

**UNICE “Implementation of IPPC” Working Group Position on
IPPC Directive and related issues
Clarification items to be discussed at the Information Exchange Forum (IEF)**

Introduction

The Integrated Pollution Prevention and Control Directive is a landmark Directive which establishes an innovative approach to environmental pollution abatement and control. UNICE, which represents EU business and industry, fully supports the key principles of IPPC and is ready to help ensure successful implementation of the Directive.

For the last two years, UNICE and EU Sectoral Federations have been directly involved in the current work undertaken by the Institute for Prospective Technological Studies (IPTS) in Seville, on behalf of DG XI on BAT (Best Available Techniques). UNICE is concerned by the present development of BAT Reference Document (BREF) and feels that EU authorities should ensure agreement on general concepts before engaging in further BAT work.

2. Clarification of the objective, scope and use of a BREF

2.1 Objective of the Document

UNICE feels that the objective of a BREF must be to provide local authorities with a reference document which will assist them in their decision-making regarding Emission Limit Values (ELVs) and other parameters that are to be included in local permits.

The document should therefore reflect the reality of the BAT concept so that it can be taken as a reasonable and practical reference document for the sector as a whole. If a BREF is seen as an unduly challenging document it cannot serve the purpose of being a practical reference document. The document would then only reflect the term ‘best’ without taking account of the term ‘available’, which requires consideration of costs and benefits. An unduly challenging document would also disregard the fact that installations are new or existing, small or large, that there are multi-media effects, etc.

Finally, as the BREF document is to be revised regularly (the IPPC Directive encourages a continuous improvement of plants), the current BREF should not anticipate BAT or emission levels that could become applicable in 10 or 20 years.

2.2. Users’ Manual - Clarification

Industry believes that the objective, scope and use of a BREF should be clarified in a **preface** indicating how the document should be read and used, a kind of “Users’ Manual”. The definitions of the key concepts and the general philosophy of IPPC should also be highlighted in the preface.

In view of the forthcoming IEF meeting, DG XI has submitted a revised draft BREF Preface which in UNICE's view is not sufficiently detailed to resolve some of the main issues and repeats to a large extent the wording of the Directive rather than providing guidance/interpretation on its terms and concepts. However, UNICE welcomes the document drafted by the European IPPC Bureau also circulated by DG XI in view of the forthcoming IEF meeting. It represents a good basis for discussion although it deserves some further clarification. UNICE believes that the present position paper highlights some of the key issues which should be further clarified in the BREF Preface.

The Preface still needs to clarify some technical issues such as the accuracy of data. In that respect, UNICE thinks that the 'General Task Description for TWGs' document, dated 9 January 1997, is helpful as it states at the bottom of page 5: "For each of the techniques it will be indicated how emissions can be monitored. Furthermore, any performance figures will be explained in terms of methods of sampling, analysis and data processing (averaging, etc.) employed. Data without such 'terms of reference' cannot be considered in the framework of BREFs". Because such terms of reference are included in the draft BREFs only in a few exceptional cases, we suggest the following addition to the BREF Preface: "Emission data contained in this document should be regarded as only indicative, because the analytical and statistical basis for such data is not generally defined."

In addition, chapter 5, which is the most important one for the permit writer, should have enough explanatory notes and qualifications.

3. Definition of BAT

The term "BAT" means that the technique needs to be available, that is "developed on a scale which allows implementation in the relevant sector, under economically and technically viable conditions, taking account of cost and advantages...". And "best" is defined as "the most effective in achieving a high level of protection of the environment".

The methodology for implementation of the Directive reinforces the need to take account of the economic aspect of BAT through several requirements, such as:

"the most relevant economic aspects of each candidate BAT will be described; when possible, the overall economic impact of candidate BAT should be identified";

"considering that some criteria will be relevant only at local level, candidate BATs will be assessed on the basis of two overriding criteria:

effectiveness in terms of emission/consumption reduction potential,
economic performance".

The Directive also requires that the selection of BAT take account of the multi-media approach and of different considerations presented in Annex IV to the Directive.

UNICE believes that **BAT is to be defined at sectoral level for the industry as a whole** (contrary to what some Member States have implied at TWG meetings). Sectoral level BAT should take account of costs, multi-media, technical issues, etc. whereas permitting at local level should in addition take into account "...the technical characteristics of the installation concerned, its geographical location and the local environmental conditions".

4. Emission values associated with BAT

Ranges of emission values are to be associated with BAT. These ranges should reflect the key IPPC principles (cost, multi-media, integration, etc.) as well as the principles leading to the selection of BAT, namely:

Economic viability

Cost should not only be mentioned in chapter 4 but also taken into account when emission ranges are set. For instance, the cost of "BAT" is significantly impacted by what level of control already exists at an installation. While application of a technology offering 99% emissions control may be cost-effectively applied to an otherwise uncontrolled installation, the same technology installed at a installation which has previously invested in controls that are 97% effective would provide a very poor emission reduction return for the investment.

Different multi-media aspects

Difference between **new and existing installations**

Difference between **small or large installations**

Different products, implying different quality and production requirements

Situation in existing plants applying an appropriate combination of BAT.

Moreover, UNICE feels that in general two ranges should be given, one for new installations and one for existing installations (as is done in some cases in the draft BREF on iron and steel) in line with the requirement made in the methodology for implementation of IPPC adopted by IEF in January 1997.

It appears essential to define a practical and systematic basis to establish the emission ranges associated with BAT and UNICE believes that the definition agreed upon at the TWG on pulp and paper held in Seville at the end of November 1998 could be a starting point, and would propose the following wording: "the ranges of emissions associated with BAT should reflect emission levels that are achieved at plants using an appropriate combination of BAT".

The BREF should clearly mention that the emission values associated with BAT are in no case to be considered as Emission Limit Values. The emission values associated with BAT should be clearly qualified as to the conditions under which they are expected to be achieved.

5. Time schedule

UNICE requests that the Commission take the time needed to finalise the exercise in each sector under acceptable conditions and not to submit any BREF to IEF without prior proper consultation with the TWG members. This would prevent the exercise from being undermined by insufficient consultation.

UNICE also feels that two TWG meetings may not be sufficient, especially as the first meeting is a kick-off meeting where the key issues are not discussed in depth.

6. Conclusion

UNICE urges the Commission to take the necessary steps to:

Clarify the key concepts underlying the IPPC Directive in a practical and detailed way so as to avoid mis-interpretation;

Prevent the BREF from being mis-used by ensuring that it reflects the philosophy of IPPC, which is to present the state of best available techniques, not to anticipate emerging techniques;

Ensure that the ranges of emission levels presented as references reflect the situation in existing installations applying an appropriate combination of BAT.

UNICE believes that the Commission should not engage in the development of new BREFs for other sectors listed in the work programme unless these general concepts have been agreed upon. Such agreement would considerably streamline and therefore shorten the BREF development process.