



EUROPEAN COMMISSION

DIRECTORATE-GENERAL

ENVIRONMENT

Directorate C - Sustainable Resources Management, Industry & Air

ENV.C.3 - Industrial Emissions, Air Quality & Noise

→ Ana

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Ans (2011)  
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Eurometaux  
Mr Guy Thiran, Secretary General  
Ms Aracelli Zorilla-Quinzá,  
Environment Project Manager  
Avenue de Broqueville 12  
1150 Brussel

**Ref.:** Implementation of the Industrial Emissions Directive

Dear Ms Zorilla-Quinzá, Mr Thiran,

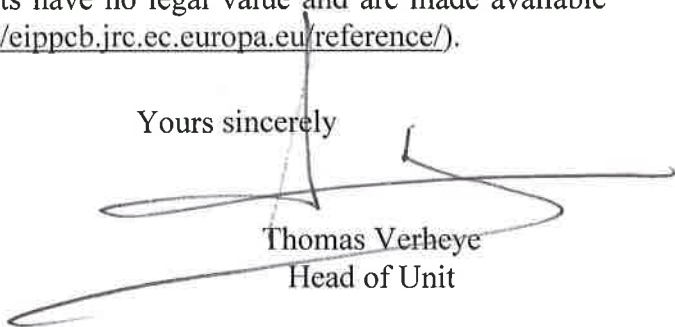
Thank you for your letter dated 15 November 2011 concerning the implementation of Directive 2010/75/EU on industrial emissions (IED) and the ongoing revision of the BAT Reference Document concerning the production of Non-Ferrous Metals (NFM BREF).

Firstly, I would like to clarify that Commission guidance on the interpretation of the IED legal text concerning the application of BAT conclusions or BREFs is not a subject matter for discussion at the IED Article 13 Forum.

Secondly, the IED provides that the BAT conclusions adopted under its Article 13(5) shall be the reference for setting permit conditions. Article 13(7) of the IED provides for a particular role for the conclusions on BAT from the BREFs adopted under the IPPC Directive. However, the IED does not exclude that competent authorities use other sources of relevant qualified information to define BAT based permit conditions for a particular installation. In addition, Article 193 of the Treaty on the Functioning of the European Union allows Member States to take protective measures that go beyond the requirements of environmental directives.

Finally, in order to help the users of the website of the European IPPC Bureau to understand the role of formal drafts of BREFs published on that site, we have added a footnote making clear that such documents have no legal value and are made available for information on work in progress (<http://eippcb.jrc.ec.europa.eu/reference/>).

Yours sincerely

  
Thomas Verheye  
Head of Unit