

At the Art. 13 Forum of 19/10/2015 the European Commission presented the document 'discussion paper on KEI'. With this statement, we present the view of all subscribing member states about this discussion paper, since it does not entirely represent our view on how the Seville process could be shaped more effectively. Although some progress is notified, the information exchange process could be more effective, starting with the timely announcement of all working documents, transparency in communication and compliance with the BREF working program.

We understand the goal of the European Commission to streamline the Seville process by stressing the importance of frontloading and a focused approach. The discussion paper has some elements we do support, such as focusing on parts of a BREF that are directly related to BAT conclusions and, in particular, the BAT-AEL. This also means prioritization of activities and processes, types of pollutions and other aspects (e.g. raw materials use, water consumption, energy use, waste generation) that should be covered. We acknowledge that recently started BREF reviews show that frontloading and focusing can facilitate and improve the Seville process. A good example is the FDM BREF review where the EIPPCB listed KEI from the existing BREF and asked the TWG to comment on those and add further KEI if some parameters were believed to be missing.

However, we fear the suggested way forward, i.e. defining KEI prematurely in contrast with screening for relevant pollutants, will cause a shift, rather than an overall reduction in workload. The quality of the BREFs and the determination of all relevant BAT-AEL should be the first priority to achieve the IED objectives. The European Commission shows a high level of ambition towards improving the environment in different other directives, such as the Water Framework Directive, the National Emission Ceilings directive and the Directive on ambient air quality and cleaner air for Europe". Conclusions on BAT should support this ambition, reflected in BAT-AEL ranges that promote best practices. We therefore believe ambitious BAT(-AE(P)L) and narrow BAT-AEL ranges are an equally important driver for environmental improvement and should thus be strived for.

We are concerned about a notified shift towards an approach where MS or NGO need to prove the relevance of a certain parameter for a sector. This is in sharp contrast with the approach we stand for, namely that parameters can only be left out of the data collection if their irrelevance for a sector is proven by sound data or argumentation. Neither number nor quality of BAT-AEL shall decrease from the existing BREFs during a revision without thorough argumentation based on data collection and assessment of the parameters concerned. Note that this does not alter the responsibility of the TWG itself to assist in providing data and argumentation during the frontloading process and later on.

We do not believe leaving parameters out of the data collection from the start or categorizing the data collection in three groups of parameters will necessarily lead to relevant resource and time saving or an added value with regard to the environment. The main discussions on the relevance of parameters or a redirection of focus can only be performed after data collection and assessment, for example during an intermediate workshop or TWG meeting on data assessment.

We believe it is possible to speed up the Seville process and work more efficiently, without narrowing down the set of parameters that is the subject of a data collection. A non-exhaustive list of best practices, of which some already used:

- Analysis of the existing BREFs by the EIPPCB and TWG with regard to the identification of parts that will gain the most added value during an update facilitates focusing on the main issues and determining the workload.

- Early focus on scope, reference conditions and data formats prevents time consuming discussions later in the Seville process and allows high quality BAT AEL.
- Invest less effort into the more descriptive or contextual parts of the BREFs.
- Narrowing down the number of installations in the data collection, without causing an impact on the representativeness of the data.
- Set a monitoring obligation for relevant parameters without sufficient data for analysis, thus establishing a 'watch list', cfr. EU legislation on priority substances and substances of very high concern.
- Provide test-questionnaires to improve data quality.

Effort should go into BREFs under IED for the sectors remaining, including the specific chemical sectors. We are looking forward to elaborate this discussion about improving the efficiency and effectiveness of the Seville process with the European Commission.

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