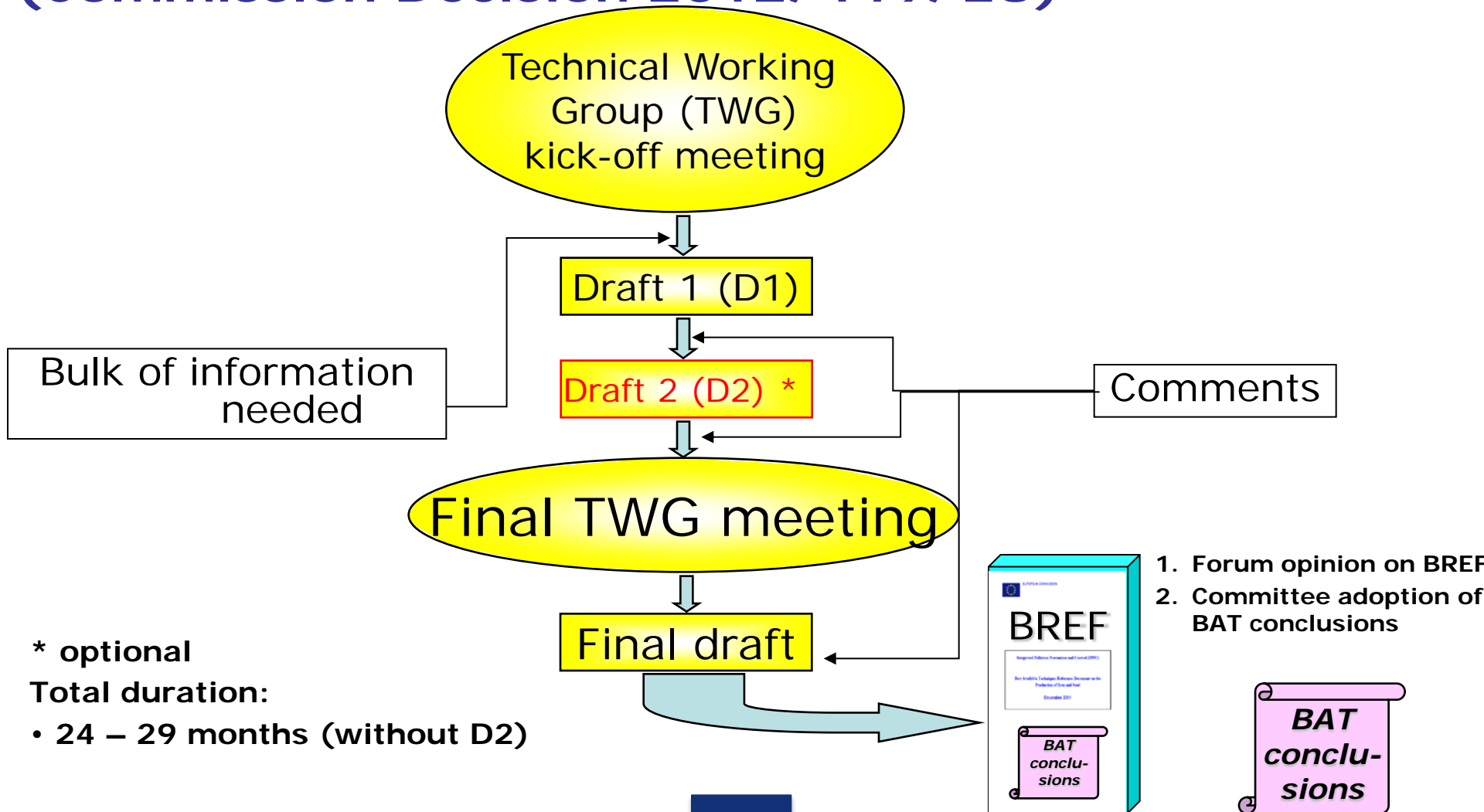
**NGO
experts**



**Installation level data
(techniques, emissions, ...)**

**BREF (BAT Reference document
with BAT Conclusions)**

1.4 The process (Commission Decision 2012/119/EU)





1.5 New bodies under the IED

Article 13 Forum

- i. Composition = MS, Industries concerned, eNGOs and COM
- ii. Support the Cion in implementing the information exchange (steering board)
- iii. Meets in Brussels, as required

Tasks:

- Practical arrangements for the exchange of information
- Especially; giving an '*opinion*' on the proposed content of BREFs

Article 75 Committee

- i. Role = 'assist' the Commission
- ii. Composition = MS representatives only
- iii. Meets in Brussels, as required

Involved in adoption of key documents, notably BAT conclusions:

- Vote (by qualified majority) on draft implementing decisions
- Adopted via implementing acts
- Published in all official EU languages in OJ
- BREFs publicly available (EN only) after adoption BAT conclusion decisions

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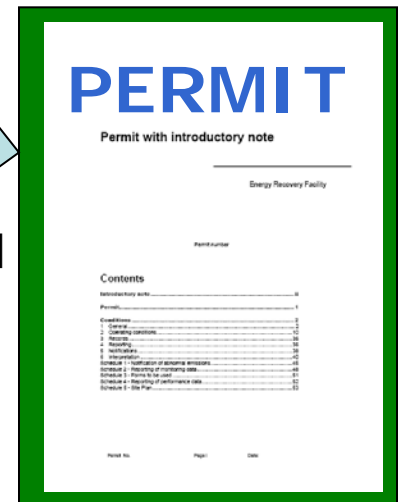
2.1 Role of BAT conclusions in permitting

a) BAT conclusions are the reference for setting permit conditions – §14(3)

b) Within 4 years, permits should contain emission limit values (ELVs) so that emissions do not exceed BAT emission levels (BAT AELs) – § 21(3) & 15(3)

c) Derogation from BAT AELs is only allowed in **specific and **justified** cases:**

- costs are disproportionately higher than benefits due to local / installation specific situation – §15(4)
- without jeopardy to EQS
- ELVs cannot exceed the ELVs in the IED Annexes
- MS report to the public/EC on derogations (§ 24 & 72)



2.3 BAT conclusions – to date

Commission Implementing Decisions published in Official Journal:

1. **GLS**: manufacture of glass (✓ **2012/134/EU**)
2. **IS**: iron and steel production (✓ **2012/135/EU**)
3. **TAN**: tanning of hides and skins (✓ **2013/84/EU**)
4. **CLM**: production of cement, lime & magnesium oxide (✓ **2013/163/EU**)
5. **CAK**: production of chlor-alkali (✓ **2013/732/EU**)
6. **PP**: production of pulp, paper & board (✓ **2014/687/EU**)
7. **REF**: refining of mineral oil & gas (✓ **2014/738/EU** plus **2014/768/EU**)

Forthcoming BREFs / BAT conclusions:

- CWW (common waste water treatment in chemical sector)
- WBP (wood based panels production)
- NFM (non-ferrous metals industries)

✓ positive opinion of the Article 13 'forum' -> Committee votes (during 2015)

Ongoing BREF reviews: x6 (IRPP, LVOC, LCP, WT, WI, FDM)

BAT is a dynamic concept - so frequent updating (aim for an 8-year cycle) 10

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3. IED implementation - Commission actions

1. 'Ex ante' actions

- Guidance on key issues (e.g. Baseline reports 2014/C 136/03)
- FAQ on important / recurring topics
- IEEG (Industrial Emissions Expert Group)
- Bilateral clarification

2. 'Ex post' actions

- 'Conformity checking' on MS transposition – ongoing
- MS reporting obligations (Implementing Decision 2012/795/EU)
 - Phase I: general questions - deadline 30/09/14 ✓ (ongoing assessment)
 - Phase II:
 - Focus on BATC that must be implemented in the period 2013 - 2016 i.e. Glass and Iron & Steel
 - Deadline 30/09/17 (electronic reporting tools being developed)
 - Expect one return per MS (including BE)



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4. Commission expectations / challenges

A. Consistent application of BAT

- i. Reduce the significance of emissions from industrial activities – both locally and nationally
- ii. Level (less uneven) playing field for competition
- iii. Derogations – fully justified / few cases / declining use

B. Revitalised industry

- i. innovative ideas on reducing environmental impact and improving resource efficiency
- ii. transition from the abatement of emissions, to process-integrated controls at source
- iii. consistent with 7th Environment Action Plan - "*Living well, within the limits of our planet*" (Decision 1386/2013/EU)

C. Improved identification of BAT - feedback loop of high quality information to subsequent BREF reviews / BAT evolution



Thank you

More information here:

DG ENV industrial emissions website:

<http://ec.europa.eu/environment/air/pollutants/stationary/index.htm>

European IPPC Bureau (BREFs):

<http://eippcb.jrc.ec.europa.eu/reference/>

Further questions: env-ied-info@ec.europa.eu