



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

## FEAD position paper The European Commission's proposal for the Industrial Emission Directive May 2008

**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 70% of industrial and commercial waste in Europe, with a collective annual turnover of approximately € 50 billion.

We have 19 members from 18 EU Member States and Norway. FEAD represents 4000 companies with activities in all forms of waste management. These companies employ over 360 000 people who operate around 2200 controlled landfills, 2100 recycling and sorting centres, 1 700 composting sites and 400 incinerators and play an important role in the determination of the best environmental option for waste management problems.

### ENSURING BETTER REGULATION

The principle of streamlining legislation is supported by FEAD, provided this reduces the administrative burden for operators and does not lead to a reduction in environmental standards. FEAD supports the goals of better implementation and achievement of the targets as set in the EU air emissions legislation. Our members are committed to the protection of the environment and human health.

Integrating sectoral directives into an Industrial Emissions “framework” Directive is, however, a complex exercise. FEAD members feel that the consultation procedure on the IPPC review was done prematurely and that there were no adequate exchanges on several complicated aspects. Moreover, better regulation would also require consistency with other legislation currently under revision.

One way of ensuring better regulation is to make sure that stakeholders are involved in the process. Creating certainty around implementation should be the goal.

The proposed recast directive is focusing on the emissions of pollutants thereby not nearly addressing the other environmental aspects. It needs to be ensured that the Directive focuses on all environmental aspects and not just emissions.

The **integrated approach principle** of the IPPC Directive needs to be safeguarded, based on environmental protection as a whole, technical feasibility, cross-media effects and cost-effectiveness, in order to find the best overall environmental solution. This needs to be determined individually for each installation as a result of a trade off between the criteria given in the annex, taking into account costs and benefits under the local conditions. Any Directive based on a “command and control” system goes against the principles of effectiveness and simplification.

APOH, Slovakia  
ARS, Romania  
ASELIP, Spain  
AVFALL NORGE, Norway  
AVFALL SVERIGE, Sweden

BDE, Germany  
CAOH, Czech Republic  
ESA, UK  
FEBEM-FEGE, Belgium  
FISE, Italy

FLEA, Luxembourg  
FNADE, France  
IWMA, Ireland  
JLY, Finland

KSZGYSZ, Hungary  
PASEPPE, Greece  
PIGO, Poland  
VA, Netherlands  
VÖEB, Austria

## **BUILDING ON THE SUCCESS OF THE WASTE INCINERATION DIRECTIVE (WID)**

Our sector has adapted to the already existing strict provisions of the Waste Incineration Directive and will constantly prioritise improved environmental impacts on top of the very significant investments we, as the waste management sector, have already made. Apart from a few technical issues, mainly on monitoring dealt with by guidance at national level, our members have identified no significant problems which could justify a comprehensive change to the Waste Incineration Directive which has been operational and successfully applied in totality since 2006 and should be maintained.

FEAD considers the implementation of the Waste Incineration Directive as a success which, therefore, should be integrated into the new Industrial Emissions Directive without substantial modifications. **The integration of the WID into the recast proposal should not change the material content of the current WID.** We would like to recall at this stage that in less than ten years the dioxin emission values generated from waste-to-energy activities were reduced to a virtually insignificant contribution.

There has been a successful interface between the waste incineration legislation and the Sevilla process. The proposed recast Directive should not dilute this successful interface involving the cooperation among Member States bringing together experts from all over Europe.

The key element of the success of the Waste Incineration Directive is that it provides sufficient legal certainty to allow investments in good quality infrastructure. Furthermore, the implementation of the Aarhus Convention in the EU Member States guarantees transparency.

## **MAKING BEST AVAILABLE TECHNIQUES (BATs) WORK BETTER**

FEAD supports the political goal to strive for a better implementation by the member states of the requirements under IPPC. As mentioned above, one way of achieving this would be through ensuring strong involvement of stakeholders in the decision making process. An additional important way would be to require from the European Environmental Agency to act as an auditor by providing an annual report to the European Parliament's Committee on Environment, Public Health and Food Safety on member states' compliance with the new Directive.

BATAELs (BAT Associated Emission Levels) and ELVs (Emission Limit Values) are intrinsically of a different nature (\*). It is of utmost importance that the difference between ELVs and BATAELs is clarified and maintained within the proposed Directive on industrial emissions.

The proposed recast directive completely changes the spirit in which the BREFs were designed: instead of being reference guidance documents describing BATs, they become prescriptive making them binding. FEAD considers that by doing so, this will not only put the integrated approach at risk, it will also hamper future Sevilla processes. **FEAD insists on keeping the Sevilla process**, with necessary improvements. **We therefore oppose any attempt of transforming it into a Comitology procedure.** FEAD objects that the provisions in the recast proposal dealing with comitology would be qualified as non-essential. It is therefore important that changes to the environmental policy are made not only by consulting the industry stakeholders but also made transparent to the Environmental Committee of the European Parliament.

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(\*)ELVs, defined on a time interval, are ceiling values not to be exceeded. BATAELs on the other hand, are average values obtained in operation over a longer period of time. By definition, half of the operation values are above the BATAELs and the other half are below! In order to determine an ELV which is coherent with a BATAEL, it is therefore necessary that the ELV includes the BATAEL value together with a fluctuation margin (around this average value) and a safety margin.