

CIAA COMMENTS ON THE COMMISSION COMMUNICATION ON IPPC

CIAA, the voice of the food and drink industry of the EU, welcomes the broad consultation launched by the Commission on the IPPC Directive and its implementation.

Europe's food and drink manufacturers fully endorse the philosophy underpinning the IPPC Directive. However, its implementation and key principles lack clarity and to some extent may raise more questions than answers.

With these comments, CIAA hopes to contribute to further facilitate the proper implementation of the IPPC Directive across the 15 Member States and the acceding countries.

Progress in implementation

Question 1a: Is there a need for any additional action at EU level to address implementation difficulties or should current and future Member States deal with them individually?

Question 1b: If there is such a need, what type of action would be appropriate?

The only additional action that CIAA prescribes at EU level is to rectify the several gaps and shortcomings in the legislation (as listed in the section 2.1.2 of the Communication) as they have a negative impact on the implementation of the Directive. They mostly are interpretative issues.

- ***The definition of "BAT"***

With respect to BATs, the balance of environmental, socio-economic and technical factors should be further clarified. In this exercise, it is essential to bear in mind that the choice of BATs must rely on a fair balance between the resources to be spent on pollution prevention and the proven efficiency of such measures for the environment. This would prevent European industries being faced with expensive and inadequate measures that may jeopardise their competitiveness without fulfilling the terms and goals of the Directive.

Besides the economic constraints, the geographical location of an installation, the local environmental conditions as well as the intrinsic characteristics (quality, safety which are of highest importance in the food sector) of a product manufactured by the installation have to be taken into account.

CIAA considers that to enable a technique to be considered as BAT there must be full verification of the performance (including operational data, costs and operational issues) of the technique at full scale. For example, pilot studies give insufficient evidence to enable a technique to be considered as BAT.

- ***Determination of production capacity***

In respect of the thresholds for food and drink installations included in section 6.4 of the IPPC Directive, we do not feel appropriate to define "capacity" as the capacity at which the installation is capable of being operated. This is notably because regulatory and/or operational constraints often prevent design capacity being achieved in practice.

CIAA feels that production capacity should mean the daily effective production output of final products of the installation based on the factory's characteristics such as: the storage capacity, the hours of activity, the staff employed, the different types of final products manufactured and their conditionings.

In some countries, a similar approach to the one suggested above, is already applied. We therefore urge the Commission to adopt this approach.

Socio-economic impacts

Question 2: What support measures should be taken at EU, national, regional or local level to facilitate compliance by installations, in particular SMEs?

- ❖ To facilitate the compliance with the IPPC Directive, installations often need further guidance for the implementation of the IPPC requirements. It especially requires:
 - amendments in the existing legislation (e.g. exact definition of BAT)
 - methodological guidelines to help IPPC installations in the various steps of the permit application
- ❖ BREF documents can be effective implementation tools although they are not legally binding. They however need to be shorter and available in all EU languages. A simple and clear guidance on “how to use the BREF in practice” should also be available for the national competent authorities that deliver permits.
- ❖ A good co-operation and dialogue between environmental authorities should be promoted. Information seminars, trainings as well as an overall co-ordination of BAT information exchange could be organised at national and local levels. The role of the IMPEL network could also be further promoted at EU level.
- ❖ Discussions on costs, gains and consequences of the implementation of the requirements of the IPPC Directive should be held with the involved stakeholders. For example, cost benefit analysis could be carried out.

All these suggested measures to facilitate the installations to comply with the IPPC Directive have a cost. CIAA believes that it is up to each Member State to give special assistance to operators in this direction. Some Structural Funds such as the European Regional Development Funds are available in certain parts of this EU for this purpose.

Sustainable production in a global context

Question 3: What role can the Directive and its exchange of information on best available techniques play in the international arena to promote sustainable production?

CIAA agrees that the IPPC Directive is paving the way towards more sustainable production patterns. To date, European food and drink industries have adopted more environmentally friendly practises and made significant investments in clean technologies and BATs to conserve natural resources and minimise waste generation.

We however believe that the international context should be taken into account in order to ensure that the competitiveness of the European industry is not harmed. It is important that Europe remains attractive for manufacturers and investors and that it does not suffer from delocalisation.

The exchange of information on BATs at international level could be extremely valuable. However, CIAA questions whether the EU can prescribe the way a product should be manufactured in foreign countries by referring to production methods.

The “Sevilla Process”

Question 4: Is the information exchange on best available techniques optimal and are the BREF documents an effective implementation tool?

CIAA considers the information exchange on BATs as a fruitful and constructive exercise and believes the IPPC Directive has considerable potential for innovation.

CIAA is currently cooperating with the Commission in drafting of the Food, Drink & Milk BREF. The 2nd draft of this BREF counts already 606 pages!

Our experience suggests that there is a need to produce more succinct documents if they are to be useful to the national competent authorities and operators alike and that the very valuable information they contain is not to be overlooked.

Besides, BREFs should remain “reference documents” and in no case should they impose on the industries a technique applicable to all cases, since each industrial site is a unique case with many possible variations.

Accordingly, BREFs should contain only a series of reference values on the basis of which local authorities will discuss with the operators the measures that are the most appropriate to achieve a reduction in pollution in a particular case.

CIAA therefore suggests to add to the standard introduction of chapter 5 on BATs of the BREF, a section on “how to use the BREF in practice”.

Finally, to avoid any distortion of competition between companies within the EU, it is important to have tools and documents which can not be interpreted differently in the various Member States and/or regions. BREF documents should therefore be used and interpreted uniformly everywhere by permitting authorities.

Future development of the directive – Activities covered and thresholds

Question 5: Is the scope of the Directive, in terms of activities and thresholds, appropriate to address the most significant environmental impacts of production processes?

CIAA supports the Commission’s comment that “it would be more straightforward to have production output thresholds over a given period” in relation to the food sector. It is also relevant to note that actual production figures are easily obtainable being already collated at site level.

However, we still encourage the Commission to collect more information on the differing interpretations of the thresholds in the various Member States before developing proposals to amend the threshold criteria.

Community emission limit values

Question 6: In which cases do Community-wide emission limit values as minimum requirements help achieve a high level of environmental protection and prevent distortions of the Internal Market?

As it stands, the IPPC Directive does not contain any clear mandate for Community-wide emission limit values (ELVs). The primary responsibility for setting ELVs lies today with Member States. The Community will take action only if a need is identified.

According to CIAA, this is an ideal solution providing for both subsidiarity and guidance for Member States. This current system has also the advantage to take into account the local environmental situation (which would not be the case with Community ELVs).

Besides, the Directive provides that even if national ELVs were set in a very relaxed manner by one Member State, this would have to be corrected in the permit, where the Community-wide Environmental Quality Standards (EQSs) demand a higher standard of protection (Art. 10 of the Directive).

Therefore, there is no need to change the current system based on the subsidiarity principle as a high level of environmental protection is already ensured.