

EIPPCB Draft KoM report	EEB amendment	Comment
<p>Page 8 1.4 9)“Do not include under the scope of the WI BREF the treatment of fly ash and FGT residues”</p>	<p><i>Delete this sentence</i></p>	<p>This should be part of the discussion of the residues sub-group, <i>see comment on item 2.5.3 (residues)</i></p>
<p>Page 9 1.6. “Several Member States indicated that they are available to share information on how this issues is regulated in their country but this should not be done using BATIS”</p>	<p>Replace Several Member States indicated that they are available to share information on how this issues is regulated in their country but this should not be done using BATIS and are willing to provide other information through BATIS”</p> <p>ADD Point 13 bis: “Set up a dedicated folder in BATIS to allow information exchange whilst clarifying that the information used is not to be used in the WI BREF review. ‘Information on Crematoria (not covered by the WI BREF scope)’</p>	<p>Whilst it was agreed that Crematoria is not covered in the WI BREF scope certain Member States accepted and were willing to provide information on the issue. There was no objection that BATIS could be used for that purpose to exchange information on BAT in this activity. However the Chair did not allow an intervention to get this point clarified as a conclusion. We do not see any reason on why the EIPPCB is not offering to use the BATIS platform to exchange information. A subfolder could be clearly labelled in such a manner that the information contained is not used for the WI BREF</p>
<p>Page 11, 2.3.1. “The view of the participants were wide-ranging, going from very few pollutants should be considered as key environmental issues for this BREF review to all the possible pollutants emitted by waste incineration should be considered as key environmental issues for this BREF review”</p>	<p><i>Specify who of the members where in each of the groups</i></p>	<p>In our view only DG ENV was part of the first group, proposing very limited pollutants to be considered as KEI. The notes should be transparent and reflecting the fact that this was a minority proposal</p>
<p>Page 11, 2.3.1 “In order to help focus this WI BREF [...] which pollutants should be in which group”</p>	<p>a) DELETE “significant” wherever it appears on page 11 b) ADD: “<i>The EEB and the majority of Member States objected to the categorisation approach linked to the</i></p>	<p><i>(see EEB reaction to IED Forum of 17/04/2015)</i></p> <p><i>This was not on how the proposal was presented. It related already to the data gathering phase and link upfront KEI</i></p>

	<i>data gathering. Only DG ENV and UK supported this approach.”</i>	<i>qualification to this.</i>
<p>Page 11 , 2.3.1</p> <p>“There was a lengthy discussion on this issue, which the TWG clearly considered to be of major importance. While some that found merits in the EIPPCB proposal, others commented that an extensive data collection was indispensable before deciding which pollutants should be in which group.”</p>	<p>Amend</p> <p>“There was a lengthy discussion on this issue, which the TWG clearly considered to be of major importance. While UK that found merits in the EIPPCB proposal put forward by a representative of DG ENV, others the majority of Member States, the E.NGO represented by the EEB and some industry members commented that an extensive data collection was indispensable before deciding which pollutants should be in which group.”</p>	<p>Please be honest.</p> <p><i>There was <u>absolutely not</u> any consensus to support but rejection / concerns (except by UK and DG ENV) of this approach.</i></p> <p><i>The majority objection to do upfront prioritisation of KEI for the purpose of BAT derivation is confirmed through the follow up responses received.</i></p>
<p>Page 11 , 2.3.1</p> <p><i>“In order to improve the consensus reached at the KoM on this important topic for the WI BREF review and to give more time for TWG members to check their data, the Commission [...]”</i></p>	<p>AMEND</p> <p><i>“Despite clear majority objection against this approach, with only UK providing active support, the Commission [...]”</i></p>	<p>Please be honest.</p> <p><i>There was <u>absolutely not</u> any consensus to support but rejection / concerns (except by UK and DG ENV) of this approach.</i></p> <p><i>The majority objection to do upfront prioritisation of KEI for the purpose of BAT derivation is confirmed</i></p>
<p>Page 12, 2.3.1</p> <p>23) Based on the outcome of the data collection, a review of the above prioritisation of these key environmental pollutants will be made based on the following principles:</p> <ul style="list-style-type: none"> □ The potential for the BREF and BAT conclusions to identify techniques that would further significantly reduce emissions from the pollutant within the WI sector taking into account any cross-media effects. □ The potential for the BREF to set BAT-AELs that would significantly improve the level of environmental protection for the environment as a whole from the WI sector in comparison with the current performance (which will mainly be driven 	<p>Page 12 2.3.1</p> <p>23) Based on the outcome of the data collection, a review of the above prioritisation of these key environmental pollutants will be made based on the following principles:</p> <ul style="list-style-type: none"> □ The potential for the BREF and BAT conclusions to identify techniques that would further prevent, and where not technically feasible, significantly reduce emissions from the pollutant within the WI sector taking into account any cross-media effects. ▣ The potential for the BREF to set BAT-AELs that would significantly improve the level of environmental protection for the environment as a whole from the WI sector in comparison with the current performance (which will mainly be driven by 	<p><i>(see EEB reaction to IED Forum of 17/04/2015).</i></p> <p>The EEB objects to arbitrary change of the BREF review rules by the European Commission.</p> <p>Pollution prevention is preferred over control (end of pipe).</p> <p>The appropriate reference for comparison is the previous BREF of 2006.</p>

by the ELVs in Annex VI of the IED).	the ELVs in Annex VI of the IED compliance with the 2006 WI BREF).	
Page 11 , 2.3.1, 24)	DELETE	<i>(see EEB reaction to IED Forum of 17/04/2015). The EEB objects to arbitrary change of the BREF review rules by the European Commission</i>
Page 11 2.3.1 25)	DELETE	<i>(see EEB reaction to IED Forum of 17/04/2015). The EEB objects to arbitrary change of the BREF review rules by the European Commission. "not expected" depends again on the outcome of the data collection.</i>
Page 11 2.3.1	<i>If above changes are not made, add: Please make clear that the EEB entirely rejects with the KoM on this section 2.3.1 ADD (in all cases): "The EEB rejects to do upfront prioritisation of KEI (categorisation) for the purpose of BAT derivation prior to any full data gathering which should include at minimum all the relevant Annex II pollutants"</i>	<i>We repeated this view quite often....</i>
Page 12 2.3.2. Some TWG members indicated that they would prefer to first collect as much data as possible and then decide the pollutants on which to focus this BREF review.	<i>ADD after: "These members (some Member States and the EEB) suggested to include the list of substances referred to in Annex II of the IED. This proposal was not objected by the industry as long as the substances in question are relevant to the sector."</i>	<i>Please be transparent. It is important for the public to know that the majority of stakeholder interest groups (E.NGO, Member States and some industry players) are taking a progressive approach, whilst DG ENV / EIPPCB wants to restrict the scope of data gathering.</i>
2.5.3. Residues	DELETE	<i>This pre-empts the work taken by the residues</i>

<p>38)</p>		<p>subgroup and is in contradiction to the conclusions reached under point 2.4 (general issues for residues). That was our understanding of the conclusions reached / otherwise report objection by the EEB</p>
<p>Page 18 3.1. 52)</p>	<p>DELETE <i>We objected to this so there isn't a consensus on this since the E.NGO stakeholder group does not support this conclusion.</i></p>	<p>The EEB objected to this at the KoM (please check recordings) The starting point is compliance with the 2006 BREF. Data obtained under sub-optimal conditions does not meet up to the BAT requirements! As per our position on OTNOC we strongly object to considering the values obtained under those derogations for BATAEL derivation (need to be filtered out).</p>
<p>Page 19 3.2. 60) TWG to collect data in all sectors covered by the BREF scope as agreed in the KoM conclusions numbers 1 to 12, and to include those key environmental issues agreed in conclusions numbers 22 and 27 in the questionnaire template.</p>	<p>Amend 60) TWG to collect data in all sectors covered by the BREF scope as agreed in the KoM conclusions numbers 1 to 12, and to include those key environmental issues agreed in conclusions numbers 22 and 27 in the questionnaire template.</p>	<p>Align to majority position of the TWG, as confirmed through further exchange on KEI approach: make a full data collection.</p>
<p>Page 19 3.2 61) TWG to collect representative, reliable, comparable real-life data, at least at installation level, from a manageable number of installations that as a minimum fulfil the following criteria: <input type="checkbox"/> are representative of the sector as a good environmental performer, including best performers; (e.g. meeting the environmental performance levels of the current WI BREF).</p>	<p>61) TWG to collect representative, reliable, comparable real-life data, at least at installation level, from a manageable number of installations that as a minimum fulfil the following criteria: <input checked="" type="checkbox"/> are representative of the sector as a good environmental performer, including best performers; (e.g. i.e. meeting the environmental performance levels of the current WI BREF).</p>	<p>The term "representative" is not clear and allows potential for abuse! BAT can come from any plant in the world "including best performers" : Are you serious?!? This is what the whole BEST available techniques exercise is all about! This needs rewording , it is not acceptable to have statements missing the point on what the BREF's aim are.</p>
<p>Page 19 3.2</p>	<p>Page 19 3.2</p>	<p>"including best performers" : Are you serious?!? This is what the whole BEST</p>

<p>65) TWG to propose a list of environmentally well-performing plants/installations (including best performers) that are willing to participate in the data collection. The EIPPCB will provide a list template for this purpose.</p>	<p>65) TWG to propose a list of environmentally well-performing plants/installations (including i.e. best performers complying with the 2006 WI BREF) that are willing to participate in the data collection. The EIPPCB will provide a list template</p>	<p>available techniques exercise is all about! This needs rewording , it is not acceptable to have statements missing the point on what the BREF's aim are.</p> <p>Please tell us which of those do not want to participate in the data collection. Will this also include plants outside of EU?</p>
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Please make sure the points above are also reflected in the updated power point (colour coded) version of the TWG KoM WI BREF (if that update is made)

In relation to this we informed by email of 10/04/2015 to the EIPPCB that “there may be an issue with a change that occurred between the 22/01 first draft (attached) and second 10/03 version (.pdf attached). The previous **bullet point two** in slide 11 we objected to in 22/1/2015 “The TWG does not anticipate to set BAT-AELs, on those pollutants that are finally categorised in Group 3. “ has moved in the revised 10/03 (pdf) version to slide 11 **bullet point 3 (yet the objection indicated in slide 12 refers still to the old numbering;)** I just add NL (Pieter and Wim) in the loop to clarify as well from their side to be sure on their intentions, since the joined the EEB objection.

Lastly we think that the general objection of the “categorization approach” for the purpose of data collection questionnaire (as indicated in the 10/03 version slide 11, bullet point 1) has not been taken on => but better see the last draft TWG KoM conclusions. “

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