



NGO preliminary assessment of

the European Commission's proposal for revised Industrial Emissions Directive (IED) and Regulation on reporting of environmental data from industrial installations and establishing an Industrial Emissions Portal (E-PRTR)

05/04/2022

This document sets out the joint civil society preliminary assessment of the European Commission's Proposal for a revised Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC on the landfill of waste -herewith 'revised IED'- as well as the proposal for a revised Regulation (EC) No 166/2006 on reporting of environmental data from industrial installations and establishing an Industrial Emissions Portal -herewith 'revised E-PRTR'. Both proposals were published today¹.

The preliminary assessment contains two tables (one for IED and one for the E-PRTR) with a commentary related to the 5 key areas and issues that civil society organisations identified as crucial for delivering on the zero-pollution industry ambition. See <https://eeb.org/library/joint-civil-society-statement-on-the-revision-of-the-eu-ied-and-the-e-prtr/>.

For a more comprehensive overview about the civil society's main expectations towards the revisions of both instruments, please also consider the [submission to the IED Targeted Stakeholder Survey \(TSS\)](#) and EEB submissions to [E-PRTR Inception IA on PRTR review](#), [E-PRTR Targeted Stakeholder Survey \(TSS\)](#). Further material regarding EU BREF review and the IED/EPTR frameworks is made available on the dedicated European Industrial Production Information Exchange (EIPIE) website <https://eipie.eu/library>. See also [TSS submission from EEB member ClientEarth](#)

The following five key issues and main expectations from civil society for the revision are as follows:

- 1) Deliver on climate action and decarbonization through a "combined approach" (command and control and market-based approach)
- 2) Redesign scope, set key performance indicators guiding decarbonization, the zero-pollution ambition and the transition to a circular economy

¹ Revised IED proposal https://ec.europa.eu/environment/publications/proposal-revision-industrial-emissions-directive_en and Revised E-PRTR https://ec.europa.eu/environment/publications/proposal-regulation-industrial-emissions-portal_en



- 3) Restrict flexibility for Member States (ab)use for side-lining ambitious enforcement of Union Standards, enforce Environmental Quality Standards
- 4) A forward looking, inclusive Best Available Techniques (BAT) determination process putting public interests first, stimulating innovation uptake and levelling the environmental playing field
- 5) Overhaul of reporting (and E-PRTR) on industrial activities through a powerful centralized EU database enabling environmental performance benchmarking of industry and permit writer ambition and strengthening public participation and access to justice rights to the public.

Overall summary:

Revised IED Proposal: While the NGO welcome many improvements brought forward by the European Commission compared to the current requirements, notably in relation to restricting flexibility for permit writers improving Best Available Techniques (BAT) uptake, binding BAT on performance levels including for consumption aspects, strengthening of compliance promotion and access to justice rights, some scope extension (e.g. batteries, mining activities) and signals to make the IED fit for the wider Zero Pollution Ambition including climate neutrality, the proposal fails to create a convincing framework and action plan towards it, having missed the chance to embrace the combined approach for climate action, too timid, late and vague proposals regarding the 'transformation plans': concrete actions and milestones for pollution prevention and reduction are lacking which should be agreed with NGO participation, not left to industry to decide.

A new approach for a more 'forward looking', outcome-oriented BAT determination methodology aligned to best technical feasibility performance levels has not been taken forward, improvements to the Seville Process were made at the margins e.g. Confidential Business Information (CBI) handling (which is welcomed), but not on critical aspects such as how to determine BAT so it serves the zero pollution ambition with measurable targets and with improved accountability to the public interests regarding decision-making.

The inclusion of cattle should not come with compromising current safeguards through a "light touch" permitting regime for intensive livestock, sidelining strict compliance with environmental quality standards. The removal of the current Annex I Point 6.6 activities is a serious backtracking of current protection level.

Revised E-PRTR: Whilst many improvements such as mandatory reporting and access to consumption data (water, energy materials and supply chain impacts) and diffuse emissions as well as on contextual information are proposed, the Commission did not propose to add more pollutants of concern for mandatory reporting and kept counter-productive minimal reporting thresholds. It also does not go far enough in making the reporting fit for other purposes such as comparing of permit requirements and benchmarking of environmental performance against the BAT uptake.



This paper contains a preliminary assessment as to the content of proposals: its positive aspects, shortcomings and needed re-adjustment / recommendations for the way forward.

The **positive aspects**, which are to be welcomed are the following:

Revised IED:

1. Reaffirms current practice that human health protection is integral part of the IED (Art. 1).
2. The efficient use of inputs (incl. water, materials) forms an integral part of permit conditions, whose conditions need to further take into account the life-cycle environmental performance of the supply chain (Art. 11), with mandatory monitoring and reporting (Art. 14) and binding status of BAT-AEPLs (Art. 15).
3. The concept of continuous improvement of environmental performance incl. safety with objectives and performance indicators as well as a more systematic substitution and impact assessment (to human health and the environment) of hazardous substances is enshrined in the Environmental Management System (EMS) and considered as binding elements of the permits (Art. 14).
4. CBI claims often hamper the processes within the IED. Linking CBI to EU competition law instead of “commercially sensitive information” is required. Putting NGO on equal footing with member states is key, also for improving transparency for sound derivation of BAT (Art. 13).
5. The problem of compliance assessment linked to different approaches on “measurement uncertainty” is recognized but details left for an implementing act (Art. 15a).
6. Requirements to achieve equivalence of protection levels in case of indirect discharge of wastewater have been tightened up (Art. 15(1)).
7. Setting ELVs by default to the strictest end of BAT-AEL (Art. 15(3)) and the setting of Environmental Performance Limit Values aligned to BAT-AEPLs ranges (15(3a) gives also the BAT-AEPLs explicit binding status. Clarifying that the strictest BAT-AE(P)Ls are meant would constitute game changers for pollution reduction, in line with technical and financial feasibility and a major step forward towards more circular industrial processes.
8. The major shortcomings of the current derogation procedure (Art 15(4)) have in part been addressed, notably by excluding any risk of non-compliance with EQS, introducing a 4-year review period but is insufficient in setting out the method for the Cost Benefit Assessment, whilst it is positive that a new Annex provides an entry point for fixing this. Operators making use of derogation must provide further evidence on impacts for the receiving requirement through additional monitoring requirements. However, it should ensure that operators argue on the basis of cross-media impacts (‘Criteria for determining BAT’ according to the current Annex III).
9. Threats to meeting Environmental Quality Standards (EQS) have in part been addressed with a results-based obligation (Art. 18) however an explicit link to the WHO air quality guidelines as well as pre-emptive measures to be taken prior to causing beach harm should be added, as a ‘zero tolerance approach’ on certain pollutants. It is positive that a reference to ‘plans and programmes’ has been added (Art. 21). It should be made clear that those cover also e.g. NAPCPs under NEC-D and NECPs under the EU Climate Laws.
10. Access to justice is reinforced (Art. 25) but still limited to a limited list of acts or omissions subject to Art. 24.



11. Human health impacts are acknowledged, the polluter pays principle is given meaning (Art. 79a). Access to remedies for public and the NGO has been strengthened, including through a compensation right to citizens. Sanctions have been strengthened (Art. 79)
12. (Annex 1 bis): inclusion of polluting sectors like cattle rearing is positive (although aquaculture should have been included as well), and so is lowering the thresholds through the livestock unit (LSU) approach. Requirements consistent with BAT apply also to any land spreading of waste (incl. manure), animal by-products or other residues including off-site (Art. 70d). This improvement is regrettably tainted by the issue presented in point 1 of the 'main shortcomings' in the section below. This weakening goes against the non-regression principle
13. battery manufacturing – although the threshold has been weakened at last moment from the initial 2.5GW to 3.5GW - and extractive activities are a useful extension of the scope (Annex I), as an explicit reference to anaerobic digestion.

Revised E-PRTR:

14. The proposal seeks to improve the incorporation of various reporting streams and meaningful access to environmental data on industrial installations to be disseminated through a centralized online database (the Industrial Emissions Portal), it should link to other databases on climate change, air, water, land protection and on waste management (Art 3(2) point b).
15. Uniform permit review template will be adopted so that permit conditions can be comparable. There is a clear mandate to present data also in non-aggregated forms so to enable meaningful searches of the content.
16. It seeks to improve reporting on diffuse emissions (Art. 3).
17. The use of resources (water, energy and raw materials) will be subject to reporting obligations and included in the database (Art. 3c)
18. contextual information is to be provided (Art. 5(1) point e) which will include production volume and operating hours as well as information on accidents.
19. The Portal shall be designed for maximum ease of public access to allow the data to be continuously and readily accessible on the internet.
20. The aim is to over at least 90% of the release information from activities with "0" thresholds for a subset of particularly hazardous substances, the latter are however not defined clearly.

The **main shortcomings**, that need remediation are the following:

revised IED

1. Art. 4(1) second paragraph is to be deleted as it allows to derogate from the obligation of an IED permit for new agricultural activities. Further to that, the new Chapter VIa is introducing a 'light' permitting system for cattle, but also for pig and poultry farms. Both weakening are to be resisted. Chapter II, notably the obligation to safeguard EQS, shall be guaranteed for all agro-industrial activities, as is the case for the current

Annex I point 6.6. Anything else would be a backtracking of the protection level against the EU aim to improve the quality of the environment as enshrined in the Treaties. The proposal for deletion of the current Annex I Point 6.6 activities is thus unacceptable.

2. Art. 5(1) should be clarified: the competent authority should retain the possibility – in some cases even an obligation- to refuse the granting of a permit if that industrial activity is not compatible with the zero-pollution ambition and EU Green deal objectives (e.g. permitting new fossil fuel production or use). The granting of a permit should be conditional to full compliance with the wider EU environmental protection acquis.
3. Art. 9(1) is to be deleted to enable immediately stronger climate action and to lift contradiction to achieving climate neutrality through the ‘transformation plans’. The EU-ETS and IED must work in combination. Climate ambition and interim targets on carbon intensity shall also be set and constitute an EQS. This could take the form of fuel quality standards and carbon emission standards. Clear obligations such as electrification and GHG emission limits set to 100gCO₂eq/KWh are missing. “Climate neutrality” should be added as supplementary BAT criteria (current Annex III).
4. Art. 13: achieving the objective of the IED would be strengthened by more balanced participation, incl. the EEA (instead of ECHA only) and academia. Key performance indicators (KPIs) for making the BAT determination “forward looking” are missing, e.g. to add ‘climate neutrality’ and the ‘substitution of chemicals of concern’ in the criteria for determining BAT of the current Annex III.
5. Art. 27d: A 2030 deadline for transformation plans is at odds with EU goals on pollution and emission reduction, and with planetary pressures. Milestones and KPIs should be defined now in a science-based process including NGOs. A good illustration is provided in [Amdt 820](#) (MEP Bloss) under the context of the review of the EU ETS Directive.
6. (Missing), Annex V: minimal requirements for Large Combustion Plants (LCPs), based on outdated 2006 LCP BREF levels, have not been aligned to the strict BAT-AE(P)L of the revised LCP BREF, despite evidence of blatant implementation failures.² The strict LCP BAT-C of 2017 should serve as minimum requirements for LCPs operating beyond 2027.
7. Annex II and Art. 14(1.a): deleting Annex II of the current IED removes prevention measures e.g. for organophosphorus compounds and pesticides; referring to the Water Framework Directive’s Annex VIII in addition to the E-PRTR list would solve the problem.

revised E-PRTR:

8. Improvements are made for the Industrial Emissions Portal, however it is not clear on what is meant with “contextual information”. The new system should enable to compare Emission Limit Values (ELVs) and other permit conditions, as well as environmental performance of operators, enable live data links for continuous emissions monitoring by operators and facilitate compliance checks.

² As illustrated in EEB’s recent report: [Four years of unnecessary pollution](#).

9. The list of pollutants has not been extended but left for a future review, the list of pollutants highlighted in Art 14.2 point b) should be added directly to the Annex. The OECD has established a common and harmonized '[shortlist \(option 2\)](#)' which should be used as a minimum.
10. Release estimation techniques already exist for reporting on diffuse emissions, which could have been used as a default approach (as per the Norwegian PRTR).
11. The reporting on off-site transfer of waste does not require the reporting in disaggregated form according to the EU waste codes, as is already practices in some EU countries.
12. The activities covered have been extended, but only slightly (e.g. combustion plants brought to 20MWth, dismantling operations for ships, aquaculture reduced by factor 10), the OECD has presented a longer list of relevant activities.
13. The counterproductive reporting thresholds of column 2 have not been removed. There is no reason to not use monitoring data available, even if the monitoring result is below the set thresholds.

The **way forward**:

The IED is the most important EU instrument aimed at preventing pollution at source in an integrated way and to achieve a high level of protection of the environment taken as a whole. It therefore bears the potential to give a concrete meaning to the self-declared Zero Pollution Ambition and will also contribute to better health. Its review is a test for EU decision makers to demonstrate if they are serious about bringing the EU Green Deal ambitions into practice, with concrete provisions to that end. Myths have been perpetuated by industry about the IED fitness check <https://meta.eeb.org/2022/03/21/mythbusting-the-industrial-emissions-directive>, we therefore call on decision makers to:

- Embrace the zero-pollution ambition vision and fully engage in strengthening legal provisions with clear actions and timelines for industry (exclusion of GHG emission limit values for ETS installations - Art 9(1)- shall be replaced with mandatory decarbonisation provisions and the "Transformation plan" provisions need to be strengthened)
- EU institutions should encourage an integrated approach towards pollution prevention at source, i.e. ensure that all pollution is treated together to avoid potential trade-offs from a single pollutant focus and push for the mainstreaming of this integrated approach. This requires deep changes within the current EU ETS Directive review (removing Art. 26 and supporting amendments such as Amendments 790; 820 and 1636 [tabled under the EU ETS context](#)) and replacement of Art. 9(1) in the revised IED. Policy coherence and greater attention to complementarity and co-benefits must guide decision-makers in setting the right priorities

- Strengthen the default approach that competent authorities must set the strictest possible emission (performance) levels, based on the strict BAT-AE(P)Ls relating to “new” plants standards, where differentiated in the BREFs. Require the derogation procedure to kick in whenever a deviation seeking to lower the protection levels is considered
- Extend the public participation and access to justice provisions to all relevant decisions, acts or omissions subject to the IED
- The outdated EU Safety net minimal requirements need to be changed, notably in regard to Annex V on Large Combustion Plants
- Exclude a backtracking regarding livestock activities (“light permitting registration regime”). Include aquaculture, reinstate point 6.6 activities in Annex I
- The internalisation of external pollution costs should become the standard approach for regulating industrial activities, for which the European Commission provides an entry point through an additional Annex (new Annex II). However, this is only limited to the derogation from BAT procedure. The proposal lacks clear methods that ensure that public interests prevail, in accordance to the polluter pays principle. Standardised methods for the costs/benefit assessment with a clear ratio to assess “disproportionality” should be set, details are insufficient but should not be sorted within COM implementing rules since it would escape democratic scrutiny control by the EU Parliament. The climate debt and meaningful carbon pricing should be added and a rebalance of methods in favour of public interests.
- E-PRTR Review: the list of pollutants highlighted in Art 14(2) point b) of the revised E-PRTR proposal should be added directly to the Annex II with the list of pollutants, the OECD harmonized ‘[shortlist’ \(option 2\)](#) should be used as a minimum. Thresholds in column 1 of Annex II should be removed where monitoring is carried out or data otherwise available. Sector extension aligned to OECD [sector listing proposals](#) should be considered so that industrial performance can be compared at global level. Contextual information should be clarified as well as requirements how to ensure that data provided is usable to promote benchmarking of environmental performance and permit ambition (comparability) as well as supporting progress tracking in pollution prevention at the source and compliance promotion.

For further details see the Annex with the assessment matrix.

Further positions and concrete amendment proposals will be circulated in a later stage, material of the EEB made available further via the EIPIE website


<https://eipie.eu>



Contact: sustainableindustry@eeb.org


Annex: Assessment matrix




Table of key issues with further information and NGO comments. Those symbols had been used to provide a quick understanding about the neutral/positive/negative NGO reaction to the different points covered by or gaps in the Proposal:









What is needed	COM proposal	NGO reaction to the reviewed IED proposal	Assessment
Issue 1: Climate action and delivering on industrial decarbonisation: “combined approach”			
<p>Art. 26 of the EU ETS (Art. 9 of the IED) shall be deleted or preferably amended by pollution prevention at source provisions such as an Emissions Performance Factor (EPF), a GHG performance standard set to 100gCO₂eq/kWh, fossil fuels switch obligations and wider electrification obligations notably targeting Energy Intensive Industries</p>	<p>Art. 9(1) preventing permit writers to set GHG limits has not been deleted, undermining stronger climate action.</p> <p>The Taxonomy aligned GHG performance limit set to 100gCO₂eq/kWh has not been included as an alternative to Art. 9(1), no electrification obligations for energy intensive industries have been mandated, nor fossil fuel switch obligations.</p>	<p>The proposal falls short on making the IED fit for climate protection. There is no more time to waste for making climate action concrete and to ensure both instruments (meaningful carbon pricing through a strengthened carbon price and performance-based standards work together so to ensure the needed transformation will happen. It is therefore paramount that Art. 9(1) of the IED is deleted (and Art. 26 of the EU ETS Directive amended accordingly). Milestones and KPIs how to achieve the zero-pollution ambition for industry should be defined in the Directive within a ‘Climate ambition and 2040 carbon neutrality chapter’ based on a science-based process including NGOs. A good illustration is provided in Amdt 820 (MEP Bloss) under the context of the review of the EU ETS Directive. Chapter 3 and its Annex V of the IED on large combustion plants is outdated and needs to be overhauled.</p>	


		<p>In order to accelerate the phase out of fossil fuels, namely coal combustion by latest 2027 and fossil gas combustion by 2035, the IED should be amended. A good illustration is provided in Amdt 1636 (MEP Bloss) under the context of the review of the EU ETS Directive.</p>	
<p>The BAT-AEPLs on energy efficiency are made binding</p>	<p>The proposal proposes to make BAT-AEPL binding, emission performance levels shall be aligned to the BAT-Conclusions, permit conditions require the setting of requirements on inputs.</p>	<p>Positive but could be further improved: notably amending Annex V to set minimal net binding efficiency levels for coal/lignite combustion set to 46% applicable as from 2027, meaning un-efficient coal combustion will have to stop (see above). As highlighted under Issue 3, it must be ensured that, in case of ranges of energy efficiency standards in BAT Conclusions, the strictest energy efficiency values (set for “new plants”, where differentiated in a BREF) must be applied by default (Art. 15(3a) adapted to Art. 15(3)).</p>	
<p>The list of pollutant substances of the IED in Annex II includes GHG, BAT conclusions (BAT-C) do systematically set decarbonisation requirements, the BAT criteria in Annex III lists “climate neutrality”</p>	<p>Annex II is replaced by a reference to the E-PRTR pollutant list, which means that GHG are included in the IED. However, Art. 9(1) poses serious limitations to effective permit setting on this parameter for installations covered by the EU-ETS. Annex III has not been amended.</p> <p>Annex V setting minimal requirements for LCPs has not been updated.</p>	<p>Practical effect is undermined since the largest climate offenders are ‘under the scope’ of the EU-ETS, so even if in practice most operators are benefiting from free allocations this provision means that polluters benefit from exclusions twice (the obligation to pay for the EUA and escape of GHG pollution limits). Annex III of the current IED (the criteria for determining BAT) needs to be amended, also to include meaningful Key Performance Indicators (KPIs) as to forward looking BAT, some suggestions for KPIs</p>	

		<p>have been proposed in the context of the transition pathway for Energy Intensive Industries. Annex V of the IED should be amended to align to the strict BAT-AE€Ls for LCPs for coal/lignite combustion and include a GHG performance standards of 100g CO2eq/KWh and fuel switching obligations for other fossil fuel users.</p>	
<p>Issue 2: Re-designing scope, key performance indicators guiding decarbonisation, zero-pollution ambition and the transition to a circular economy</p>			
<p>Redesign of the scope in Annex I to set BAT as the lowest ratio 'environmental impact of industrial activity' versus 'public good/service provided'</p>	<p>The European Commission did keep the scope definition based on the old system and increased scope at the margins.</p>	<p>The current scope dates to 1996, limiting environmental impacts from the "most damaging" industrial activities with an installation focus. Example: for energy industries, the scope is listing sub-activities from highly polluting (fossil based) energy industries, including thermal combustion plants above a certain thermal capacity threshold, instead of defining BAT on how to produce energy in the best way (electricity, heat or mechanical energy).</p> <p>The scope should be redesigned so that it enables a broader approach as to the wider life cycle impacts of that activity or options to consider on how to best deliver that product/service. Due to the scale of urgency of actions required and long investment cycles, it is no longer acceptable, nor economically sound, to promote incremental improvements at installation level only, when a faster and deeper transition of production methods is required.</p>	






		<p>We suggest prioritising as headline scope activities: energy production/conservation, water quality and supply services, transformation of plant/animal protein production and other foods and drinks, resource management, substitution of chemicals of concern, soil remediation/fertility.</p>	
<p>Headline Key Performance Indicators (KPIs) applicable for all industrial activities are added to the Annex III BAT criteria, those shall be used for the elaboration of the Zero pollution Ambition Plan(s) and guide the content of the proposed sector EMSs and ambition of EU BREFs</p>	<p>The proposal contains some good elements in the EMS (Art. 14a) but no changes have been brought to the Annex III so to make these indicators concrete and to make the BAT determination process to be more outcome oriented.</p> <p>The role of the Innovation Centre for industrial transformation and emissions (INCITE, Art. 27a) is very limited since it will inform only the work programme and be consultative on the exchange of information, however it is not clear if and how it will play any role in defining minimal KPIs for the benchmarks / sector EMS (referred to under Art. 14a) or for the expected content of the 'transformation plans'.</p>	<p>Annex III on the BAT criteria has not been extended with forward looking / outcome driven KPIs that would improve the ambition levels of the BREFs (see proposed KPIs in EII context here), however the role of INCITE could be strengthened if it were to play a formal role in setting milestones and KPIs for the 'transformation plans' and the BATs/Sevilla process (see related point under Issue I).</p> <p>The proposal (recital 24) seems to focus too much on technology readiness level (TRL) but does not set criteria as to expected environmental performance outcomes compatible to the zero-pollution ambition set within the EU Green Deal.</p>	<p style="text-align: center;">  to  </p>
<p>Include impacts from mining, quarries, extractive industries, production of batteries</p>	<p>The extraction and treatment of non-energy minerals has been included (industrial minerals and metalliferous ores), as the manufacture of lithium-ion batteries with a capacity exceeding 3.5GWh per year.</p>	<p>For the EU to achieve its green and digital ambitions, a massive electrification will have to take place, hence the IED must address associated environmental impacts. The threshold for lithium-ion batteries has been increased through a late minute change from 2.5 to 3.5GWth without any valid reason.</p> <p>The inclusion of upstream oil and gas activities should be reconsidered, the IED should also play its role for phasing out lignite and coal mining and setting clear remediation obligations on the operators. Upstream</p>	<p style="text-align: center;">  </p>




	<p>The proposal provides for amending the Landfill Directive (1999/31/EC) so that BAT for landfilling is developed. The scope of the IED is clarified as to waste treatment activities so it includes anaerobic digestion in a systematic way.</p>	<p>mineral oil and gas activities have finally been dismissed from the inclusion, the basis of this being unclear.</p> <p>Further activities that need to be explicitly included due to similar pollution impacts e.g. stationary asphaltting plants, crushing for concrete and other mineral (construction) waste installations has not been taken forward.</p> <p>'Anaerobic digestion' will be included explicitly as to waste treatment activity, and BAT should be developed also for landfilling, meaning that methane emissions will have to be tackled, which is good news for climate protection.</p>	 
<p>Address impacts of methane emissions from all livestock, including cattle and aquaculture</p>	<p>A new approach based on Livestock units (LSU) is proposed which will mean a significant lowering of the current high thresholds. The leaked version contained lower levels, which were amended upwards at "last minute". Rearing of cattle, pigs or poultry has been weakened to 150 LSU, the standalone LSU for Cattle (100 LSU) has been removed. Mixed rearing has been weakened to 150 LSU.</p> <p>Even if that is an extension this comes with a serious risk of enabling a "light touch" permitting regime through the new Chapter VIa. In addition to this "light touch" permitting regime, there is even an option to ask for registration only rather than permits through Art. 4(1).</p>	<p>The inclusion of polluting sectors like cattle rearing is positive, however aquaculture should have been included as well – as it is covered by the E-PRTR already and can be highly polluting industrial activity, while lacking an integrated EU aquaculture permit.</p> <p>The lowering of the LSU threshold is welcome as is the proposal to set BAT to any land spreading of waste (incl. manure), animal by-products or other residues including off-site (Art. 70d). However the deletion of Annex I point 6.6 means a serious backtracking.</p> <p>These improvements are regrettably tainted by the possibility for Member States to apply a "light touch" permitting regime pursuant to Chapter VIa. In addition to this there is even an option to ask for</p>	  



	<p>The final proposal proposed proposes the deletion of Annex I Point 6.6 activities, which is a serious backtracking on the current protection levels. The more protective Chapter II IED requirements were applicable for those activities.</p>	<p>registration. This regression should be not possible for the current Annex I 6.6 activities and the NGO generally object to this light touch “permitting regime” for the other livestock activities covered by Annex Ia (LSU). The final proposal likely due to very late minute lobby by the agro-industrial, however foresees a deletion of Annex I Point 6.6 activities, which is a serious backtracking on the current protection levels. The more protective Chapter II IED requirements were applicable for those activities in the past. This is an unacceptable weakening.</p> <p>It needs to be ensured that no derogation option from the obligation of the protective requirements set under Chapter II, notably the obligation to safeguard EQS, is made possible. This is a backtracking of the protection level against the non-regression principles enshrined in the Treaties as well as the UK-EU agreement.</p> <p>Furthermore, the option of registration in Art. 4(1) risks undermining the positive environmental impact that the extension of the scope could bring.</p> <p>The title of Chapter VIa should be amended to “<i>Minimal provisions to...</i>” and the Article 70a should add a safeguard clause that may read as follows: “<i>This Chapter shall apply to the activities set out in Annex Ia which reach the capacity thresholds set out in that Annex, without prejudice to protection level and</i>”</p>	
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


	<p>The permit conditions and operating rules in Art. 70i do not foresee an explicit link to compliance with the EQS (Art. 18), which may raise legal uncertainty.</p>	<p>requirements set forth pursuant to Chapter II of this Directive.”</p> <p>The provisions of the new chapter should not lead to a regression of the level of environmental and human health protection for activities falling under point 6.6 of Annex I. Art. 70a should be clarified that Chapter VIa is not applicable for Annex I 6.6 activities. Annex I point 6.6 should be amended to include larger scale cattle farms and aquaculture.</p> <p>We have strong reservations with this ‘light’ permit regime notable shortcomings are e.g. the operating rules do not require the measures to be consistent with the BAT criteria in Annex III, no explicit requirement to ensure that ‘other measures to ensure the activity may not risk the compliance with Art. 18 (EQS)’ has been added, which is inconsistent. Finally, vague wordings are used in that Chapter (Art. 70f) such as ‘significant degradation’ (of local air, water or soil) and “significant danger” to human health that would trigger non-compliance provisions.</p>	
<p>Issue 3: Restrict flexibility for Member State (ab)use for side-lining ambitious enforcement of Union Standards, enforcing Environmental Quality Standards</p>			
<p>Set an obligation on permit writers to set Emission Limit Values based on the strict BAT-AE(P)Ls by default, where differentiated refer to “new plant” standards</p>	<p>The competent authority must set the “strictest possible” emission limit values consistent with the “lowest emissions achievable by applying BAT “(Art. 15(3)).</p>	<p>The setting of ELVs by default to the “strictest possible” emission limit values consistent with the lowest emissions achievable by applying BAT is consistent with the IED to prevent pollution at source. The EEB understands the meaning of ‘achievable’ to mean</p>	





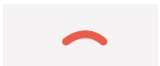
	<p>It is however for the operator to analyse the ‘feasibility of meeting the strictest end’ of the BAT-AEL range and “demonstrating the best performance the installation can achieve by applying BAT as described in BAT conclusions”.</p> <p>Compliance with the BAT-AEPLs ranges is made explicit through the setting of environmental performance limit values (15.3a). It is clarified that also the BAT-AEPL are binding.</p>	<p>‘technically achievable’ and relating to the corresponding most effective BAT. For example, where the BAT-C lists a Selective Catalytic Reduction (SCR) as an abatement option for deNO_x, the competent authorities must set the ELV to the level that would be achievable by using that SCR abatement to its full technical abatement potential, which could mean that the ELV is actually stricter than the lower BAT-AEL range. This interpretation would be fully consistent with the IED also considering that the strict BAT-AEL already correspond to what is achieved under technically and economically viable conditions based on outdated plant performance data.</p> <p>We see a risk to let the operators sneak away from complying with the lowest emissions achievable by applying the strict BAT ranges since it is the operator to provide the feasibility assessment to that end. There is a risk of legal uncertainty: On what basis and feasibility criteria would that analysis be made? Will it include independent technique providers and NGO to validate that analysis? Clearer conditions would be welcome e.g. a full impact assessment against the options proposed for maximum compatibility with the strictest BAT, incl. EQS / zero pollution ambition.</p> <p>Art 15.3a requiring the Environmental Performance Limit Values to be within the BAT-AEPLs ranges is consistent with requiring operators to apply BAT, however it does not explicitly refer to the “new plant”</p>	<p>to</p>
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		<p>standards when a differentiation is made. This should be clarified in the final text.</p> <p>The above package proposal is, if further improved, a game-changer for pollution reduction and in line with what is anyway already regarded as feasible.</p>	
<p>Art. 15(4) derogation procedure is overhauled, new criteria/provisions are added to ensure compatibility of not risking a breach of an EQS, derogations are only allowed on the basis of demonstrated cross-media impact(s),</p> <p>automatic rejection if 3 or more installations achieve the standard,</p> <p>trans-boundary impact assessment and pre-consultation incl. with at least 3 independent techniques providers.</p> <p>No “playing time/catch up” derogations type unless there is a win-win agreement with the public concerned, a maximum 4-year derogation validity</p>	<p>A link to the BAT criteria (Annex III in the current IED) is missing but it refers to Annex II(new) which sets out a method for cost-benefit assessment, a good entry point, but leaves important details to be set through implementing rules (<i>see next point</i>).</p> <p>The revised proposal provides that derogations “<i>shall not be granted where they may put at risk compliance with environmental quality standards referred to in Article 18.</i>”</p> <p>Transboundary consultation requirements are strengthened.</p> <p>No mandatory consultation with independent technique providers is foreseen.</p> <p>A 4-year review period is introduced, but not an absolute validity limit.</p> <p>Operators making use of derogation must provide further evidence on impacts for the receiving</p>	<p>The link to Annex III (criteria for determining BAT) must be introduced so that operators argue on the basis of cross-media impacts only, so to align closer to the integrated approach of the IED.</p> <p>The reference to prohibit any derogation where it “may put at risk” the compliance with an EQS is translating the precautionary approach into clear legal wording and should stay as it is. It is no longer acceptable that breaches to environmental quality standards may happen and remediation actions may only start when the breach already materialised. This approach is coherent with a precautionary and preventive pollution permitting culture.</p> <p>The proposal only foresees a every 4-year review procedure, not a max 4-year derogation validity and we fail to see the win-win approach for the public as well as the criteria that would allow granting or renewal. No pre-consultation with at least 3 independent technique providers is required.</p> <p>Requiring additional monitoring obligations on beneficiaries of derogations so to assess impacts from is useful to measure the real impact of a more lax</p>	   



	<p>requirement through additional monitoring requirements (Art. 16(3)).</p>	<p>permitting regime (link to compensations provisions further below).</p>	
<p>A harmonised method for assessing proportionality is added, internalising externalised costs (negative externalities) and benefits of pollution prevention (see Issue 4)</p>	<p>Annex II(new) sets out a method for cost-benefit assessment but leaves important details to be set through implementing rules.</p>	<p>The method for the Cost Benefit Assessment to be put in an Annex is welcome, it provides an entry point for fixing the lack of internalisation of external costs.</p> <p>At first sight the proposed method is too one sided on the costs for the operator and not wider costs for the society (due to inaction / low ambition of pollution prevention). It should be clear that environmental benefits also include health and climate protection. The damage cost method should only use the more protective methods e.g. EEA Value of Statistical Life (VSL) method adapted to OECD/US price levels. A clear ratio should be provided to clarify the meaning of “disproportionality” which should not be left for each member state to decide on case by case basis e.g. where costs outweigh [5] times the benefits estimated over a minimal [+10] year operation and this does not concern EQS parameters for which a zero tolerance approach should be the rule. This ratio is of a political nature and needs buy-in from the affected communities. Further, for many impacts there is not yet a method to quantify in full ecosystem damages or benefits from preventing pollution.</p> <p>Operators making use of a derogation must provide further evidence on impacts for the receiving requirement through additional monitoring requirements, this is useful to reveal the scale of</p>	  


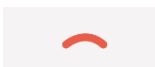

		<p>outsources pollution also to competent authorities side-lining the polluter prevents and pays principles.</p> <p>The improved method should also be used for setting the levels of sanctions and compensation but also to determine what should be regarded as “economically viable” in the BAT determination context. The European Court of Auditors recalls that there is still a widespread failure to internalise external damage costs and to make the polluter pay. This shortcoming has not been sufficiently addressed by the European Commission since the application of the CBA would only be used in a very limited context (derogations).</p>	
<p>Provide for a “zero tolerance approach” as to pollutants subject to an EQS standard (not permissible for PBT properties),</p> <p>dissuasive penalties and</p>	<p>Requirements to achieve equivalence of protection levels in case of indirect discharge of wastewater have been tightened up (Art 15(1)).</p> <p>The revised proposal provides that derogations “shall not be granted where they <u>may put at risk</u> compliance with environmental quality standards referred to in Article 18.”</p> <p>Provisions on compensations have been added, provisions for sanctions strengthened.</p> <p>Sanctions have been strengthened (Art 79): The minimum of the maximal fines level is proposed to 8% of the operator’s annual turnover whilst NGOs suggested the minimal fine level to be at least 10% (and applied at mother company level).</p>	<p>Threats to meeting Environmental Quality Standard(s) (EQS) have in part been addressed but clearer measures (e.g. reduced operation) with a results-based obligation should be specified in Art. 18.</p> <p>The strengthening of the provisions on sanctions are welcome, NGO proposed the level to be closer to the levels practised as EU competition law, which is a 10% of the total annual turnover of the company and this should apply at worldwide annual turnover (incl. mother companies’). Unlike competition law, breach of pollution limits does cause additional harm to human health and the environment, in some cases those are irreversible, hence sanctions should be proportionate and should exceed levels of fines applied due to competition law distortions.</p>	 




<p>pollution cost recovery if breached</p>	<p>Legal standing for public and NGO has been strengthened, including through a compensation right to citizens. The burden of proof is on operators of IED activities of not having caused the causal link to harm caused. (Art. 79a)</p> <p>Art. 25 on access to justice provides that “standing in the review procedure may not be conditional on the role that the concerned member of the public played</p>	<p>The provision could be further improved if this links to the new harmonised method for internalisation of external costs (New Annex II), currently only limited to the context of Article 15.4 derogations. (See above point).</p> <p>Operators of IED activities are presumed ‘guilty of pollution’ unless proven the opposite (evidence of having caused no harm due to pollution from its activities). Compensation should be easily accessible for persons suffering harm, in particular if an operator breaches the IED, it should be presumed to be responsible for the harm resulting from that breach. Not only is this useful since it is often too expensive for citizens to establish a causal link e.g. carrying out further evidence on release monitoring and establishing evidence that this pollution originates from a given industrial activity. This is in line with the ‘polluter pays’ principle. They are often also unable to prove the link in practice. For instance, there is overwhelming epidemiologic evidence on the negative health impacts of air pollution on the population. However, given that air pollution is usually just one of several concurrent causal factors, it is difficult to prove the link at individual level.</p> <p>The new guarantees under Art. 25 related to effective remedies and access to courts without having participated during a participatory phase to the procedure implements relevant case law of the Court</p>	  
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
	<p>during a participatory phase of the decision-making procedures under this Directive. The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.”</p>	<p>of justice of the EU as well as implements the Aarhus Convention.</p> <p>In order for making the legal standing effective, the provision of Article 25 should be amended to concern any acts/omissions taken under the IED, not just those relating to Art. 24 “[...] to challenge the substantive or procedural legality of decisions, acts or omissions subject to Article 24 this Directive [...]”</p>	
<p>Automatic permit conditions tightening triggers should be provided: where a Member State is not on track to comply with the achievement of a given EQS, the air quality standards set by the new WHO air guidelines and NEC-D ceilings, compliance safety buffer(s) so to ensure pre-emptive action prior to breach are provided, such as withdrawals of derogations, reduced operation, pollution load quotas etc.</p>	<p>The revised proposal provides that derogations “shall not be granted where they <u>may put at risk</u> compliance with environmental quality standards referred to in Article 18.”</p> <p>The proposal also makes an explicit link “<i>to achieve compliance with plans and programmes set under Union legislation.</i>” (Art. 21(5))</p>	<p>Threats to meeting Environmental Quality Standards (EQS) have in part been addressed but clearer measures (e.g. reduced operation) with a results-based obligation should be specified in the legal text of Art. 18, with pre-emptive measures to be taken (EQS compliance “safety buffer”), this mechanism has not been proposed.</p> <p>However, there is a clear results-based obligation that kicks in in the Art 15.4 derogation context, a safeguard clause that should be inserted in Art. 18 as well.</p> <p>Art. 5(1) should be amended: there should not be a “right to be permitted” in relation to industrial activities, the competent authority should retain the possibility - in some cases even have an obligation- to refuse the granting of the permit if that activity is not compatible with the zero pollution ambition and EU Green deal objectives (e.g. permitting new fossil fuel production or use). The granting of a permit should be conditional to full compliance with the wider EU</p>	 <p>to</p>   





		<p>environmental protection acquis; this should be clarified in Art. 5(1).</p> <p>It is positive that a reference to ‘plans and programmes’ has been added (Art. 21(5)). It should be made clear that those It should be made clear that those cover also e.g. NAPCPs under NEC-D and NECPs under the EU Climate Laws.</p> <p>An explicit link to the WHO air quality guidelines should be added, those are the science-based levels that should be considered as a minimum (note that even meeting those levels will lead to premature deaths that could be avoidable), as a ‘zero tolerance approach’ on certain pollutants.</p>	 
<p>Explicitly list climate protection, the toxic free environment, the circular economy goals, the revised WHO air quality guidelines and NEC ceilings as EQS (clarify Art. 3(6) of the IED).</p>	<p>The Commission proposal fails to address this in full.</p>	<p>An explicit link to the WHO air quality guidelines should be added, those are the science-based levels that should be considered as a minimum (note that even meeting those levels will lead to premature deaths that could be avoidable), as a ‘zero tolerance approach’ on certain pollutants.</p> <p>The definition of EQS (Art. 3(6) IED) should be amended accordingly. Climate ambition and interim targets of carbon intensity shall also be set and to constitute an EQS. This could take the form of fuel quality standards and carbon emissions standards.</p>	
<p>For high impacting activities, the COM shall systematically update and extend the EU Safety net through a</p>	<p>The proposal does not foresee any fast-track adaptation of the EU Safety net to align to the stricter BAT-C levels, just regular reviews on some aspects of</p>	<p>Annex V should be amended to align to the strict BAT-AE(E)ls for LCPs for coal/lignite combustion to be complied with as from 2027. Major shortcomings have</p>	

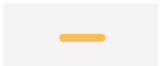

<p>fast-track procedure, to ensure compliance with strict BAT-C. Other regulatory instruments with faster delivery should be used, e.g., the 1µg/Nm³ BAT on mercury to air emissions from coal combustion enforced through the EU Mercury Regulation</p>	<p>technical nature, not the main elements (minimal emission limit values that are binding at EU level).</p>	<p>been highlighted (systematic alignment to law levels or derogation, at the expense of human health, the environment and climate protection).</p> <p>The IED should include the 100g CO₂eq/KWh GHG limit set to 2035 and mandate fuel switching obligations for other heavy fossil fuel users to play its role to climate protection.</p> <p>In the first review of the IPPC-D Recast, the European Parliament proposed an automatic alignment of the EU Safety net (Annex V-VIII) minimal requirements with the stricter EU BAT Conclusion ranges.</p>	
<p>Issue 4: A forward looking, inclusive, BAT determination process putting public interests first, stimulating innovation uptake and levelling the environmental playing field + improved public participation</p>			
<p>Move from end-of-pipe pollution abatement BAT, to process-integrated and fit for circularity BAT</p>	<p>The efficient use of inputs (incl. water, materials) form integral part of permit conditions that need to take account of the overall life-cycle environmental performance of the supply chain (Art. 11), with mandatory monitoring and reporting (Art. 14) and binding status of BAT-AEPLs (Art. 15).</p> <p>The concept of continuous improvement of environmental performance incl. safety with objectives and performance indicators as well as a more systematic substitution and impact assessment (to human health and the environment) of hazardous substances is enshrined in the Environmental Management System (EMS) and</p>	<p>All those changes are welcome, a stronger link to Article 13 (minimal content of BREFs), the new provisions on the EMS and Annex III should be made. Some circular economy indicators should be included systematically in all EU BREF reviews and reporting requirements (see more background in TSS input).</p> <p>Useful outcome is however limited by the Annex I scope boundaries (see issue 1), which is still too much installation focused, even if the permit conditions require to take account of the overall life-cycle performance of the supply chain.</p>	 

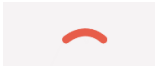
	<p>considered as binding elements of the permits (Art 14), hence the EU BREFs will further set out BAT-C on all of those elements.</p>		
<p>Provide for an EU harmonised method for ensuring proper external cost internalisation, serving as a method for BAT determination and implementation at national level and as a source of financial resources paid by operators (e.g. Zero Pollution Fund) aimed at speeding up the depollution of industrial activities</p>	<p>See issue 3</p>	<p>See issue 3</p> <p>No de-pollution fund has been proposed in the context of the IED, the “innovation fund” under the EU-ETS is too limited to GHG aspects.</p>	 
<p>Revise COM expert groups rules and current practice, re-balance consensus finding between the various interest groups, include academia and human health protection NGOs. Rule out conflict of interest situations, improve accountability of decision making aligned to the ‘Green Oath’.</p>	<p>The proposal foresees a systematic involvement of ECHA, but not the EEA or academia within the information exchange on the EU BREFs (Art. 13).</p> <p>Improving the involvement of technique providers has not been encouraged, except for the INCITE</p> <p>There are no changes so to improve the balance of interests (industry v. NGO).</p>	<p>The proposal should also explicitly require other stakeholders to be given a formal role in the information exchange (Art. 13), notably the EEA – along with ECHA. EEA has a good experience on other environmental topics (beyond chemicals policy), they host the European Scientific Advisory Board on Climate Change which should provide good advice for the content and ambition of the “transformation plans” to be developed. The list of stakeholders mentioned in the INCITE provision is more appropriate.</p> <p>The provision should ensure a better “balance” of the different interest categories, in particular industry v. NGO. Industry (operators) overcrowds the process, the decision-making rules should therefore be adapted so that public interests are served first or KPIs (added in Annex III) as well as a clearer BAT determination method. The Commission Proposal is silent on those shortcomings, yet it is bound by a “Green Oath” that is not further internalised in the EU BREF determination context.</p>	

	<p>Health protection organisations would also be included due to the updated definition of NGOs.</p>	<p>See more proposals by the EEB on those aspects notably here ((re)balance of interest and governance) and BAT derivation methodology</p> <p>Health protection NGOs are explicitly covered under the ‘public concerned’ definition, which is welcome. However, we consider there is a lack of balance in the Sevilla process of (private v. public interests) and lack of accountability for decision makers.</p>	
<p><i>(initially listed under Issue 5 in the joint statement, but is assessed here since it relates stronger to the IED provisions)</i></p> <p>Extend obligation for timely public participation for any change of permit conditions capable of impacting the environment, following recommendations set in ACCC/C/2014/121(PM47). Provide for RSS feeds for public.</p>	<p>(para 17) brings some changes to the current shortcoming in Article 24 but is too limitative.</p> <p>‘(d) the updating of a permit or permit conditions for an installation in accordance with Article 21(5), points (a), (b) and (c);’</p> <p>‘(e) the updating of a permit in accordance with Article 21(3) or Article 21(4).’</p>	<p>Article 24 is improved towards the recommendations of the ACCC/C/2014/121 case. The provision should be amended to require public participation “whenever the change is likely to affect negatively the protection of human health or the environment”. <i>Amendment proposals to Article 21 and 24 can be found in the TSS submission of ClientEarth at page 105 (amendment of Art. 24) and page 96 (amendment of Art. 21).</i></p>	
<p>Issue 5: Entering the digital age for reporting on industrial activities (E-PRTR related)</p>			
<p>A centralised EU tool (improved EEA industrial pollution portal)</p>	<p>This request is met: an “Industrial Emissions Portal” is legally established</p>	<p>A centralised EU tool will ensure best use of current reporting obligations, mutualise efforts sharing and pooling of resources to make the interface more useful, for various end users.</p> <p>The title “Industrial Pollution (prevention) Portal” would be more appropriate, since it will also include inputs related information and should contain information to rate progress on pollution reduction/prevention efforts.</p>	

<p>Design harmonised electronic reporting format(s) for key IED documents and BREF required information (e.g., inventory of inputs and outputs, water, energy, waste and chemicals management plan, and other performance information)</p> <p>enabling the EU centralised database to directly report permit conditions and to retrieve those mandatory data-fields; made available online at EU level beyond language barriers</p>	<p>It should link to other databases on climate change, air, water, land protection and on waste management (Art 3.2 point b of the revised E-PRTR). Uniform permit review template will be adopted so that permit conditions can be comparable.</p> <p>The use of resources (water, energy and raw materials) will be subject to reporting obligations and included in the database (Art 3c and contextual information is to be provided (Art 55.1) point e) which will include production volume and operating hours as well as information on accidents.</p>	<p>The findings of the EEB ‘Burning: the Evidence’ report (2017), confirmed in 2020 linked to the EEB Industrial Plant Data Viewer (IPDV) project, highlight serious shortcomings on access to environmental information on industrial activities. The current Industrial Emissions Portal/E-PRTR system does not enable benchmarking and compliance promotion at EU level. In the US, permit conditions can be compared with ‘a few clicks’ with those applied in Canada and Mexico, thus enabling cross-country comparison and overcoming language barriers limitations. Art 14(1) d) of the IED on the annual compliance report requires the operator to provide, ‘at least annually’, <i>“information on the basis of results of emission monitoring [...] and other required data that enables the competent authority to verify compliance with the permit conditions”</i>. This data is not made publicly available in a user-friendly manner.</p> <p>Only providing for a summary of permit conditions and making only key data available to the public is therefore not sufficient. The requirement to make available information on inputs and contextual information is therefore welcome.</p> <p>It should be further clarified as to what is meant with “contextual information”. The new system should enable to compare ELVs and other permit conditions, as well as environmental performance of operators,</p>	  
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	<p>It seeks to improve reporting on diffuse emissions (Art 3) .</p> <p>A negotiation mandate for reviewing the UNECE PRTR Protocol is provided.</p>	<p>enable live data links for continuous emissions monitoring by operators and facilitate compliance checks. An explicit link to reporting on BAT uptake (beyond strict / strict level / upper level) etc should be required and data provided in the corresponding format so to enable benchmarking and comparability. Those features are not excluded from the current proposal but neither explicitly required.</p> <p>Release Estimation Techniques (RET) already exist to provide for a default approach for reporting on diffuse emissions (incl. from products), as is already done in the Norwegian PRTR. A lot of useful material has been provided by the OECD and should be used, such as the list of harmonised sectors.</p> <p>The role of enhanced PRTRs is highlighted, also in the regional context e.g. clear commitment to review the Kiev UNECE PRTR Protocol</p>	 
<p>Set powerful search queries and filters.</p> <p>Enable tele-reporting by operators of raw continuous emissions monitoring data (the validation status of the data is clearly marked)</p>	<p>There is a clear mandate to present data also in non-aggregated forms so to enable meaningful searches of the content. The Portal shall be designed for “maximum ease of public access to allow the data to be continuously and readily accessible on the internet”</p>	<p>We look forward to providing further input as a main end user group on what we regard as enabling maximum ease of public access.</p> <p>A portal fit for the digital age should enable operators to provide raw continuous emissions monitoring data directly to this Portal (on real time). The IPDV briefing provides many examples in its Annex where this is already current practice. In the US national wide</p>	 

		<p>detailed dataset with raw continuous emissions monitoring data, facility attributes including abatement types can be downloaded and filtered with many search queries (see AMPD). Competent authorities retain the obligation to validate that information e.g. through password protected controller access, until that happens - which currently takes years- key data is made public much more promptly.</p>	
<p>Provide for RSS feeds for public (change in permit review, notifications)</p>	<p>the Portal shall be designed for “maximum ease of public access to allow the data to be continuously and readily accessible on the internet”</p> <p>The aim is to cover at least 90% of the release information from activities with “0” thresholds for a subset of particularly hazardous substances.</p>	<p>Whilst this feature of RSS features and notifications is not excluded it is not explicitly required, this could be implemented through technical means as changes to the inventory of dangerous substances / pollutants list cover.</p>	
<p>EARLIER EEB inputs</p> <ul style="list-style-type: none"> - TSS - Roadmap <p>Extend the list of pollutants</p>	<p>No change has been brought to the list of pollutants</p>	<p>The E-PRTR list of pollutants has not been extended since 2004 but is delayed to a future review.</p> <p>The OECD has established a common and harmonized ‘shortlist’ (option 2) required by at least 3 existing PRTRs, which should be used as a minimum.</p> <p>The list of pollutants highlighted in Art 14.2 point b) should be added directly to the Annex.</p> <p><i>More information: EEB position paper Inception Impact Assessment, EEB TSS input</i></p>	

<p>EARLIER EEB inputs</p> <ul style="list-style-type: none"> - TSS - Roadmap <p>Extend the list of sectors covered</p>	<p>The scope for sectors covered has been adapted slightly (e.g. combustion plants brought to 20MWth, dismantling operations for ships, aquaculture reduced by factor 10).</p> <p>New activities will be brought in through the extension of the scope of the IED (in review).</p>	<p>The scope has been extended at the margins, if the aim to over at least 90% of the release information from activities with “0” thresholds for a subset of particularly hazardous substances is taken seriously, then it must cover the relevant sectors (and remove pollutants thresholds).</p> <p>A lot of useful material has been provided by the OECD and should be used, such as the list of harmonised sectors.</p> <p><i>More information: EEB position paper Inception Impact Assessment, EEB TSS input</i></p>	
<p>EARLIER EEB inputs</p> <ul style="list-style-type: none"> - TSS - Roadmap <p>Remove reporting thresholds</p>	<p>The proposal retains pollutants release thresholds in its column 1 of Annex II, meaning that monitoring results below those thresholds would not be reported or could be reported as “0”.</p>	<p>Thresholds should be removed. If information on environmental impacts (emissions) is available e.g. due to monitoring- there is no objective reason to dismiss that information. Emissions below thresholds could also be due to pollution prevention action being taken by the site, that knowledge would be lost. Finally, it may lead to wrong information (industry reporting “0” whilst this is untrue).</p>	