



# **IED and BREF Revision**

## **Paper Week**

**Seminar: The BREF – Your permit to operate**

**Krystyna Panek-Gondek  
ENV.C3 Industrial Emission, Air Quality  
and Noise Unit  
14.11.2012**

# Outline of the presentation

- ***IED: key features***
- ***Role of BAT, BREF/BAT conclusions***
- ***Pulp and Paper (PP) BREF revision: objectives and state of play***

# The legal framework concerning industrial emissions in the European Union

**IPPC Directive 2008/1/EC**

**Large Combustion Plants  
(LCP) Directive 2001/80/EC**

**Waste Incineration  
Directive 2000/76/EC**

**Directive on the limitation  
of emissions of VOC from  
solvents 1999/13/EC**

**Directives related to the  
titanium dioxide industry  
78/176, 82/883 and 92/112**



**European  
Pollutant  
Release and  
Transfer  
Register  
(E-PRTR)  
Regulation  
166/2006**

**Industrial Emissions Directive (IED)  
2010/75/EU**

## **IED: why?**

- ***Merging of 7 existing Directives***
- ***Strengthening of BAT and role of the BREFs***
- ***Strengthened provisions on inspections, review of permit conditions and reporting on compliance***
- ***Extended scope and provisions on soil & groundwater protection***
- ***New minimum ELVs for LCP bringing them in line with BAT***

# Structure of IED

BAT based  
permit  
conditions

- **Ch. I: Common provisions**
- **Ch. II: Provisions for all activities listed in Annex I**
- **Ch. III: Special provisions for combustion plants [ $> 50$  MW]**
- **Ch. IV: Special provisions for waste (co-)incineration plants**
- **Ch. V: Special provisions for installations and activities using organic solvents**
- **Ch. VI: Special provisions for installations producing  $TiO_2$**
- **Ch. VII: Committee, transitional and final provisions**
- **Annexes**

Sectoral « minimum »  
requirements incl.  
emission limit values

## Scope of IED

***Some 50,000 installations across EU***

***Annex I: mostly as IPPCD + a few additional activities***

***Large variety of industrial/agro-industrial activities***

**Energy industries...**

**Mineral industries...**

**Metal industries...**

**Chemical industries...**

**Waste management...**

**Intensive livestock ...**



## What are the essential IED requirements?

- ***Prevention of pollution and, if not feasible, reduction***
- ***Permit is required for operating the installation***
- ***Permit needs to contain permit conditions including emission limit values (ELVs) for all relevant pollutants, which are to be based on the use of the best available techniques (BAT)***
- ***Access to information and public participation***

# Setting permit conditions under IED

- *Art. 12: Permit application*
  - **Non-exhaustive list of elements to be included**
- *Art. 14: Permit conditions*
  - **Shall at least include ELV, soil/groundwater, waste, monitoring, reporting, other than normal operating conditions, ...**
  - **BAT** conclusions shall be the reference
  - **Competent authority may set stricter permit conditions than those achievable by BAT and MS may set rules for this**
- *Art. 15: Emission limit values (or equivalent)*
  - **Shall be based on BAT, without prescribing the use of any technique or specific technology (Art. 15(2))**
  - **Shall ensure emissions do not exceed BAT-AEL (Art. 15(3)), except where justified derogation (Art. 15(4))**
- *Art. 16: Monitoring*
  - **Shall be based on BAT conclusions**



## 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**

## **BAT reference document (BREF)**

- Document resulting from the exchange of information under IED Art 13(1)
- A driver towards improved environmental performance across EU
- Limitations due to time constraints: priority for high level of accuracy over completeness
- Adopted by Commission under IPPC Dir  
Published by Commission (EIPPCB) under IED
- Publicly available on internet (EIPPCB website)

## **BAT conclusions**

*= part of BREF laying down conclusions on:*

**BATs, their description, information to assess their applicability, emission levels associated with BAT, monitoring, consumption levels, and, where appropriate, relevant site remediation measures**

## **emission levels associated with the best available techniques (BAT AEL)**

- range of emission levels obtained under normal operating conditions using a BAT or a combination of BATs, as described in 'BAT conclusions'
- expressed as an average over a given period of time, under specified reference conditions

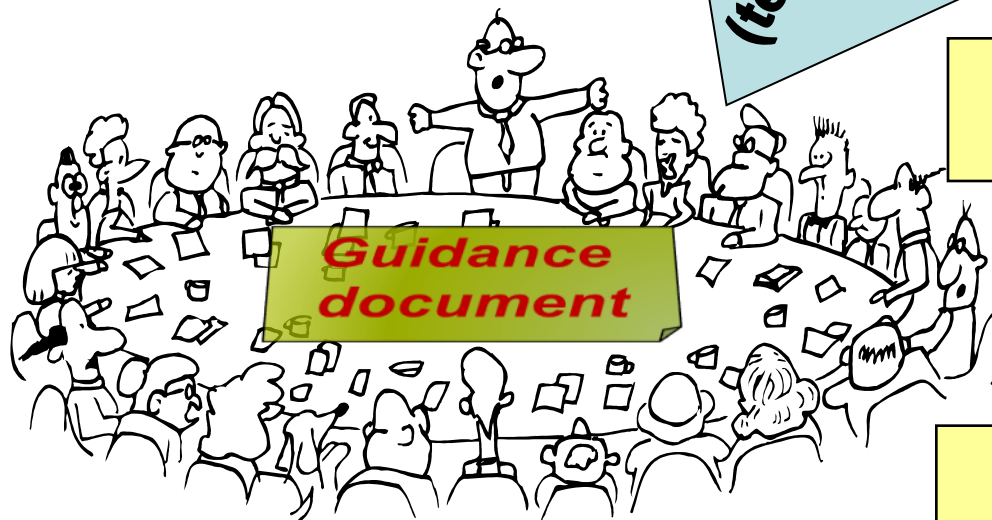
## Process steps for elaborating BREF/BAT conclusions

- *Technical work by stakeholders TWG (MS, Industry, env. NGOs experts) lead by European IPPC Bureau (JRC, Sevilla)*  
**→ draft BREF and BAT conclusions**
- *Opinion of IED Art 13 Forum on draft BREF*
- *Vote on BAT conclusions by IED Committee*
- *Adoption of Commission Implementing Decision establishing BAT conclusion (publication in OJ in all EU languages)*
- *Publication of full BREF on EIPPCB website*

# BAT information exchange "Sevilla Process"

MS  
experts

Industry  
experts



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

IPPC Bureau

NGO  
experts

BREF  
with BAT conclusions

# Technical work under TWG

- *BAT conclusions are established through an interactive process involving the following steps:*
  - **Review current performance with respect to key relevant environmental issues**
  - **Identify techniques used to achieve best current performance**
  - **Examine economic and technical conditions under which the techniques are applicable**
  - **Check against criteria of Annex III if technique meets definition of BAT**

## IED Forum (art. 13)

- ***Expert group (established by COM Decision)***
- ***MS, Industry, NGOs and COM***
- ***Provide its **opinion on the practical arrangements** for the exchange of information and in particular:***
  - a) the rules of procedure of the forum
  - b) the work programme for the exchange of information
  - c) guidance on the collection of data
  - d) guidance on the drawing up of BREFs and on their quality assurance incl. suitability of their content and format
- ***Provide its **opinion on the proposed content of BREFs*****
  - Search for consensual solutions
  - Opinion is to be made publicly available
  - Opinion is to be taken into account by COM when proposing decisions on BAT conclusions to be adopted via Art. 75 Committee



## IED Committee (art. 75)

- ***Comprised of MS representatives***
- ***Operates under examination procedure set out in Regulation 182/2011***

### **Involved in adoption of key documents:**

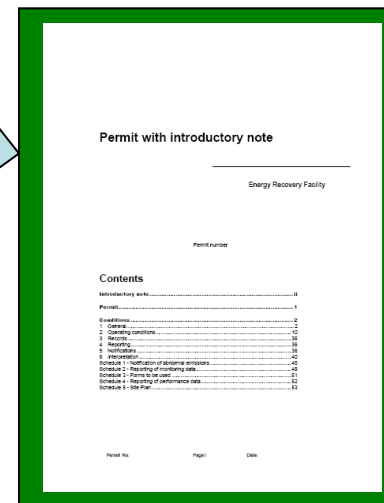
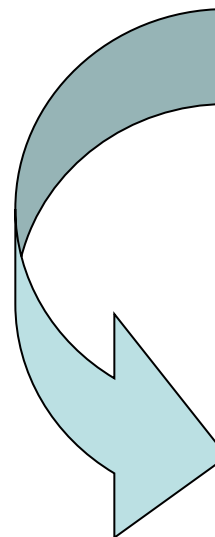
- **Certain guidance under Article 13(3)(c) and (d)**
  - guidance on collection of data
  - guidance on the drawing up of BREFs and on their quality assurance incl. suitability of their content and format.
- **BAT conclusions under Article 13(4)**
- **Implementing rules for LCP under Article 41**
  - Determination of start-up and shut-down periods
  - Transitional National Plan rules
- **Type, format, frequency of reporting by MS under Art. 72**

# IED strengthens **role of BAT** in permitting

**BAT conclusions** from BREF shall be the reference for setting all the permit conditions Art 14(3)

**Permits** must contain **emission limit values** (ELVs) set by the competent authority ensuring that **emissions do not exceed BAT emission levels (BAT AELs)** Art 15(3)

**Derogation** from BAT AELs is only allowed in **specific** and **justified** cases (costs >> benefits) Art 15(4)



## Article 15(4) derogations

- **Possible only in specific cases and if the costs are disproportionately higher than environmental benefits due to**
  - the geographical location of the installation
  - local environmental conditions
  - the technical characteristics of the installation concerned.
- **Member States need to make public information on application of derogations**
- **ELVs shall not exceed the ELVs set out in the Annexes, where applicable**
- **Environmental Quality Standards not to be jeopardised**
- **MS need to inform Commission as part of IED implementation report (Art. 72 IED)**

# Reconsidering / updating permit conditions (Art. 21)

- *Within **four years** of **publication of decisions on BAT conclusions in accordance with Article 13(5) relating to the main activity of an installation**, the competent authority shall ensure that:*
  - (a) all the permit conditions for the installation concerned are reconsidered and, if necessary, updated to ensure compliance with this Directive;
  - (b) the installation complies with those permit conditions.
- *The reconsideration shall take into account all the new or updated BAT conclusions applicable to the installation and adopted since the permit was granted or last reconsidered.*



7/1/2013

7/7/2015

6/1/2011

7/1/2014

1/1/2016

- Entry into force of IED
- Member States fully transpose the IED.  
The Directive applies to all new installations from this date onwards.
- All existing installations previously subject to IPPC, WI, SE and TiO<sub>2</sub> Directives must meet the requirements of the IED.  
Existing LCP do not yet need to meet new ELVs (Ch. III, Annex V).
- Existing installations operating newly prescribed activities (e.g. waste installations, wood based panels, wood preservation) must meet the requirements of the IED.
- Existing LCP must meet the requirements set out in Chapter III and Annex V

## 11 BREFs are currently being worked upon

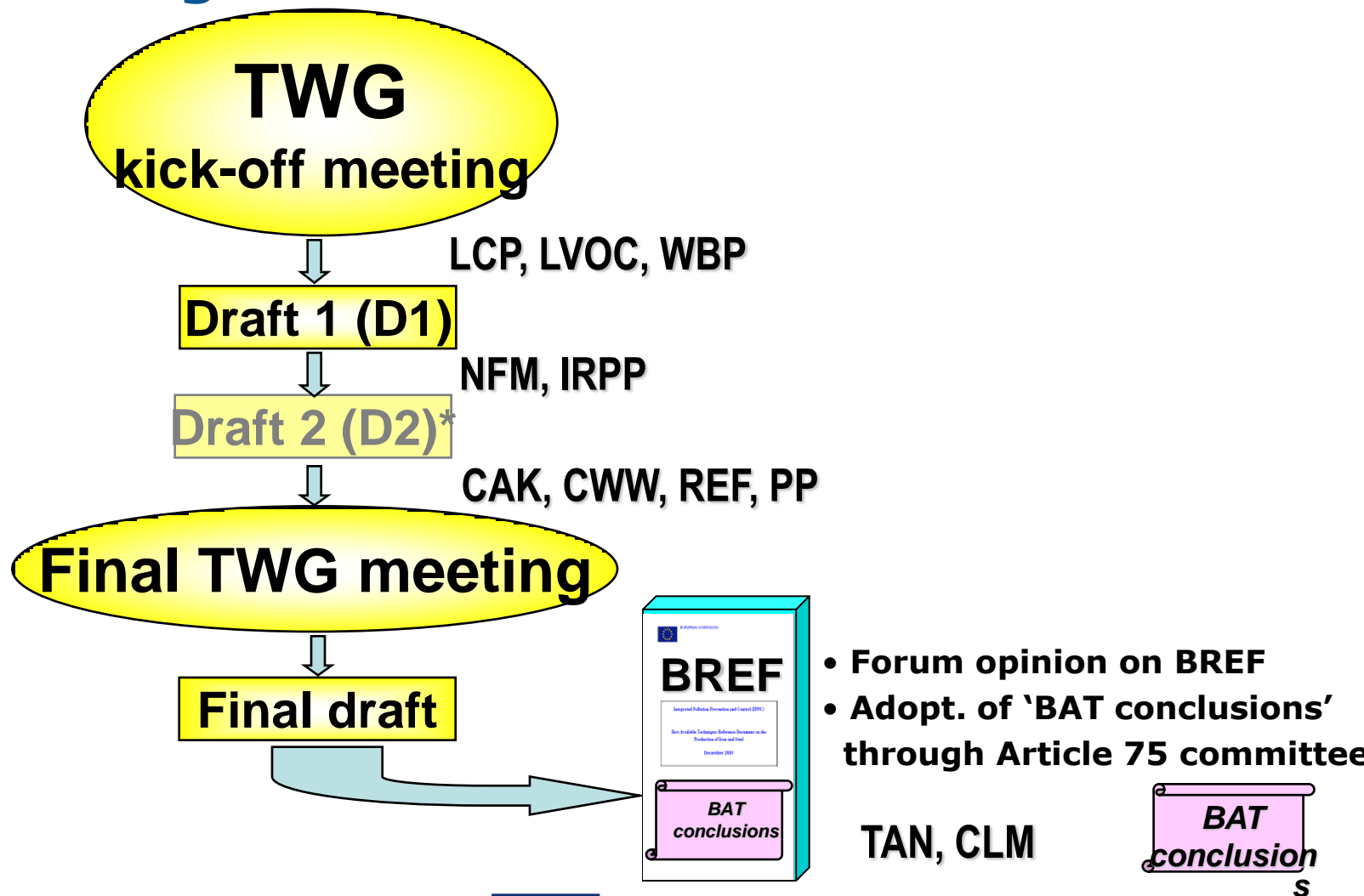
- *Cement, Lime and Magnesium Oxide (CLM)*  
→ **conversion into BAT conclusions**
- *Tanning of Hides and Skins (TAN) BREF*
- *Common Waste Water and Waste Gas (CWW) BREF*
- *Production of Chlor-alkali (CAK) BREF*
- *Production of Pulp, Paper and Board (PP) BREF*
- *Refining of mineral oil and gas (REF) BREF*
- *Non-Ferrous Metals (NFM) BREF*
- *Intensive Rearing of Poultry and Pigs (IRPP) BREF*
- *Large Volume Organic Chemicals (LVOC) BREF*
- *Large Combustion Plants (LCP) BREF*
- *Wood Based Panels (WBP) BREF*

### 1 BREF is on-hold

- ***Ferrous Metal Processing (FMP) BREF***

**Also: JRC Reference Report on Monitoring (ROM)**

## Current stage of BREF elaboration and review



\* Optional

# BAT reference document (BREF) for Pulp and Paper Industry

- *First version adopted by Commission in 2001*
- *Revision is ongoing: foreseen to be finalised in 2013*
- *Aim: update the document and elaborate revised BAT conclusions, including emission levels associated with BAT (BAT-AEL)*



EUROPEAN COMMISSION  
JOINT RESEARCH CENTRE  
Institute for Prospective Technological Studies  
Sustainable Production and Consumption Unit  
European IPPC Bureau

Draft BAT conclusions  
for the

## Production of Pulp and Paper

Draft **October 2012**





# Remaining steps

- *EIPPCB is preparing final TWG meeting*
  - **take note of all stakeholder concerns (1500 comments)**
  - **Background Paper to be issued beforehand**
- ***Final meeting* of PP BREF TWG: early 2013**
  - **strive for consensus on content and conclusions**
- *Final draft following outcome of final TWG meeting*
- *BREF submitted to IED Article 13 Forum for its opinion (consensual/non-consensual views)*
- *BAT conclusions submitted to Art 75 Committee for formal opinion (via vote)*
- *Commission to adopt and publish Commission Implementing Decision on BAT conclusions*

## For more information...

- *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/>
- *Contacts in DG ENV in case of further questions:*  
*Filip François ([filip.francois@ec.europa.eu](mailto:filip.francois@ec.europa.eu))*  
*Krystyna Panek-Gondek*  
*([krystyna.panek-gondek@ec.europa.eu](mailto:krystyna.panek-gondek@ec.europa.eu))*

***THANK YOU  
FOR YOUR  
ATTENTION***