



## **Proposed work programme for the exchange of information under Article 13(3)(b) of the IED for 2014**

### **IED Article 13 Forum meeting of 6 June 2013**

#### **1. Purpose of this document**

This document constitutes the proposed work programme for the exchange of information as referred to in Article 13(3), point (b) of the Industrial Emissions Directive (IED) <sup>(1)</sup> to be carried out in 2014.

This paper builds on the proposed *Work programme for the exchange of information under Article 13(3)(b) of the IED* presented at the third meeting of the IED Article 13 forum on 13 September 2012 and on the feedback received from members of the forum both during the meeting as well as through the written commenting period that followed the meeting.

The Commission will keep this work programme under review and may propose adjustments should there be a compelling need.

#### **2. Objectives and main challenges of the information exchange**

Since the entry into force of the IED, there is a strong need to make the exchange of information process more efficient in order to ensure that BAT conclusions are adopted for all IED activities by 2020, as foreseen in the Commission's proposal for the 7th Environmental Action Programme<sup>2</sup>. This is because:

- the adoption of BAT conclusions is a prerequisite for the updating of permits to bring them in line with the IED's requirements; and
- the IED sets the objective of an 8-year review cycle of the BREF series.

Therefore, the timely adoption of BAT conclusions which are up-to-date with developments in BAT is a critical factor for the full implementation of the IED. At the same time, there is a continuing need to maintain the high quality of the outputs of the information exchange, in order to ensure that the BAT conclusions are the reference for setting the permit conditions under the IED.

In view of these objectives, the main challenges currently experienced with the exchange of information, are the following:

<sup>1</sup> Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) (Recast), OJ L 334/17 of 17.12.2010.

<sup>2</sup> Commission Proposal of 29 November 2012 for a Decision of the European Parliament and of the Council on a General Union Environment Action Programme to 2020 "Living well, within the limits of our planet" (COM(2012) 710 final)

- Urgently finalising the remaining on-going BREF reviews, started under the IPPC regime.
- Ensuring the acquisition of better and more relevant data (contextual information, applicability, monitoring, costs, etc.) that may not be readily available;
- Efficiently managing the scarce resources among all stakeholders involved in the information exchange, including the European IPPC Bureau;
- Enhancing the commitment from stakeholders to adhere to agreed deadlines set out in the guidance for the exchange of information (Commission Implementing Decision 2012/119/EU of 10 February 2012);

### **3. Consequences for the planning**

Taking into account the aforementioned guidance for the exchange of information and the currently available resources, the principles followed for the planning of the work for the drawing up and review of the BREFs are:

- A BREF review without a major scope extension should not exceed a maximum of three years (from the re-activation of the TWG up to the adoption of the BAT conclusions);
- The number of BREFs being actively worked on simultaneously should not be higher than about 10;
- This pace can be maintained by starting and finalising about four BREF reviews every year. This means that within any given year there would be:
  - About eight Technical Working Group (TWG) meetings i.e. four kick-off meetings and four final meetings;
  - Two IED Article 13 Forum meetings, each to provide opinions on two draft BREFs;
  - Two IED Article 75 committee meetings, each to vote on two draft Decisions concerning BAT conclusions.

### **4. Consequences for the working methods of the TWGs**

This work schedule can only be achieved if all stakeholders involved in the information exchange, in particular at the level of the Technical Working Groups (TWGs), reconsider some of the working methods currently used. It will also require an enhanced commitment to cooperate constructively in the process of delivering information, commenting on draft documents and proposals, and finding consensus at the technical level.

In particular, the following elements are essential to allow the information exchange process to be completed with a high quality outcome and within the deadlines foreseen:

- Ensuring that the on-going BREF reviews are closed without further delays, acknowledging that certain elements will require reconsideration in a next round

of reviews rather than aiming to achieve completeness or perfection under the current review.

- Anticipating potential issues further in advance by preparing input to the kick-off meeting before the BREF review starts on the basis of the adopted (existing) version of the BREF.
- Clearly deciding at the BREF kick-off meeting on the scope and the key environmental issues that the information exchange will focus on. This should facilitate the elaboration of targeted questionnaires and avoid the collection of unnecessary data.
- Adopting a more focused approach to the overall process, including a stronger focus on BAT conclusions (and the associated BAT candidate chapter), targeting a manageable and therefore limited number of key environmental issues on the basis of a sound and reliable data collection, followed by appropriate data processing.
- Adopting a 'single formal draft' route as the standard for BREF reviews that do not involve major changes in the scope.
- Further using the possibilities offered by BREF working drafts and TWG subgroup meetings to help resolve difficult issues.
- Strictly limiting the possibilities for time slippages.

## **5. Work programme implementation and resource constraints**

In the period 1997 – 2008, 32 reference documents<sup>3</sup> were drawn up under the framework of the IPPC Directive (2008/1/EC). All of these documents have to be updated under the IED with a view to adopting all BAT conclusions by 2020. In addition, a limited number of new BREFs have to be developed covering the activities that have been added to the scope of the IED in comparison with the IPPC Directive.

Since 2012, the Commission has adopted four BAT conclusions (Glass; Iron and Steel; Tanning of Hides and Skins; Cement, Lime and Magnesium Oxide) and published the revised BREFs. Following their final TWG meetings, three further BREFs are under finalisation (Chlor-Alkali; Refining of Mineral Oil and Gas; Pulp, Paper and Board), with adoption of the BAT conclusions foreseen for 2013, or early 2014.

Currently, 9 BREF documents, including BAT conclusions, are actively being worked on by the European IPPC Bureau. In addition, the Bureau is working on a JRC Reference Report on Monitoring. The Bureau will also reactivate and kick-off the review of the Waste Treatments (WT) BREF during the course of 2013.

Experience shows that, with the current staffing of the European IPPC Bureau and resources available to TWG members (especially for many Member States) and in order to maintain a high quality output, the number of BREFs being worked on simultaneously is to be restricted to around 10.

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<sup>3</sup> An additional document, the Management of Tailings and Waste-Rock in Mining Activities BREF, was developed under the framework of the Commission's Communication COM(2000) 664 on the 'Safe Operation of Mining Activities'.

## 6. Proposed work programme 2014 and outlook beyond

Annex 1 presents the proposed work programme for 2014, and also presents a further outlook for the work in 2015 – 2018.

As agreed by the forum in September 2012, the revision of the WT BREF will start in 2013. This information exchange will be the first one to apply the new working methods outlined in Section 4.

In 2014, the following four BREF reviews are proposed to start (subject to the availability of adequate staffing within the European IPPC Bureau):

- Waste Incineration (WI).
- Food, Drink and Milk (FDM).
- Surface Treatment using Organic Solvents (STS). This is proposed to be advanced due to the potential for reducing VOC emissions.
- Wood Preservation with Chemicals (WPC). When starting this BREF, the TWG will explore in more detail the merits of incorporating the existing chapter on wood preservation from the STS BREF.

As indicated at the forum meeting in September 2012, the Commission will, in 2014, revisit the 'Strategy to review the chemical BREFs'<sup>4</sup> in light of the IED provisions and the lessons learnt from the three chemical BREF reviews undertaken so far<sup>5</sup>. Subsequently, the work programme for these BREFs may need to be revised. This review will address in particular whether or not it would be desirable to merge the BREFs on Large Volume Inorganic Chemicals – Ammonia, Acid and Fertilisers (LVIC-AAF) and on Large Volume Inorganic Chemicals – Solids and others (LVIC-S).

In 2014, the Commission will also assess the merits of merging the 'horizontal' BREFs on Energy Efficiency (ENE) and Industrial Cooling Systems (ICS) into a single "Resource Efficiency" BREF (possibly also covering the use of raw materials and water). The timing of this assessment will allow final decisions with respect to the review of these BREFs for potential start in 2015.

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<sup>4</sup> [http://eippcb.jrc.ec.europa.eu/reference/BREF/strategy\\_review\\_chem\\_BREFs.pdf](http://eippcb.jrc.ec.europa.eu/reference/BREF/strategy_review_chem_BREFs.pdf)

<sup>5</sup> CWW (Common Waste Water and Waste Gas Treatment / Management Systems in the Chemical Sector), CAK (Production of Chlor-Alkali) and LVOC (Large Volume Organic Chemical industry)

## ANNEX 1: Work programme for 2014 and outlook for the period 2015 – 2018

Grey shading indicates on-going work.

BAT reference document	(Re-)activation of the TWG	Submission of Final Draft BREF to IED Article 13 Forum for its opinion	Comments
<b>Pulp, Paper and Board (PP)</b> (first BREF adopted 2001)	2006	2013	Review on-going
<b>Common Waste Water and Waste Gas Treatment/Management Systems in the Chemical Sector (CWW)</b> (first BREF adopted 2003)	2007	2013	Review on-going
<b>Refining of Mineral Oil and Gas (REF)</b> (first BREF adopted 2001)	2008	2013	Review on-going
<b>Chlor-Alkali (CAK)</b> (first BREF adopted 2001)	2008	2013	Review on-going
<b>Non-Ferrous Metals (NFM)</b> (first BREF adopted 2001)	2006	2013	Review on-going
<b>Intensive Rearing of Poultry and Pigs (IRPP)</b> (first BREF adopted 2003)	2008	2014	Review on-going
<b>Large Volume Organic Chemicals (LVOC)</b> (first BREF adopted 2002)	2009	2014	Review on-going
<b>Large Combustion Plants (LCP)</b> (first BREF adopted 2006)	2011	2014	Review on-going
<b>Wood-Based Panels (WBP)</b> (new BREF under IED)	2011	2014	Drawing up of BREF on-going. New activity under IED
<b>Waste Treatments (WT)</b> (first BREF adopted August 2006)	2013	2016	The extent of the scope expansion will be assessed by the TWG during the Kick-off meeting. In case a major expansion were agreed, then the deadline for submission to the forum would be 2017 (2013 + 39 months)
<b>Waste Incineration (WI)</b> (first BREF adopted 2006)	2014	2016	
<b>Food, Drink and Milk (FDM)</b> (first BREF adopted 2006)	2014	2016	

<b>BAT reference document</b>	(Re-)activation of the TWG	Submission of Final Draft BREF to IED Article 13 Forum for its opinion	<b>Comments</b>
<b>Surface Treatment Using Organic Solvents (STS)</b> (first BREF adopted 2007)	2014	2016	Moved forward due to the potential for reducing VOC emissions
<b>Wood Preservation with Chemicals (WPC)</b> (new BREF under IED)	2014	2016	Chapter 18 of the STS BREF (titled 'Wood preservation') covers industrial processes for the preservation with, or immersion of wood in organic solvent-based preservatives, creosote or solvent-free preservatives.
<b>Ferrous Metals Processing (FMP)</b> (first BREF adopted 2001)	2015	2017	Reactivation. Original activation was 2008 but the review has been on hold since 2011 due to heavy workload.
<b>One inorganic chemical BREF</b>	2015	2017	Merging both the Solid and others and Ammonia, Acids and Fertilisers BREFs into a single document is one option. Although both existing BREFs are large, they follow a similar structure of generic (common) BAT, supplemented by detailed BAT on the production of selected (illustrative) products.  Subject to revisiting the strategy to review the chemical BREFs in light of the lessons learnt from the review of the CWW, LVOC and CAK BREFs
<b>One inorganic chemical BREF</b>	2015	2017	Subject to revisiting the strategy to review the chemical BREFs in light of the lessons learnt from the review of the CWW, LVOC and CAK BREFs)
<b>Textiles</b> (first BREF adopted 2003)	2015	2017	
<b>Slaughterhouses and Animal By-products (SA)</b> (first BREF adopted 2005)	2015	2017	
<b>Industrial Cooling Systems</b> (first document adopted 2001) and <b>Energy Efficiency</b> (first BREF adopted 2009)	2016	2018	Subject to an assessment of the merits to be conducted by the Commission in 2014; merging of these two BREFs into a "Resource Efficiency" BREF where e.g. water saving issues could also be covered

<b>BAT reference document</b>	<b>(Re-)activation of the TWG</b>	<b>Submission of Final Draft BREF to IED Article 13 Forum for its opinion</b>	<b>Comments</b>
<b>Smitheries and Foundries (SF)</b> (first BREF adopted 2005)	2016	2018	
<b>Speciality Inorganic Chemicals (SIC)</b> (first BREF adopted 2007)	2016	2018	Subject to revisiting the strategy to review the chemical BREFs in light of the lessons learnt from the review of the CWW, CAK and LVOC BREFs
<b>Surface Treatment of Metals and Plastics (STM)</b> (first BREF adopted 2006)	2016	2018	
<b>Ceramics (CER)</b> (first BREF adopted 2007)	2017	2019	
<b>Emissions from Storage (EFS)</b> (first BREF adopted 2006)	2017	2019	
<b>Polymers (POL)</b> (first BREF adopted 2007)	2017	2019	Subject to revisiting of the strategy on the review of the chemical BREFs
<b>Organic Fine Chemicals (OFC)</b> (first BREF adopted 2006)	2017	2019	Subject to revisiting of the strategy on the review of the chemical BREFs
<b>Second review of four BREFs (to be decided)</b>	2018	2020	