

Joint NGO-Industry position¹ 13/11/2023

Triialogues: Industrial Emissions Portal Regulation and Industrial Emissions Directive Review:

-Maintaining health and environmental protection ambition (PFAS) and open exchange on best practice-

*Dear Chair of the WPE of the Council, Dear Member States representative(s),
Dear Rapporteur and Shadow Rapporteurs of the European Parliament,*

The undersigned industry sector association and Environmental NGO stakeholder² delegations hereby call on you to secure a more balanced outcome on the ongoing Triialogue discussions on the Review of the Industrial Emissions Directive (IED) and the Regulation establishing the Industrial Emissions Portal (IEP-R) on the following:

PFAS: The listing of PFAS (total sum) in Annex II to the IEP-R is supported with the following adaptations:

- 1) **In the releases to “air” column, the following footnote is added “Organic Fluorine may be used as a surrogate parameter for the monitoring method”.**
- 2) **The release threshold is brought to 0,5 kg/yr (500g/yr) for all the media columns.**

Rationale: The societal costs of the PFAS “forever chemical” pollution is estimated to 16 trillion €, the societal costs is about 18€/kg released. The main cost burdens are shifted onto water supply services and the waste management industry, not the producers. It is important to identify releases at the source or transfer within IED activities. However, monitoring is a challenge and very costly for the air route (150K€ for 6 days sampling and laboratory costs), allowing operators to use Organic Fluorine as a surrogate parameter as interim monitoring method would allow a practical and cost-proportionate implementation. The threshold needs to be reduced by half so to capture more relevant releases.

Information sharing of CBI within the Sevilla Process (Article 13(2) IED)

- 3) **The current proposal of the Spanish Presidency as regards **Line 125: Art 13(2) IED is to be amended as follows** “Without prejudice to Union competition law, information considered as confidential business information ~~or commercially sensitive information~~ shall only be shared with the Commission and, after having signed a confidentiality and non-disclosure agreement, with civil servants and other public employees representing Member States or Union agencies **or representatives of non-governmental organisations promoting the protection of human health or the environment**. Information shall be anonymised, not referring to a particular operator or installation, when shared with the other stakeholders involved in the exchange of information referred to in paragraph 1 **which may have a competing interest, in that case the industry may appoint a third-party representative. An overriding interest for disclosure exists where the information relates to environmental performance of an industrial activity and any information used to derive a BAT-AE(P)L**. The exchange of information considered as confidential business information ~~or sensitive commercial information~~ shall remain strictly limited to what is technically required [...]”**

Rationale: The initial Commission proposal was a sound compromise of established practice. CBI issues are only relevant for stakeholders that are in a competitive situation, this is not the case for E.NGO delegates. The good work relationship so far with the EEB does not justify this exclusion to CBI data.

Ensure derogations to BAT-AE(P)L are compatible with environmental quality standards (EOS)

- 4) **Line 183a (Article 15(4)a; the compatibility with environmental quality standards needs to be reinstated, add “By way of derogation from paragraph 3a, and without prejudice to Article 18, the competent authority may, in specific cases [...]”**

Rationale: policy consistency with the integrated approach and the conclusion reached in line 176 as regards to BAT-AELs. Any derogation shall be without prejudice to compliance with Environmental Quality Standards, which also includes resource (and water) efficiency standards.

¹ Hazardous Waste Europe (HWE) www.hazardouswasteurope.eu, EUREAU www.eureau.org

² European Environmental Bureau (EEB) www.eeb.org