

# Revision Industrial Emission Directive

Impact for chemical industry






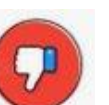



# Commission Proposal released April 5, 2022

## Overview of the main changes of the IED



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-  • Permitting
-  • ETS vs IED/consideration of Greenhouse Gases
- Scope (not relevant for chemical industry)
-  • Substances covered by IED/BREF process
-  • Innovation/Emerging Techniques
-  • Derogation/penalties
-  • (Indirect) emissions to water
-  • Access to justice/CBI
-  • Management Systems/Transformation Plan
-  • Timeline



# Short Overview: Impact on Industry

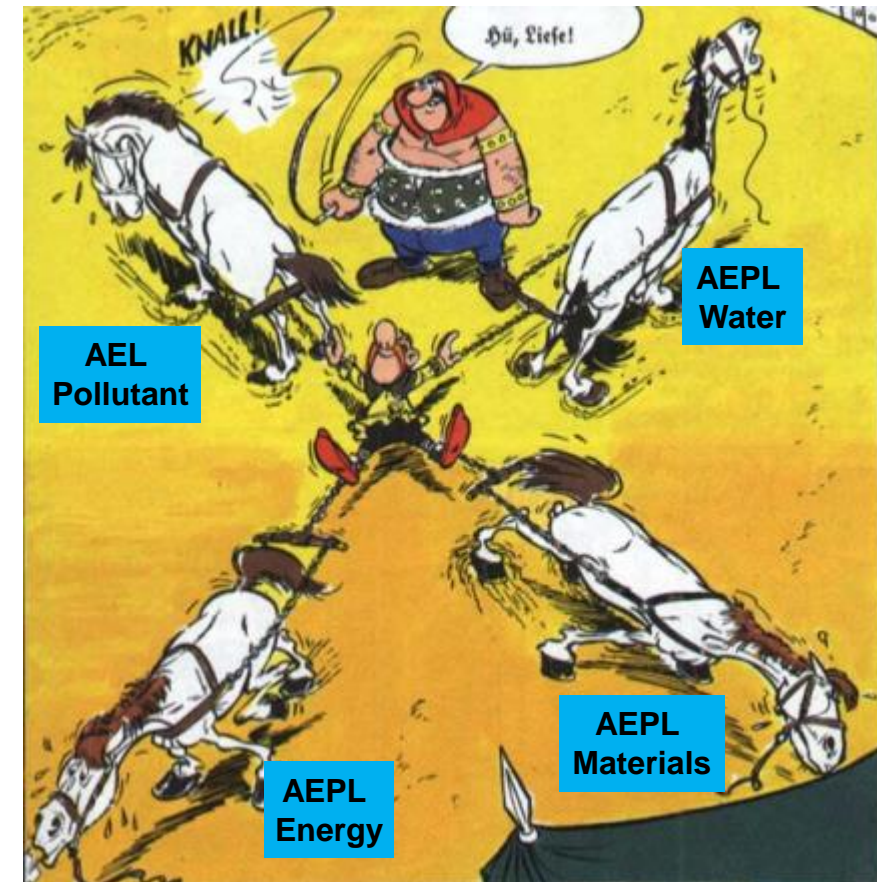
## Permitting and Emission Levels



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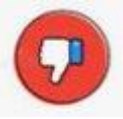
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- Today, emission levels (AELs) are defined as **ranges**, acknowledging the difference in technical processes while allowing for broad, overarching and hence comparable levels
- Under the new IED, permit writers are forced to go to for the **strictest levels** and operators have to explain deviations from these
- Emissions levels on pollution (AELs), energy, water and resource efficiency (AEPLs) are now equally **binding**
  - The revised IED will put an additional burden on operators and will increase uncertainty for new investments
  - The 'ink has not yet dried' of BREFs reviewed under the existing IED, whilst new permit requirements including a mandatory re-assessment, are coming
- Permit writers have to include all other departments before granting a permit
- Permit subject to change if Environmental Quality Standards change



AEL: Associated Emission Levels

AEPLs: Associated Environmental Performance Levels



# Short Overview Impact to Industry

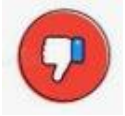
## List of substances – BREF scope largely extended



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- **The existing IED listed 26 substances/groups of substances (Annex II)**
- **New IED: Annex II deleted and replaced by IEP (former E-PRTR)\***
  - **List of 91 substances/groups of substance**
- **Mandatory reference to several further legislation, including more substances**
- **Adding ‘human health’ to the scope**
  - **Substances properties and their potential become an aspect in BREF reviews**
  - **Adding ECHA as mandatory part of the BREF process**



# Short Overview Impact to Industry

## Derogation and Penalties



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- **Applying for Derogation has been in place and was not widely used across industry**
  - **However, it was an option for ‘non-mainstream’ processes and acknowledged by the BREF authors**
- **New, binding rules for derogations (implementing act) to be developed by 2025**
  - **Clearer, less ambiguous and ‘cost-based’**
  - **Ambition is to further reduce options for derogations**
- **New and binding penalties in case of non-compliance**
  - **Onus to prove ‘innocence’ in case of violation of national law is on the operator**
  - **NGOs can act in behalf of the public concerned or individuals**
  - **“at least” 8% of the annual turnover of a company in the “respective country”**



# Short Overview Impact to Industry

## Access to Justice

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- **The ‘public concerned’ will be more involved in the permitting process**
  - **NGOs are by definition ‘public concerned’**
  - **Permit to be on the internet, free or charge, easy access**
  - **Member States to prepare annual permit summaries (public)**
- **Confidential Business Information**
  - **Access to all stakeholders except competing industries**
  - **Exact scope of CBI to be developed**