



# Position Paper

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## EUROCHAMBRES proposals for improvements of the Seville process (Industrial Emissions Directive)

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The Industrial Emissions Directive (IED) provides for an upgrade of the reference documents describing best available techniques (BAT). The BAT conclusions deriving from the BAT reference documents (BREFs) set out binding emission reduction requirements to be met by industrial installations. This means that the state of the art for avoiding and/or reducing emissions from industrial activities will in future be laid down at European level in binding form for all Member States. Accordingly, it is very important for industry that the process for drafting BREFs (so-called Seville process) is structured in an optimal way.

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The Seville process needs to be improved considerably. The following improvements should be implemented in short order:

- **Improve capacity and skills in the Seville office**
  - The Seville office should be equipped with sufficient staff resources in terms of capacity and skills.
  - Authors must be able to provide professional expertise and be thoroughly familiar with the relevant sector. The minimum amount of professional expertise should be specified (i.e. 10 years). Moreover, the authors should be assigned to topics related to their professional qualifications.
  - In order to ensure continuity, the entire process of drafting a BREF from the earliest stages to its finalisation should be accompanied by the same author.
  - If an author leaves, the Commission should appoint a new author within a maximum period of three months.

- **Reduce data collection to the essential**

- In general, BREF-documents are too comprehensive. Thus, the aim should be that only those emission data are collected which are relevant for emission limit values.
- Structural changes of BREF-documents should only be made in coordination with all stakeholders (industry, Seville office, Commission).
- Interfaces between horizontal and vertical BREFs must be clearly defined.
- Before collecting the data, clear indications are required on how these data will be used (type of averages: annual, daily or short-term average values, conformity with IED, with/without measurement uncertainties, measurement method and definition of “normal operating conditions”). Furthermore, an obligation for specifying data could prevent data from being difficult to interpret (e.g. due to ambiguities about the measuring technique used). In this context, it has to be considered that the quality of the data critically depends on the technology of the facility. Moreover, due to factors like the geographical location, environmental conditions, technical specifications of the installation or production conditions, the strict emission levels provided by BREF can potentially lead to higher costs.
- In the past, it has proved problematic to merge data from different sources and of varying quality (e.g. results of spot measurements and continuous measurements, data from new and old/big and small installations, different averaging periods for minimum and maximum values). Furthermore, the essential problem arises if the data basis (annual average value) is described as daily average values in the BAT-associated emission levels (AEL) and these are to be implemented as limit values in national law. In the case of non-continuous processes, annual and maximum daily average values can vary by a factor of ten. In principle, short-term average values (half-hourly, hourly or in case of continuous measurements: daily) are more appropriate, as they allow to record the fluctuation margin of emissions (minimum and maximum). In case the EIPPCB and TWG will define BAT associated emission levels on an annual basis, at least seven annual averages should be evaluated and considered. This would guarantee a minimum degree of statistical representativity.
- To improve data quality, reference installations should be selected using uniform yardsticks and harmonised standards.
- For the purpose of specifying and simplifying the data collection and evaluation, the EIPPCB, in cooperation with the experts of the TWG, should mandatorily elaborate an instruction sheet and specific data collection sheets (as was the case in the context of the BREF on large combustion plants).

- **Improve data processing**

- It must be obligatory to take account of all submitted data sets. Only insufficient data sets should be allowed to be rejected, based on sufficient justification.
- The transparency of data processing needs to be improved. The submission of aggregate data is of little help to companies. It would be helpful if data and the draft versions underlying the work were more accessible in order to provide stakeholders with timely input. It should be possible to identify those comments which have already been incorporated.

- Data should be evaluated in liaison with the TWG's subgroups which have the necessary expertise.
  - With regard to drafting BATs, uniform requirements must be applied. If the rapporteur changes, existing drafts should not be reworked to reflect individual preferences.
  - The EIPPB should specify uniform rules that, in general, apply to the deduction of all BAT AEL levels. Especially with regard to the upper range, the deduction should be based on the basis of maximum short-term averages of reference installations corresponding to the state of art (and considering existing emission ceilings), rather than on a 95 percentile of the measured values. Otherwise, even very modern and new facilities will hardly be able to meet the BAT AELs.
  - In the case of a substantial revisions of certain BREFs (e.g. LCP), basically, two drafts should be provided.
- **Impact assessment must become obligatory**
    - It is important to assess the implications of a BREF not only for individual Member States but also for industry in terms of the timetable and in relation to the expected costs. Therefore, an impact assessment/cost-benefit analysis should be obligatory, in order to roughly assess to what extent costs might incur. The calculations should be comprehensible for each technology and emission level.
    - In this regard, affected industrial sectors should submit a position (with an estimate of compliance costs). Stakeholders should be invited to submit their position once the first BAT draft has been completed.
- **Improve time-keeping**
    - The deadlines for processing BREFs should be more realistic and oriented towards the available number of working days. It is important not to set deadlines which take account only of holiday periods identified by the Seville office.
    - More time should be granted for the appropriate design of questionnaires, data collection and comments.
- **Apply transparent and flexible procedures for developing BAT conclusions**
    - With regard to developing BAT conclusions a transparent and flexible procedure should be ensured. This, in return, will result in a more coherent and EU-wide application of BATs.
    - BATs must, on the one hand, reflect an environment-conscious approach and, on the other hand, consider the practical accessibility and economical viability of the respective technologies. In this context, it is imperative to put the environmental benefits of the measures into relation to the additional costs, that might occur.

- **Involve all EU Member States**

- All Member States should be involved in drafting BREFs. Currently, numerous Member States are not represented. Apart from that, it is important to involve candidate countries throughout the whole process (in particular, in drafting BREFs and the implementation of the IED). Thus, candidate countries should have the right to take part in the Seville process in order to facilitate the transition period. Before defining emission ceilings and the schedule for the gradual transition, sectoral arrangements need to be determined.

- **Data protection**

- In some Member States, vertical BREFs refer only to a very small number of industrial installations. This is particularly true for small countries. In several cases, BREFs even refer to only one installation per sector/type. If data provided by such companies (and specifying the Member State) becomes listed, industry insiders will be able to identify competition-sensitive data (e.g. actual productivity of an installation). In order to mitigate this problem, an anonymised numbering system for installations could be introduced, rendering indications of respective locations impossible.
- Alternatively, sensitive data could be collected by European industry associations, subsequently being anonymised and collectively forwarded to the EIPPCB.

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