

# Interfaces between EU-legislation regarding hazardous substances in industrial installations

*Workshop for discussion of the draft report proposals  
organised by HAZBREF*

# Agenda

1. Background and overall purpose of HAZBREF activity 3.1
2. Subject and aim of HAZBREF activity 3.1
3. Proposals of draft report
  - a) Proposals for better coordination between IED/BREF process and analysed EU legislation and HELCOM
  - b) Proposals from EU Member States authorities how to improve BAT conclusions on hazardous substances
  - c) Proposals for better communication between key actors an EIPPCB and TWG

# 1. Background

- Industrial installations are still an **important source for the release of hazardous substances** to the environmental medium water, air and ground
- **Industrial Emissions Directive (IED)** = main instrument on EU level to control industrial releases; particularly **BAT reference documents (BREFs) / BAT conclusions** for different industrial sectors
- Gap to be addressed: BREFs do not contain **sufficient information on specific hazardous chemicals, chemicals management** and abatement measures to guide permitting/supervising authorities or industries

# 1. Background

- **Increase knowledge of European legal frameworks on hazardous substances, which provide information on the safe use of hazardous chemicals:**
  - Chemical management measures how to minimize the release of hazardous chemicals from industrial installations
  - Restrictions of hazardous chemicals
  - Thresholds to be achieved for a good chemical and ecological status of the environment
  - Information on the release routes of chemicals into the environment
  - use patterns and potential abatement measures
  - emissions from different industrial processes
  - options for substitution
  - ...

# 1. Overall purpose

- **Improve** content of BREFs/BAT conclusions with respect to the safe use and release reduction of hazardous chemicals from IED installations
- **Reduce contamination of hazardous substances in the environment**

## 2. Subject of HAZBREF activity 3.1

- Analysis of interfaces, links or gaps between the different pieces of EU-legislations and HELCOM concerning hazardous substances:
  - REACH-Regulation (EC) 1907/2006
  - Water Framework Directive 2000/60/EC & Marine Strategy Framework Directive 2008/56/EC
  - Waste legislation
  - POP Regulation (EC) 850/2004
  - HELCOM Convention

## 2. Subject of HAZBREF activity 3.1

- Analysis of how to consider these information on hazardous substances in BREF process
  - Main instruments of legal frameworks with respect to hazardous substances
  - What kind of information on hazardous substances?
  - (How) could these information be considered in the BREF review process?
  - Which key actors / institutions of legal frameworks?
  - Detect information flow between different key actors and EIPPCB and TWG
  - How could information flow between key actors and EIPPCB/TWG could be improved?

## 2. Aim of HAZBREF activity 3.1

- **Increased understanding** of links between different European legislation and HELCOM and BREF process
- **Proposal for improved consideration and inclusion of available information** on hazardous substances in **BREF review/elaboration process**
  - *Enrich the BREF elaboration/review* process with information on hazardous substances from the analysed legal frameworks
  - *Development of a methodology* for addressing hazardous substances more systematically in the BREF process

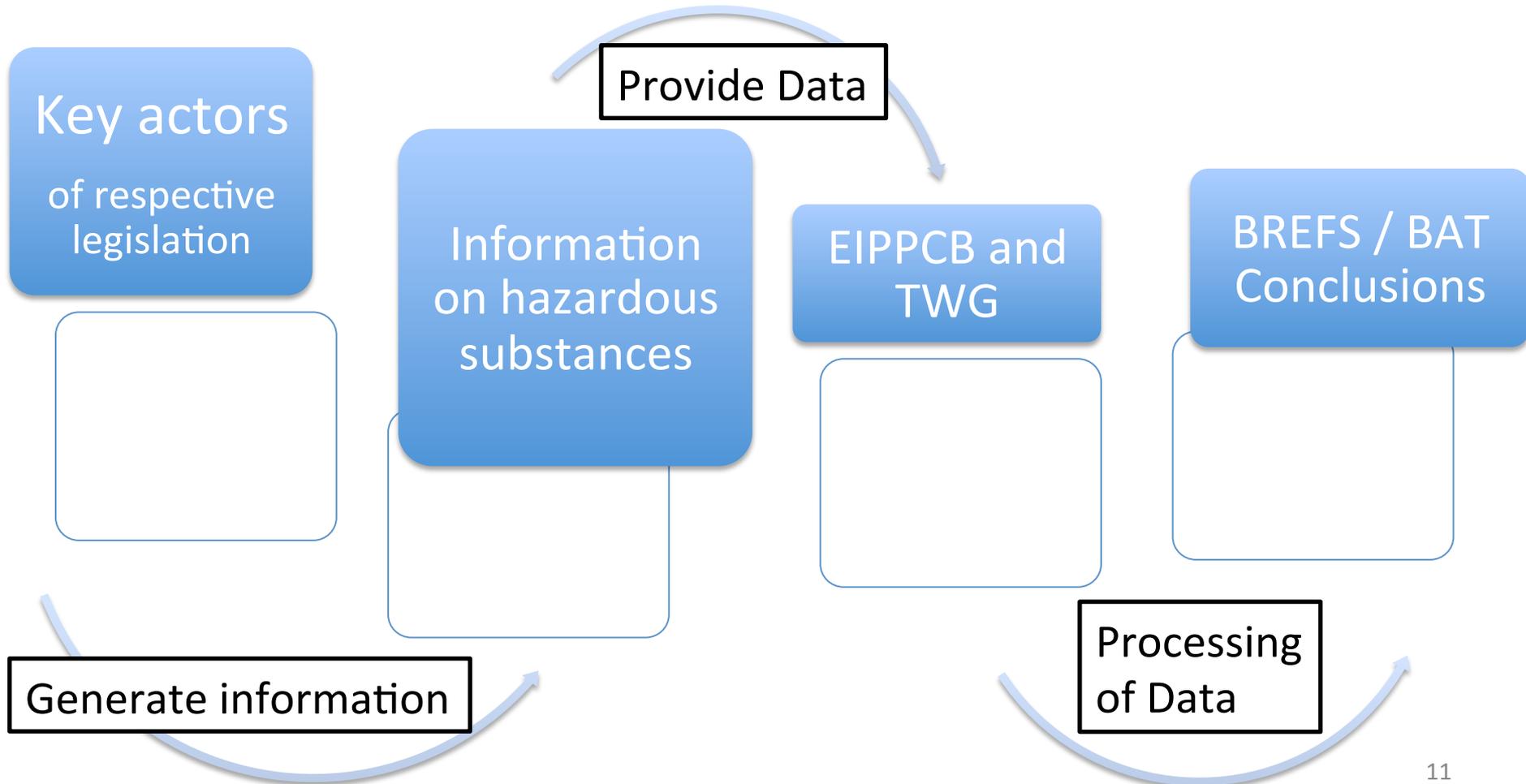
## 2. Aim of HAZBREF activity 3.1

- **Improved consideration of hazardous chemicals in environmental permits and supervision** by local authorities
- **Safer use and management of hazardous chemicals in industrial installations**
  - Ensure a high level of protection of the environment taken as a whole (Art. 1 IED)

### **3. Proposals for a better coordination between IED/BREF process and analysed legislation**

- Report revealed interfaces and synergies between respective EU legislation and BREF process
- Different legal frameworks provide various recommendations how to improve interlinkage with BREF elaboration/review process

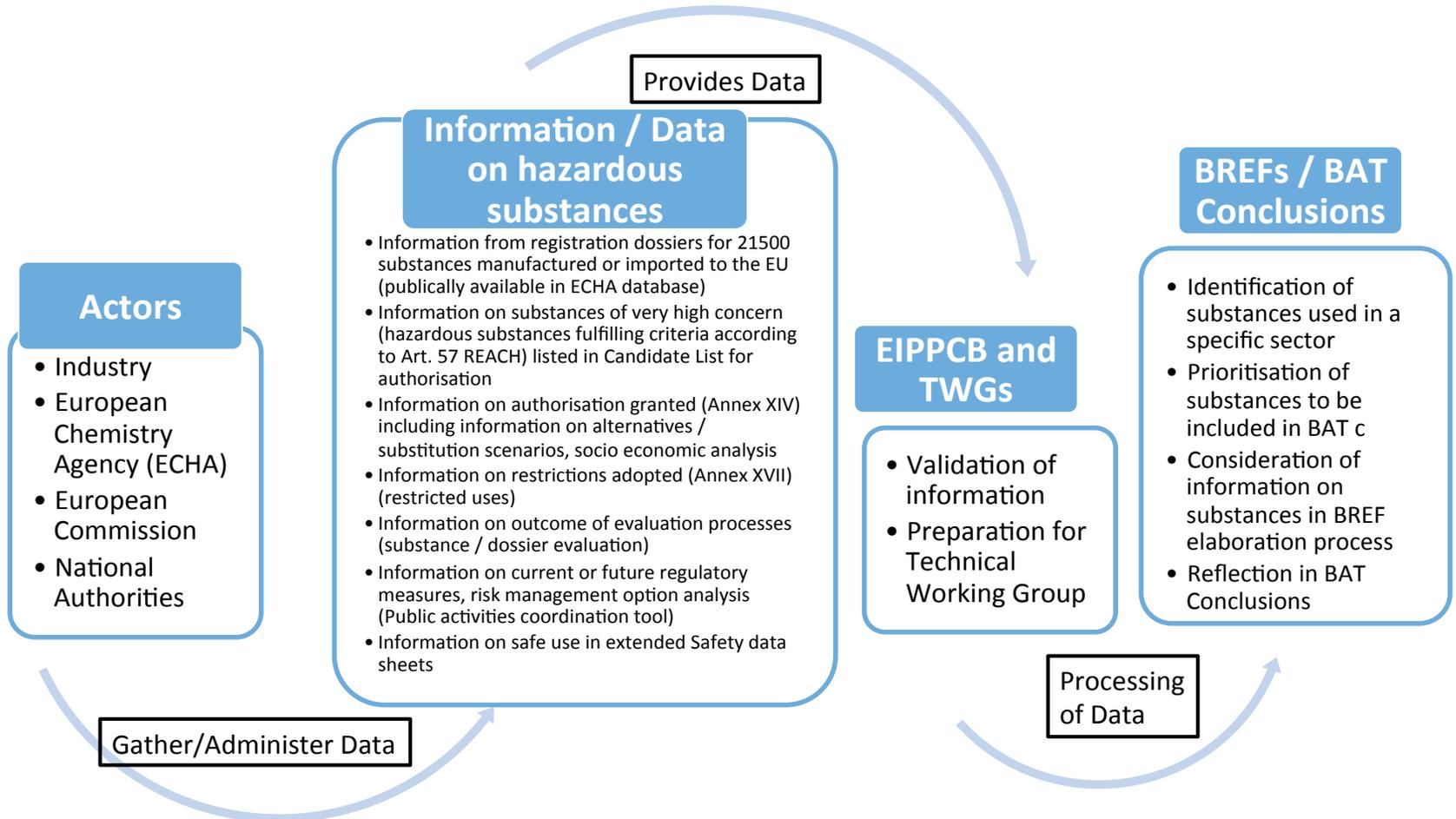
# 3. Methodology



# Proposals from the IED context

- **List of polluting substances (Annex II IED)** contains various pollutants largely unknown by the BAT-community
  - should be more systematically taken into account when elaborating BAT conclusions (e.g. Annex II air Nr. 12, water Nr. 4, 5, 13)
  - elaboration process for BREFs could benefit from the knowledge of REACH-community on these hazardous substances
  - Closer cooperation may deliver useful information on relevant hazardous substances (e.g. Annex II air Nr. 12, water Nr. 4, 5, 13) in different BREF sectors.
- Definition of Key environmental issues could benefit from other EU legal frameworks and HELCOM

# 3. Proposals from the REACH context



# Proposals from the REACH context

- **Which actors?**
  - ✓ European Chemistry Agency (ECHA), MS Committee, Forum
  - ✓ European Commission
  - ✓ National Authorities
  - ✓ Industry

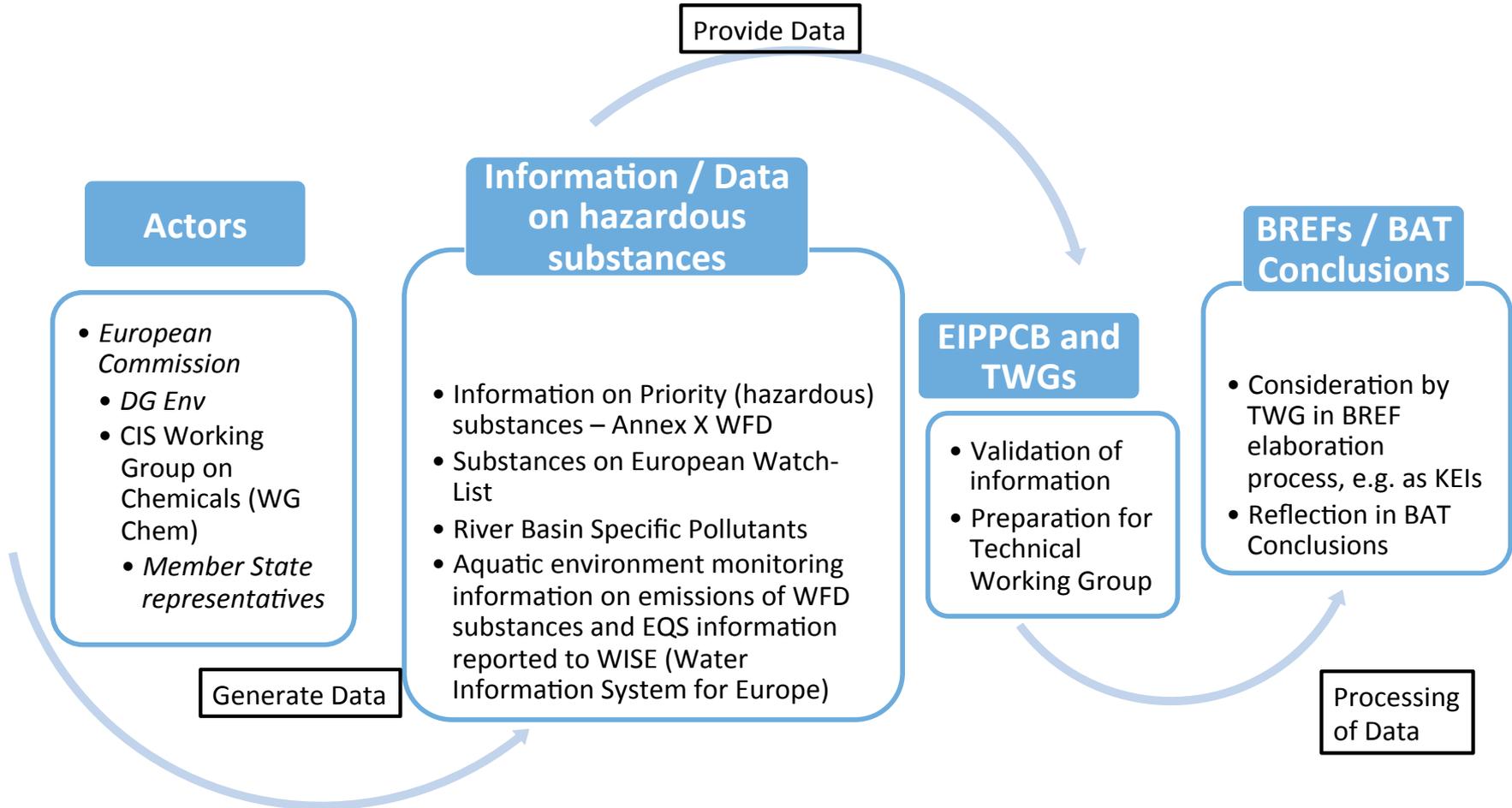
## 3. Proposals from the REACH context

- **What kind of information on hazardous substances?**
  - ✓ Information from chemical assessment, compiled in Registration Dossiers (physicochemical properties, hazards for environment or human health)
  - ✓ Information on substances of very high concern – Candidate list (Art. 57 REACH)
  - ✓ Information on authorized substances, including information on alternatives, substitution scenarios, socio-economic analysis (Annex XIV)
  - ✓ Information on restrictions adopted (Annex XVII)
  - ✓ Information on outcome of evaluation processes (Substance or Dossier Evaluation)
  - ✓ Information on safe use of hazardous substances in extended Safety data sheets

## 3. Proposals from the REACH context

- **Purpose of considering these information in BREF process?**
  - ✓ Identification of hazardous substances in a specific industrial sector
    - Priorisation of substances to be included in BAT conclusion
  - ✓ Identify risk management measures and use conditions
  - ✓ Development of substitution scenarios of hazardous substances
  - ✓ Evaluation if safe use of a substance in process is given

# 3. Proposals from the Water regime



## 3. Proposals from the Water regime

- **Which actors?**
  - ✓ European Commission, DG Environment
  - ✓ CIS Working Group on Chemicals (WG Chem)
  - ✓ Member States; WFD and MSFD hazardous substances experts
- **What kind of information on hazardous substances?**
  - ✓ Information on relevant industrial substances from the following already prioritized substances
    - Priority substances and priority hazardous substances (Annex X WFD)
    - Aquatic environment monitoring information on emissions of WFD substances and Environmental Quality standard information (reported to Water Information System for Europe – WISE)
    - Substances on Watch-List?
    - River Basin Specific Pollutants?

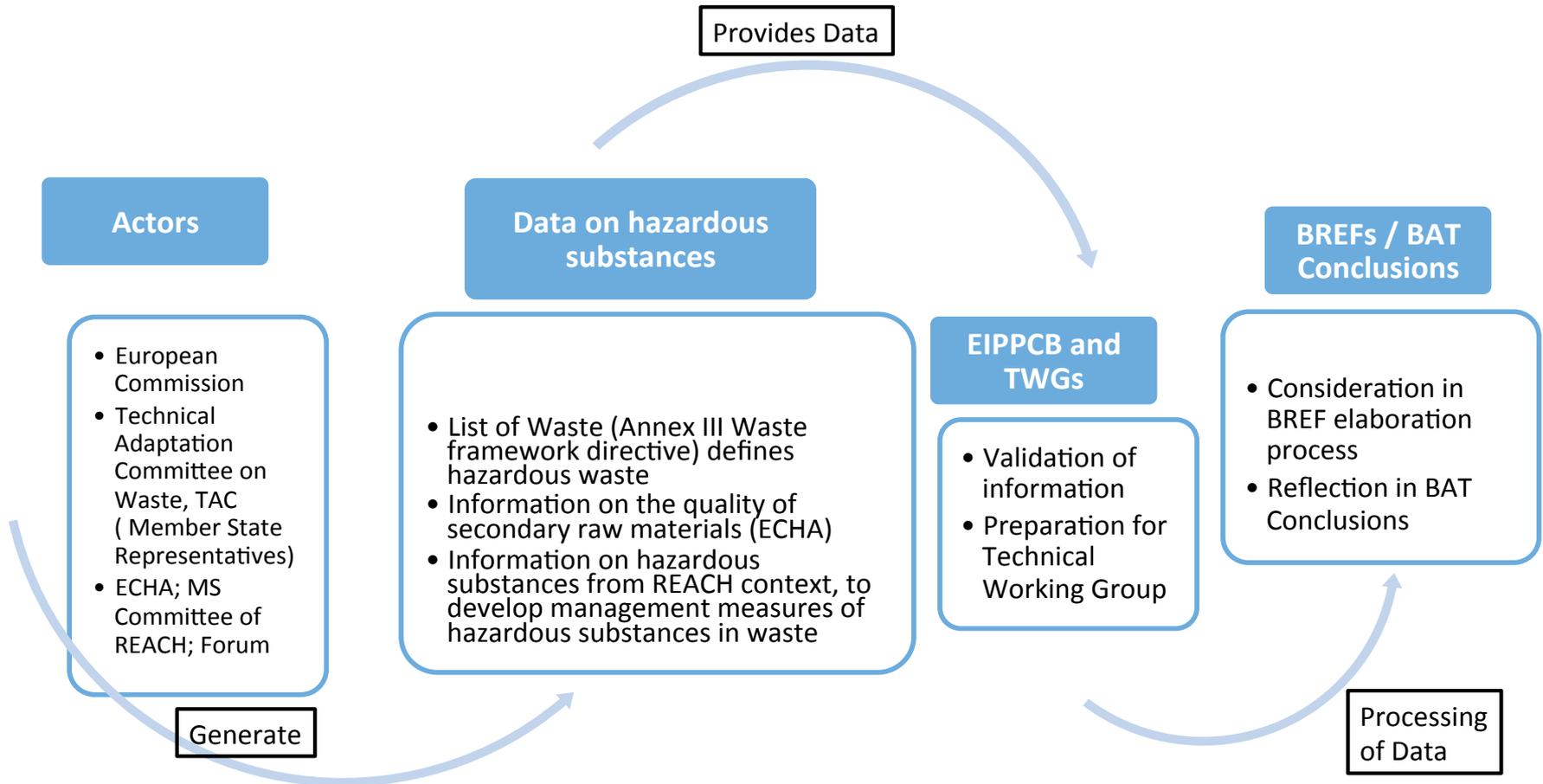
## 3. Proposals from the Water regime

- ✓ Information type
  - Monitoring information on emissions and levels of WFD substances in aquatic environment (reported to Water Information System for Europe – WISE)
  - Environmental Quality standard information
  - Use information
  - Information on WFD substances which cause poor chemical quality in the surface waters (reported to WISE)

## 3. Proposals from the Water regime

- **Purpose of considering these information in BREF process?**
  - ✓ Provide input to discussions on Key Environmental Issues and substance specific requirements to be included in BREFs/BAT conclusions
  - ✓ Closing of WFD implementation gaps/failures
    - Enhanced enforcement of WFD targets when consideration in BREFs / BAT conclusions
    - Permit writers and supervision authorities would have to take into account WFD substances or EQS relevant for industrial installations in permitting and supervision activities
    - Improve awareness of authorities concerning both IED and WFD provisions

# 3. Proposals from the Waste context



## 3. Proposals from the Waste context

- **Which actors?**
  - ✓ European Commission
  - ✓ Technical Adaptation Committee on Waste, TAC (Member State Representatives)
  - ✓ ECHA, MS Committee of REACH, Forum

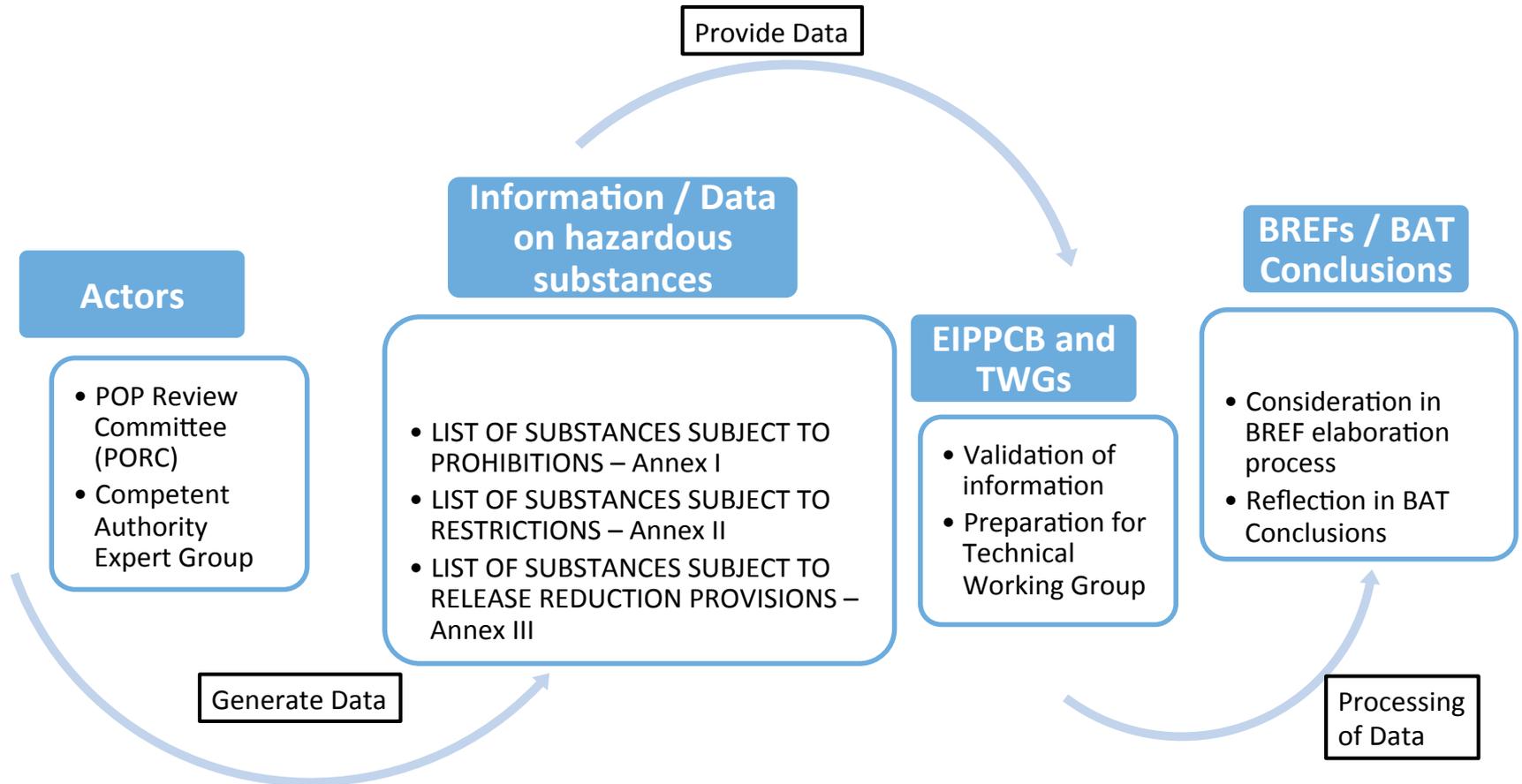
## 3. Proposals from the Waste context

- **What kind of information on hazardous substances?**
  - ✓ List of Waste (Annex III Waste framework directive) defines hazardous waste
  - ✓ Information on the quality of secondary raw materials (from ECHA)
  - ✓ Information on hazardous substances from REACH context to develop management measures of hazardous substances in waste

## 3. Proposals from the Waste context

- **Purpose of considering these information in BREF process?**
  - ✓ Identification of substances relevant to follow in waste stream for certain production processes and therefor BAT techniques
  - ✓ More systematic way to include information provided by REACH on hazardous substances management in BREFs would encourage cleaner material cycles

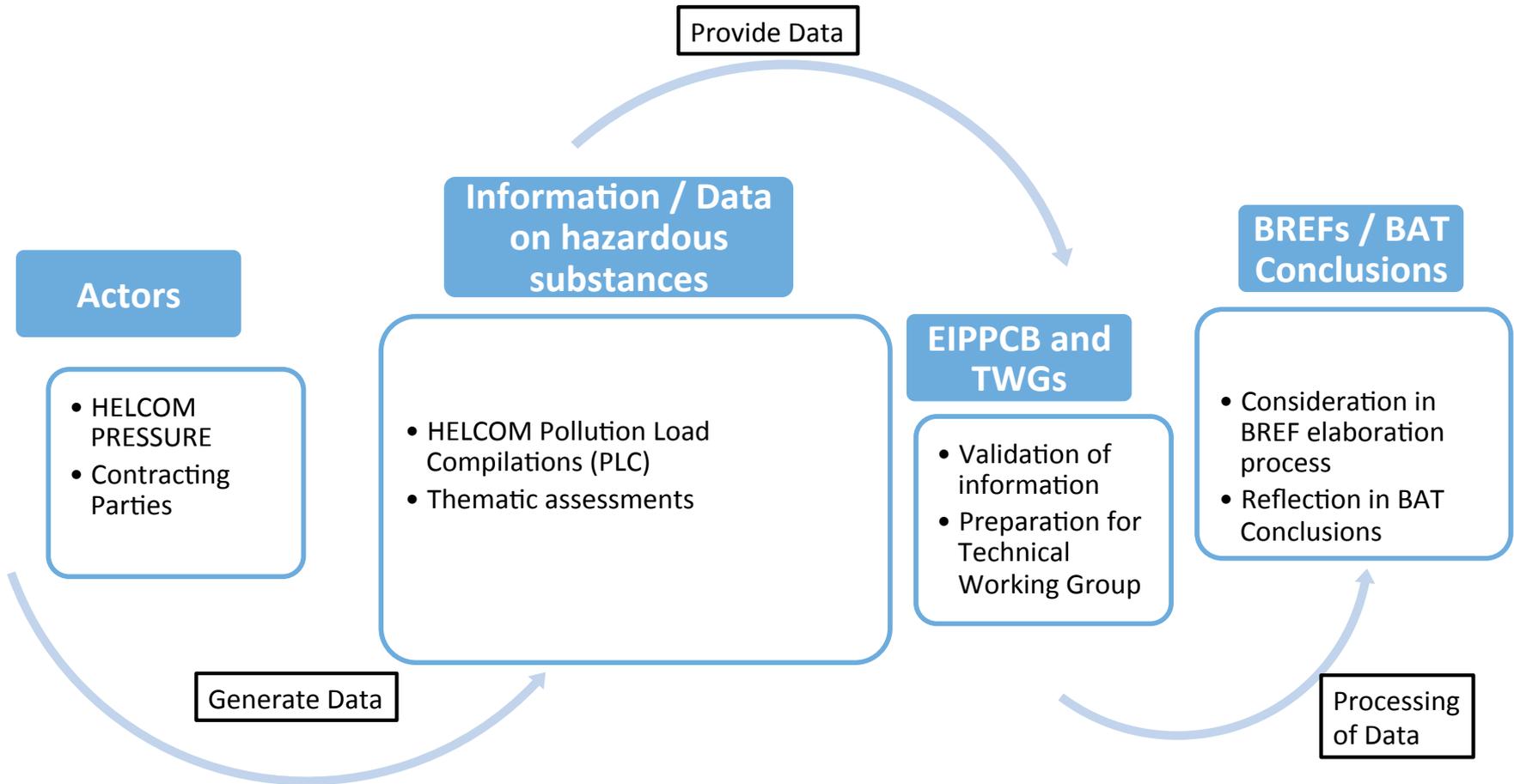
# 3. Proposals from the POP context



## 3. Proposals from the POP context

- **Which actors?**
  - ✓ POP Review Committee (PORC)
  - ✓ Competent Authority Expert Group
- **What kind of information on hazardous substances?**
  - ✓ List of substances subject to prohibitions – Annex I POP Regulation
  - ✓ List of substances subject to restrictions – Annex II Pop Regulation
  - ✓ List of substances subject to release reduction provisions – Annex III Pop Regulation
- **Purpose of considering these information in BREF process?**
  - ✓ Knowledge on unintentionally produced POPs, their potential transfer to other media and presence in waste useful to reduce impact in the environment

# 3. Proposals from the HELCOM context



## 3. Proposals from the HELCOM context

- **Which actors?**
  - ✓ HELCOM PRESSURE
  - ✓ Contracting Parties
- **What kind of information on hazardous substances?**
  - ✓ HELCOM Pollution Load Compilations (PLC)
  - ✓ Thematic assessments
- **Purpose of considering these information in BREF process?**
  - ✓ Identification of hazardous substances as Key Environmental Issues in some industrial sectors

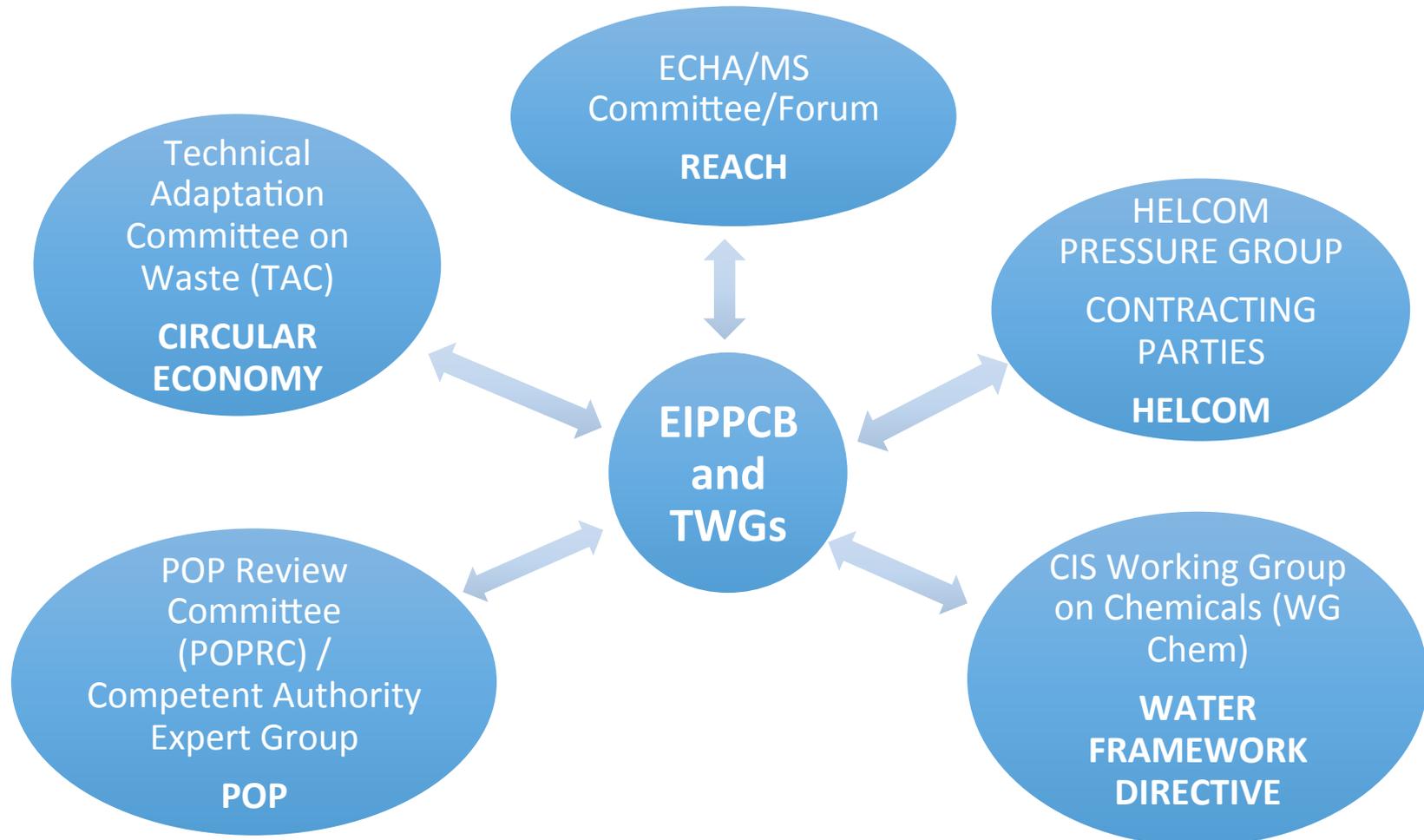
# 3. Proposals from EU Member States authorities how to improve BAT conclusions on hazardous substances

- Enrich BAT conclusions with relevant information on hazardous substances from other European legislation such as REACH, WFD, MSFD, Waste legislation
  - Inclusion of substitutes of hazardous substances in BAT conclusion
  - Environmental Quality Standards (from WFD context) may give some guidelines or set frames in deriving BAT-AEL during BREF review process
  - Integrate mandatory measures on the safe use and avoidance of release of priority substances

# 3. Proposals from EU Member States authorities how to improve BAT conclusions on hazardous substances

- Setting of **fixed emission levels**
- Receive more **guidance on implementation, application of different legal frameworks** during IED permitting and supervision activities

### 3. Proposals for a better communication between key actors and EIPPCB/TWG



## 3. Proposals for a better communication between key actors and EIPPCB/TWG

- Need to (formally) involve different key actors in the BREF elaboration process:
  - ✓ **Regular meetings** of representatives or key actors with the EIPPCB/selected TWG representatives
    - exchange on new scientific findings, restrictions and information on hazardous chemicals
  - ✓ **“Cross-participation”** of EU Working groups and EIPPCB:
    - E.g. CIS Working Group Chemicals (WG Chem) and EIPPCB
  - ✓ Supply EIPPCB and TWG with relevant information on hazardous substances via **existing European databases**

### 3. Proposals for a better communication between key actors and EIPPCB/TWG

- ✓ **Direct involvement** of key actors during the “**frontloading**”-stage of the BREF review process.
  - Inviting key actors as experts to the TWG meetings (Kick-off meeting for the BREF review of the textile industry)
- ✓ **Trainings on demand** held by EIPPCB staff for key actors:
  - *strengthen awareness* and knowledge of the BREF review process
  - *build capacity* how/at which stage to provide information on hazardous substances in the BREF review process.
- ✓ ...

# Thank you for your attention!

