

## *HWE position paper - IED & E-PRTR*

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The industrial emissions directive is a cornerstone of the EU legislation, aiming at achieving a high level of protection of the environment as a whole. The current IED and E-PRTR provide valuable and key provisions to prevent and control pollution arising from industrial activities and issue environmental permits. In the global perspective of the EU Green Deal, we really consider the industrial emissions directive as the key piece to act towards reducing emissions into air, water and land and e-PRTR as the main tool to provide accurate figures not only to correctly inform the public but also to make more accurate policies.

However, IED and E-PRTR can benefit from some improvements to ensure a better coherence with the EU legislative framework and more harmonised implementation in the EU Member States. The revised texts should also tackle new challenges to deliver the Green Deal objectives of a zero pollution ambition for a toxic-free environment. As members of the IED article 13 Forum, experts in the TWG for the Waste Incineration and the Waste Treatment BREFs and with all our hazardous waste installations covered under the scope of the IED, we are very familiar with the IED and E-PRTR.

### **A-Challenges to solve in IED**

- **The directive should remain an operational tool focused on prevention of pollution and control**

The provisions of the industrial emission directive will undeniably enhance a safe and sustainable non-toxic environment and contribute to a zero pollution ambition. As such, it will play an important role to promote green growth and minimise pollution. It will also pave the way towards a sustainable circular economy but it should not set it as an ultimate goal at the risk to divert it from its primary aim - prevention of pollution - and dilute the impact of the directive and to create inconsistencies with the waste framework directive.

- **The directive should include new sectors**

It could benefit the overall aim of the directive to include in the scope of the IED directive, industrial activities that contribute to air and water pollution and exert a pressure on natural resources. This is also true for installations whose sector of activities are included in the scope and that significantly contribute to emissions to the environment without being covered by the requirements as they don't exceed IED annex I thresholds.

It could be relevant to include the middle energy industries, the UWWTP, storage of hazardous substances and the mining industries whose impacts regarding air pollution, water release or generation of waste/residues are not trivial (*cf. the EEA page on industrial pollution in Europe*). Yet, it would not present added value to include the management of landfills as the directive on the landfill of waste, working as a standalone document, already provides, at least for hazardous waste landfills, relevant technical requirements to set up measures, procedures and guidance to prevent or reduce as far as possible negative effects on the environment. We will nonetheless take the opportunity of its review in 2024, to up-date and/or clarify a few requirements where there is room for improvement.

- **The directive could propose some harmonised requirements to improve public access to information and participation in decision making**

Transparency and access to information to the public are key. Some information should be available to the public like the granting of permits, monitoring of emissions; but some information, more conceptual and technical, should be handled with precaution, as raw data would need some contextual data to be fairly used. Hence, if it seems relevant to focus on emissions, information regarding application of BAT would not provide added value.

Regarding access to permits, compliance, monitoring of data, and performance, the situation is different between Member States. In some Member States, it is easy to access to extensive information about IED installations (cf. In France, there is a database for Facilities Classified for Environmental Protection with a summary of the permitted activities and associated capacities and access to all permits including permits against non-compliance). In some Member States, information is more disseminated or even not available at all and permits are more complex to access and read. The IED directive could introduce some provisions aiming at having some harmonised data in the permits and minimum standardised information directly available to the public.

- **The directive could propose harmonised provisions on site inspections and data reporting**

Environmental inspections of installations is an important provision of the Industrial Emissions Directive. Most of the time ensuring compliance with existing regulation could be even more important than proposing new regulations. The lack of harmonization of inspections across EU Member states is a crucial issue whose rules among the EU member states vary a lot. The revision of the IED could therefore propose some provisions to strengthen the recommendations and other key principles to ensure that operating facilities are correctly and regularly inspected.

## **B-Challenges to solve in E-PRTR**

- **Ensure harmonisation of the reported emissions**

Some improvements would be needed on emission reporting to ensure data are representing the same things with equivalent standards, otherwise it will be complicated to ensure meaningful comparisons.

- **E-PRTR would benefit from encompassing all impacting installations**

In the current texts IED capacity thresholds and E-PRTR emission thresholds are generally different. As a result, some IED installations are exempted from reporting the emission of certain pollutants in E-PRTR because their annual emissions are below the corresponding E-PRTR thresholds. Conversely, when E-PRTR thresholds are low or equal to zero, non-IED installations need to report their corresponding emissions. Hence, E-PRTR provides annual results per pollutant which do not match well with source categories (IED, non-IED, others). This makes current E-PRTR an imperfect tool to evaluate the efficiency of EU environmental categorial regulations, such as IED, emissions of small industries, etc, which may in turn lead to unoptimized legislative (re-)orientations (this remark could be seen as a criticism of E-PRTR, which is not the case).

HWE is in favour of improving the significance of E-PRTR results by adding facilities depending on their environmental impacts (that would currently be below the IED thresholds or not covered by IED). E-PRTR would become a more meaningful and useful tool to compare emissions of various source categories. A tool all the more necessary since the part of IED installations in the pollution of the water bodies and the atmosphere is now smaller than the contribution of non IED installations or of cities.

- **Update the list of pollutants and associated thresholds**

The list of pollutants should be updated in order to meet the current and future concerns. It can focus on specific substances or groups of substances. A way forward could consist of encompassing all pollutants from the same group, for instance POPs. This approach implies to allocate the relevant threshold to each pollutant of the group. For the same reason, E-PRTR would also benefit from an assessment of the consistency of the current thresholds for some pollutants:

- belonging to the same group of substances (for instance, PAHs)
- for which no threshold would better fit the current concern (for instance, asbestos or POPs).

E-PRTR could benefit from these changes to become a very complete tool to support the IED objectives.

As we already highlighted in the numerous previous consultations those past months, IED and E-PRTR are very effective tools that would benefit from some improvements to ensure coherence and consistency with the EU zero pollution ambition and other relevant objectives of the Green Deal.

Finally, HWE advocates for incentives which will protect the European industry and favour the relocation of industry

within Europe. If IED installations make all technical and economic efforts for the reduction of their impacts on the environment, it should be fair to protect European industrial actors against imports from competing industries outside Europe where the level of performance for the protection of the environment is lower. The mechanism of carbon tax at the EU border should integrate this dimension, and potentially E-PRTR would allow to assess the level of incentive in the carbon tax mechanism.