



Mr Thomas Verheye
Head of Unit
European Commission
DG Environment
Avenue de Beaulieu 5
1160 Brussels

12 October 2012

Dear Mr Verheye,

I am pleased to send you BUSINESSEUROPE's comments on the proposed work programme for the exchange of information under Article 13(3)(b) of the Industrial Emissions Directive (IED).

Timing and quality of BREFs

As recent and on-going revisions show, the quality of the output of reference documents on Best Available Techniques (BREFs) has to be increased significantly to make 'BAT conclusions' under the IED economically viable. This cannot be achieved by squeezing the existing process into a shorter time.

We need a more systematic approach (e.g. building on the methodology proposed by VITO). Concretely, this means a better preparation of the kick-off meetings of the Seville Technical Working Groups to allow the scope of the revision as well as the key environmental issues to be reflected in the BATAELs to be defined once and for all. This process will allow timely generated, precise questionnaires avoiding any unnecessary additional data collection. It must also guarantee a proper consideration of confidential business information.

We disagree with the proposed approach to consider a single formal draft as a rule rather than an exception and the restriction to one Technical Working Group meeting. It is much more fruitful and time-saving to resolve issues up-front than to draft documents on a basis that is not consensual and to try to fix the diverging views later on. In the end, all involved stakeholders will benefit from an end result that better fits the purpose.

Establishment of a "Resource Efficiency BREF"

In line with the general opinion expressed at the IED Article 13 Forum meeting on 13 September, we think Energy Efficiency and Industrial Cooling Systems should be kept as single BREFs, not merged into a Resource Efficiency BREF.

The objective and scope of a horizontal BREF on Resource Efficiency needs to be thoroughly assessed. If the objective is to define 'BAT conclusions' on consumption of raw materials and energy, there are serious risks that, once translated into permit requirements, there will be negative impacts on the ability of operators to optimise their operations in an integrated way. There is also the risk of revealing – through a combination of information – confidential information as well as duplicating other legal requirements already foreseen in the permit (e.g. on water).



We strongly believe the potential establishment of a Resource Efficiency BREF requires an open and inclusive debate on its objective and scope.

Transformation of the Economic and Cross-Media Reference Document into a JRC Reference Report

The proposal to transform the Economic and Cross-Media Reference Document (ECM REF) into a JRC Reference Report (JRC RR) raises several questions:

- What will be the legal status when a BREF or a 'BAT conclusion' refers to a JRC RR?
- How to define the scope of the report? It is important to have a precise document covering most of the economic and cross-media issues.
- How will stakeholders be involved in the preparation of a JRC RR?

The economic and cross-media aspects contribute in making 'BAT conclusions' cost-competitive. Industry therefore calls for a reference document which is thoroughly prepared in an open process and with a clear status. We are concerned the proposal to have a JRC RR does not fulfil these conditions.

I trust that you will give your best attention to these comments and remain at your disposal should you require any additional information.

Yours sincerely,

Peter Breidenbach
Chairman of BUSINESSEUROPE's IED Task Force

Cc: Christopher Allen and Filip François (DG Environment); Serge Roudier (European IPPC Bureau), Jacques Cornet (DG Enterprise and Industry)