

10 September 2019

Evaluation of the Industrial Emissions Directive

Metals Industry complementary response to the Targeted Questionnaire

Introduction

The Europe's non-ferrous metals industry thanks for the opportunity to give feedback on this initiative. Eurometaux is answering the questions in view of its experience with its sectorial Best Available Techniques Reference Document for the Non-Ferrous Metals Industries. The document should be implemented in national legislation by 30 June 2020, hence, our experience level is limited in that extend.

This document complements our response to the stakeholder consultation via the so-called targeted questionnaire.

We as non-ferrous metals industry are committed to contribute the best way possible achieving the objectives of the Industrial Emissions Directive to prevent, control, reduce and as far as possible eliminate pollution from our activities. This is reflected in our ongoing contributions to the Art. 13 Forum and the Commission's studies but also in the participation to the Technical Working Groups of BAT Reference Documents Reviews.

Issues

Seville process

The Seville process is a unique approach to establish BAT through exchange of information and involvement of many stakeholders. It is important as this allows the experts as members of the Technical Working Group (nominated by the Art. 13 Forum) exchange and discuss the technological feasibility to prevent and control pollution to the environment. Determining BAT based on sound technical and economic information helps level playing field and limits imbalances in EU with regard to emissions from industrial activities. It demands high technical understanding and handling of huge amounts of information which in practice can be difficult. It is important to secure this process (as described in 2012/119/EU) and develop it further in order to be more transparent and objective but do not simplify towards an approach where technical discussions will not find place anymore. Industry is a key contributor to the BREF revision process as it provides all important information about the installations, techniques, applicability, cross media effects, cost.

Integrated Approach

It is important to secure an integrated approach for protection of environment as a whole covering emissions to air and water but also considering generation of waste, use of raw materials, energy efficiency. Without the integrated approach it cannot be guaranteed that suggested technologies can overall provide good environmental performance without creating significant shifting of burden from environmental media to another or create a high cost burden on installations. The integrated approach needs to be considered in-depth when determining the best available techniques to achieve emission reductions. That is where waste generation, energy consumption, water consumption but also economic costs shall be acknowledged.



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KEI determination

IED's objective is to protect the environment and human health by reducing harmful emissions and using Best Available Technologies (IED (2) among other Art. 46, as stated on EC Webpage <https://ec.europa.eu/environment/industry/stationary/ied/legislation.htm>).

Key Environmental Issues (KEIs) were originally established to support finding relevant pollutants where comparable factors are given (as originally defined by Commission in IED Art. 13 Forum presentation dated 19 October 2015). It is important to remain focussed on the relevant KEIs of a sector. Focus shall be on key issues where implementation of techniques will reduce the environmental impact and will be proportionate to the benefits delivered. KEIs cannot be consumption levels of water or energy use as this data is not comparable between different installations: e.g. there are different types of furnaces, such as furnaces used for various or only same process, melting points of metals. Further it is not the task of the IED (see IED (9) & Art. 9 IED) to regulate directly energy usage but only to provide BAT for specific processes, where appropriate.

BAT-AELs derivation

The legal obligation for permitting authorities to set the emission limit value for a given pollutant at a level that ensures that, under normal operating conditions, emissions do not exceed the BAT-AEL, has far-reaching consequences. A systematic approach to derive the BAT-AEL as a result of the BREF review process and the data collection performed in that context is therefore a must. A robust and transparent approach will secure consistency for stakeholders throughout the BREF review process as well as regulators and operators at permitting level.

Robust BAT-AELs shall consider the range of performance of all plants that apply BAT techniques and shall be based on reliable measured data of performance over long term and changing conditions. In principle, the upper end should be set on the basis of the maximum observed emissions of the plants applying BAT for the pollutant at stake, while the lower end should be set above the lowest maximum observed emissions of the plants applying BAT, after discarding all performances that only occur under specific circumstances. Both ends of the range will be derived from emissions reported under normal operating conditions for the same period of time and using the associated monitoring as referred to in the BAT conclusions.

The technical and economic viability of applying BAT at sector level shall be considered when determining BAT-AELs. Considering the cost and benefits will help ensuring protection of the environment without imposing disproportionate burden on industry.

Please consider the full position of the 12 associations from 15 October 2015 and 24 May 2017 (In Annex).

IED contribution to other policies

Industry is a key factor in delivering a green economy for the society. Coherence between different objectives of the EU environmental policies is crucial to their success. However, it is important to differentiate between coherence and possible contributions of one policy framework to another.

As stated to the request of Unit C4 DG ENV to the WG Chemicals under the Water Framework Directive (WFD), both regulations' objectives can be achieved and do not hamper each other by their legal text. But the BREF process under IED regulates specific activities and not an environmental body. Similar for the Circular Economy (CE), it should be understood, that under the CE Package (Waste Framework Directive, Landfill Directive, Packaging and Packaging Waste



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Directive, Waste Electronic and Electric Equipment Directive, End-of-Life Directive) regulatory measures are given and specific targets introduced. The IED even excludes greenhouse gas emissions to avoid any overlapping with energy regulation (Art. 9 IED).

As above addressed, the integrated approach gives within the IED the possibility and necessity to integrate needs of other policies but not to perform on these. The IED is addressing the industrial emissions in Europe while often other policy frameworks are designed to regulate Member State overall environmental performances – an important difference which needs to be considered when talking of IED contributions to other policies.

Summary

Overall, the IED's legal text is robust and coherent with other legislative frameworks, and the Seville process is unique in its kind. The IED is a living regulation which continuously contributes to the improvement of environmental performance but also innovation of technology used.

The BREF documents reflect a detailed summary of the best technology available in Europe with which same technical knowledge is provided to all relevant permitting authorities.

The integrated approach should remain a cornerstone of the IED and thus should always be addressed during BAT evaluations. It shall ensure proportional emission reduction measures while considering the benefits of the techniques but also the relevant side effects and economic feasibility.

It is important to have a systematic approach to derive BAT-AEL as only this way transparency and robustness of the process is ensured. This provides consistency to the various stakeholders (regulators, operators and technology providers).

The IED is extremely effective in reducing loads of pollution, which is positively linked to the environmental impact of a specific activity. But this cannot be exchangeable in its meaning: The IED is controlling industrial installations - it cannot cover (and control) all kind of human activities which impact the environment.

ABOUT EUROMETAUX

Eurometaux is the decisive voice of non-ferrous metals producers and recyclers in Europe. With an annual turnover of €120bn, our members represent an essential industry for European society that businesses in almost every sector depend on. Together, we are leading Europe towards a more circular future through the endlessly recyclable potential of metals.

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