

EURIMA Position Paper on the revision of the Industrial Emissions Directive (IED)

Key recommendations

- *Further clarify the BREF process to guarantee ambitious, yet achievable Emission Limit Values and ensure proportionality in the setting of those linked to Environmental Quality Standards; consider a transitional period as part of transformation plans.*
- *Clearly frame the Environmental Managements System under the new art. 14a by providing additional details of how EMS will be communicated to the public.*
- *Ensure that the aim of providing public access to information is balanced with the need to protect commercially confidential information.*
- *Adopt a delegated act, setting a clear pathway to strong and sound governance of the permitting process in terms of timing, stakeholder responsibilities and public participation.*
- *Strengthen the already existing horizontal BREF for energy efficiency by making it mandatory and clarify synergies with other existing files.*

June 2022

Introduction

Together with its predecessor the IPPC Directive, the Industrial Emissions Directive (IED) has enabled the prevention, reduction and elimination of pollution from industrial activities. The revision of the IED is an opportunity to achieve a circular, pollution & toxic-free, decarbonised industry by 2050. In this context, the proposed IED should ensure a high level of coherence and clarity around newly proposed measures, whilst fostering a regulatory environment consistent with measures proposed under the European Green Deal.

The European Commission says the proposed directive is a pilot, following a 'one in one out' approach to reduce the administrative burden. While fully supporting this aim, Eurima asks the Commission to fully assess any additional administrative burden associated with increased requirements. We also ask the Commission to take into account the role sectors such as ours play in decarbonising other parts of the economy (for instance, increasing the efficiency of buildings will decrease energy used for heating and cooling).

This paper outlines how the IED proposal can be adjusted in the ordinary legislative procedure to ensure that the Commission's proposal is reduced in terms of excessive complexity and made implementable within the current social, economic and geopolitical context.

Guaranteeing fair implementation of Emission Limit Values and Environmental Quality Standards

The Commission notes that, currently, between 75% and 85% of all Emission Limit Values (ELVs) in permits are set at the highest end of ranges of the emission levels associated with the best available techniques (BAT-AEL), and proposes that competent authorities should set ELVs at the lowest end of the BAT-AEL range. Eurima supports the drive towards more ambitious limit values, but also highlights the need to fully and consistently apply existing Best Available Technique (BAT) criteria. This means taking into account all relevant parameters, such as protection of the environment, technical and economic viability, and geographical location. The setting of ELV's should also consider trade-offs and cross-media impacts. For example, air pollution abatement may have a negative impact on energy consumption or wastewater production. A correct application of the range of BAT criteria therefore avoids arbitrarily setting permit limits at either the highest or lowest levels. The Commission's proposed approach also places greater emphasis on BAT reference documents (BREF). Therefore, to avoid setting unachievable standards, it is more important than ever that the BREF process is transparent, based on real-world outcomes and setting a clear vision of what is possible.

The need for more stringent permit requirements has also been highlighted in relation to compliance with environmental quality standards. In such cases, there should be an emphasis on the application of standards and limits that are attainable and also on the application of the polluter pays principle. This should guarantee an element of proportionality (i.e. those causing the majority of the pollution should bear the majority of the burden/cost to prevent and minimise it). Competent authorities must therefore consider the catchment as a whole or at least the relevant parts of it and seek to apply the polluter pays principle in relation to permitting within its boundaries.

ELVs and EQSs should also ensure balance between emissions accounting and circular economy practices. In the current times, where raw materials and primary sources are increasingly less available, supporting the reduction, reuse and recycling of primary sources is an essential step towards more sustainable industry. Reintroducing valuable secondary raw materials into the production cycle can however lead to an increase in emissions levels, linked to material restoring processes. If a final objective is to transition

towards a more circular economy, installations should be provided with some flexibility through the setting of reasonable ELVs and EQSs.

Finally, where more stringent conditions are required, a clear and fair transition timeline should be established as part of the transformation plans. Where new and innovative techniques and technologies are being deployed, it is essential to allow for implementation to be sequential, which means allowing the technique to prove its effectiveness in the real world before wider deployment or cascading to other sites. Furthermore, dedicated funding streams should be allocated to the deployment of technologies that could support R&D&I in lowering emissions, while at the same time, ensuring that commercial confidentiality is preserved along the process.

Clarifying the role of the Environmental Management System

As one of the new initiatives proposed by the Commission under Article 14a of the revised Industrial Emissions directive, the Environmental Management System (EMS) is essential to guarantee the improvement of the environmental performance of the industrial sector. Because it will include critical information (e.g. measures to prevent waste generation, actions to optimise resource- and water-use, and an inventory of hazardous substances present in the installation and the transformation plan), it is vital that the role and working of the EMS is further clarified and communicated. In particular, if an effective EMS is already independently audited and certified by a third party, it is unclear what if any additional benefits additional scrutiny could deliver. Moreover, whilst welcoming the intention of the Commission to increase public transparency, Eurima stresses that this must be done without prejudice to information that could result in conflict with competition law.

Ensuring sound governance of the permitting process

Eurima welcomes the Commission's general intention to increase transparency of the permitting process. At the same time, it is clear that installations need to undertake transformations to deliver the outcomes of the IED and wider Green Deal. Therefore, any revision must seek to expedite the twin aims of increasing transparency and ensuring permits are issued quickly and efficiently, so that installations can accelerate progress to meet stated aims. As a cornerstone of the IED, permit issue and revision should be covered by clear, solid governance rules. These should include specific guidelines for the timing of the issuing or review process, responsibilities of the involved stakeholders, and methods to accommodate public participation.

Alongside the permitting process timing, sharing of released permits online must be considered. In article 5, the Commission includes a paragraph saying that a summary of each permit should be made available to the public online, with a minimum list of information included (e.g., an overview of the main permit conditions, applicable BAT conclusions, and emission/performance limit values). The format of the permit summaries should be clearly and carefully defined to guarantee the preservation of business confidentiality and to support the exchange of relevant information between the public and industries operating in the neighbouring areas.

Strengthening Energy Efficiency requirements

Evidence suggests that industrial insulation still has significant untapped energy efficiency potential, representing approximately 40 Mt of annual cost-effective CO₂ savings¹. For industry, the savings potential for low-temperature surfaces is about equal to the potentials for middle and high-temperature surfaces together. The IED should therefore contribute to the reduction of energy use by strengthening the already existing horizontal BREF for energy efficiency and making it mandatory.

The IED revision is an important opportunity to clarify and optimise interlinkages between the IED and other files under the Fit-For-55 package, such as the Energy Efficiency Directive (EED), the EU Emissions Trading System (EU ETS) and the Energy Performance of Buildings Directive (EPBD). In particular, whereas in its proposal the Commission foresees a review of synergies between the IED and the ETS for 2028, additional details about how the IED could support the ETS in improving EU energy efficiency and cutting emissions should be provided ahead of this date.

Eurima stands ready to contribute further to the debate on the revision of the IED. We remain available to provide further information and clarifications as necessary.

¹ EiiF Study 2021: The insulation contribution to decarbonise industry (access [here](#))

About the European Insulation Manufacturers Association (Eurima)

Eurima is the European Insulation Manufacturers Association, representing the interests of all major European mineral wool insulation producers.

Our industry members produce a wide range of mineral wool products for thermal and acoustic insulation, providing fire protection of domestic and commercial buildings and industrial facilities while offering innovative growing media and green-roofing solutions.

We are a science and research-driven organisation, communicating the benefits of mineral wool insulation while assisting our members in fields such as product standardisation and EU-focused issue monitoring and management, helping them to stay informed and contribute to EU affairs relevant to mineral wool insulation products and the industry's licence-to-operate.

Contact:

Sara Versano | Regulatory Affairs & Communications Manager

Phone: +32 2 626 20 90 | sara.versano@eurima.org