

Brussels, 18 June 2007

Orgalime Contribution to IPPC Review Stakeholder Consultation: “Towards a future policy on industrial emissions”

Orgalime thanks the Commission for consulting stakeholders on the review of the IPPC Directive and related legislation on industrial emissions and provides the following comments based upon the Commission’s stakeholder consultation questionnaire.

TOPIC 1: KEY PRINCIPLES OF EU LEGISLATION ON INDUSTRIAL EMISSIONS

Q1 Please indicate your views on the following statements:

1. EU legislation should continue to cover all main environmental impacts of the installations concerned in an integrated way.

Orgalime strongly agrees with this statement.

2. Implementing the Best Available Techniques should remain the key instrument of the EU policy on industrial emissions.

Comment:

Provided the BREFs remain voluntary instruments, Orgalime agrees with this statement but if BREFs become mandatory instruments, this risks leading to a discrimination of technology and would not respect the fundamental principles of the Directive, i.e. to take into account the geographical location and local environmental conditions.

Orgalime, the European Engineering Industries Association, speaks for 35 trade federations representing some 130,000 companies in the mechanical, electrical, electronic, metalworking & metal articles industries of 23 European countries. The industry employs some 10.6 million people in the EU and in 2006 accounted for some €1,779 billion of annual output. The industry not only represents more than one quarter of the output of manufactured products but also a third of the manufactured exports of the European Union.

TOPIC 2: GENERAL IMPLEMENTATION AND BEST AVAILABLE TECHNIQUES

Q2 Please indicate your views on the following possible actions at EU level to improve the uptake of Best Available Techniques

1. No additional action at EU level is necessary.
Orgalime agrees with this statement.

2. The BAT Reference Documents (BREFs) should play a more central role in determining required standards for industrial installations, but not be binding to leave some flexibility in setting permit conditions .

Comment:

In our view, BREFs in their present form are valuable instruments for operators and permitting authorities but they should not become legally binding in order to keep one of the key points of the directive which is the flexibility in setting the permit conditions

3. The possible deviation from the environment performance associated with BAT given in the BAT Reference Document (BREFs), because of the technical characteristics of the installation concerned, its geographical location and the local environmental conditions, should be documented and justified by the authorities in a transparent way.
Orgalime rather supports this statement.

Comment:

Orgalime supports the necessity of transparency by the authorities in justifying deviations from BAT. This will ensure that BAT are applied in a more harmonized way and will enable the permitting authorities to adopt the same criteria.

4. The permitting of installations should be further harmonized making the BAT Reference Documents (BREFs) binding for each individual permit, diminishing the flexibility of Member States to take into account the technical characteristics of the installation concerned, its geographical location and the local environmental conditions.
Orgalime strongly disagrees with this possible action.

Comment:

Orgalime is strongly against making the BREFs binding for each individual permit. Again, permits are delivered taking into account the local environmental aspects of the installations and this flexibility should remain intact, as it is underpinning one of the key points of the IPPC directive.

5. The permitting of installations should be further harmonised by setting new or updated EU-wide minimum standards for certain sectors if insufficient progress is made towards the implementation of Best Available Techniques as described in the BAT Reference Documents (BREFs).

Comment:

If EU-wide minimum standards were established, these should continue allowing to take into account the geographical location and environmental conditions

TOPIC 3: INCREASE THE EFFECTIVENESS OF THE LEGISLATION

Q3 How important do you believe it is to set at EU level some minimum rules on the following six issues

1. Inspection by competent authorities in the Member States.
Orgalime believes that inspections by competent authorities are of relative importance.
2. Monitoring of emissions by industrial operators and reporting the results to the authorities
Orgalime considers this of minor importance.
3. Reporting on compliance by industrial operators.
Orgalime considers this of relative importance.
4. Review of permit conditions to ensure continuous environmental improvement.
Orgalime considers this of minor importance.

Comment:

Orgalime makes the following suggestions to increase the effectiveness of the legislation: The European institutions might consider establishing a co-operation network of enforcement authorities. Although the IMPEL network is already in place, it might be interesting to strengthen the activities of environmental authorities in order to reach a better harmonisation of practices in the various Member States.

Q4 In your view, which actions should be taken at EU level to increase the impact of legislation on innovation?

1. Support specific research that can help to identify new techniques for consideration as potential future Best Available techniques.
Orgalime believes that this is very important.
2. Allow temporary derogations from the permit obligations during the testing phase of new innovative techniques with the potential of pollutions reduction
Orgalime believes that this is relatively important.

Comment:

Orgalime suggests fostering international co-operation with countries of other regions of the world

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TOPIC 4: ADMINISTRATIVE BURDEN

Q5 In your view, how important are the following possible actions which should be taken at EU level to reduce administrative burdens on operators and competent authorities?

1. Integrate existing EU pieces of legislation on industrial emissions into a single legal framework.

Orgalime does not agree with the integration of existing EU pieces of legislation on industrial emissions into a single framework.

Comment:

The sector directives on industrial emissions (LCP, NEC) are already regulating industrial emissions. Orgalime does not see the importance of integrating all these pieces of legislation within one legal framework directive because this process could mean other constraints for industrial sites, which are well regulated enough. We would welcome an interface in order that all definitions referred to in the sector directives and in the IPPC directive are more coherent and harmonized as well as the units of measurements of emissions values. Orgalime supports an improvement of interaction between the various directives but without integrating them.

2. Amend the individual pieces of legislation to improve their interaction without integrating them

Orgalime believes that this is not very important (see no 1).

3. Remove unnecessary monitoring and reporting requirements from operators.

Orgalime believes that this is very important.

4. Combine and streamline all the reporting requirements from Member States to the Commission

Orgalime believes that this is very important.

5. Develop an Action Plan to assist the Member States to reduce their administrative burden

Orgalime believes that this is very important.

TOPIC 5: NO_x and SO₂ emission trading

Q6 Please indicate your view on the following statements

1. Member States should have the possibility to reduce SO₂ and NO_x emissions through emission trading (instead of requiring individual BAT-based permits), if local environmental quality and minimization of transboundary pollution can be assured, and if the total level of emission reductions is the same as would result from applying BAT-based individual permits for each installation.

Orgalime strongly disagrees with this statement.

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Comment:

NOx and SO2 emissions are indeed already regulated by several directives, such as the IPPC, the NEC and the Large Combustion Plants Directive. In the framework of the IPPC implementation, industry will operate with BAT emission values, which leave almost no room for an ETS. The setting up of a new trading scheme as it exists for CO2 will increase administrative costs for participating companies. Last but not least, the application of such an instrument to some pollutants only covered by the IPPC Directive would disrupt the integrated approach of the IPPC Directive.

2. If the emission trading described above under (1) were allowed within or across the member States, it should be subject to common rules at EU level to ensure consistency, transparency and enforceability of the approaches.

No comment since Orgalime opposed question (1).

IN CONCLUSION

Orgalime believes that prior to considering changes to the existing IPPC directive, its implementation should be completed, which would allow the gaining of sufficient experience and evidence for any reviewing of the directive. In the meantime, we believe that the Commission should foster a harmonised implementation of the directive and foster international commitment and cooperation to allow a level playing field for companies that act globally.



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