



Fédération Européenne des Activités du Déchet et de l'Environnement
European Federation of Waste Management and Environmental Services
Europäische Föderation der Entsorgungswirtschaft

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Brussels, 23 June 2006

To the attention of:

- Mr. E.P Schenk (Erwin.schenk@dhv.nl)
- The Commission DG/ENV.C.4SER/2005/0034r)
(env-ippc-review@cec.eu.int)

**Re. Beyond Regulatory Compliance
(Incentives to improve the environmental performance of IPPC installations)**

Dear Sirs,

FEAD is the European Federation which represents the European waste management industry. Our members are national waste management associations, which have an approximate 60% share in the household waste market and handle more than 90% of industrial and commercial waste in Europe, with a collective annual turnover of € 50 billion.

We have 18 members from 17 EU Member States and Norway. FEAD represents companies with activities in all forms of waste management. These companies employ over 300 000 people who operate around 3 000 controlled landfills, 1 350 recycling and sorting centres, 1 000 composting sites and 350 incinerators and play an important role in the determination of the best environmental option for waste management problems.

Please find below our comments to the Beyond Regulatory Compliance Initial Report:

Objective and scope of BRC

Aim of the project is to identify and assess tools or instruments that encourage IPPC firms to change their behaviour and to innovate and perform beyond regulatory compliance.

The expression “beyond regulatory compliance” (‘BRC’) is defined as follows:

APOH, Slovakia
ASELIP, Spain
BDE, Germany
CAOH, Czech Republic
ESA, UK

FEGE / FEBEM, Belgium
FISE, Italy
FLEA, Luxembourg
FNADE, France

IWMA, Ireland
JLY, Finland
KSZGYSZ, Hungary
NRF, Norway

PASEPPE, Greece
PIGO, Poland
RVF, Sweden
VA, Netherlands
VÖEB, Austria



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“Performing BRC is seen as taking steps to reduce emissions or other environmental impacts such as energy reduction and reduction of waste, within the context of a dynamic BAT concept and beyond what is necessary to comply with permit conditions and/or other legal obligations.”

1. This definition is not in accordance with the IPPC Directive, as the concept of BAT is in this Directive only referred to with regard to prevention of pollution and not to reduction of use of energy and/ or reduction of waste as such. Criteria other than BAT are formulated in the Directive. To prevent misunderstanding, the definition of BRC should be revised in accordance with the definitions of the IPPC Directive.
2. Not all Member States use the same methodology in their permitting processes (some look at the situation case by case, others use general rules regarding what emissions are considered BAT as regards to emissions from waste to energy plants). Furthermore some Member States go beyond BAT in individual cases and/ or general rules regarding permitting. As a result, BRC is not the same in all Member States. This must be recognised in this project.

BRC and ‘dynamic’ BAT

In paragraph 1.2 of the report it is declared that it is not the object of the project to:

- force companies to perform BRC;
- tighten the IPPC Directive.

On the other hand it is declared that BAT is or should be a dynamic concept. This would mean innovations from BRC should over the long term influence BAT and upgrade required standards. In this sense BRC can eventually lead to amending standards such as BAT which are required by law: we recommend that the report clarifies whether or not this is so.

Instruments

The main body of the report consists of a summary of the various instruments used to promote BRC. Many of these instruments have a limited application as they are aimed at reduction, for example, of only one type of emission. Most of the instruments aim to give economic benefit to companies delivering BRC. Finally there seem to be many differences between the Member States and other countries as to what these instruments seek to achieve, and how they seek to do this.

1. As is correctly mentioned in the report, the fact that BRC-instruments are often aimed at specific environmental goals may have the effect that cross media effects are more or less neglected, which does not reflect the underlying purpose of the IPPC Directive of integrating prevention and reduction of pollution. We recommend that this aspect be considered in the final report.



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2. Although it is logical to use competition advantages or disadvantages as a driver for BRC it could lead to distortion of competition in the single market when there seems so little harmonisation of BRC goals between the Member States. As this is contrary to one of the fundamental principles of the EU Treaty, we recommend this aspect also be considered in the final report.

Signed 23 June 2006 by:

(original signed)

Nadine De Greef
Secretary General