

European Copper Institute position paper

Industrial Emissions – EU rules updated_Open Public Consultation

Brussels, 23 Mar 2021

The European Copper Institute welcomes the opportunity to provide inputs into the revision of the Directive 2010/75/EU (Industrial Emissions Directive, IED). We support and echo the feedback provided by Eurometaux on behalf of the collective non-ferrous metals sector. In addition to this, we would like to further emphasize in the following points:

Copper industry's positive contribution to the IED objectives

The copper industry is and will continue to be committed to realizing the IED objectives for reducing impacts to environment and human health from industrial emissions. The EU copper producers have reduced their emissions of copper to water by approximately 43%, and they have reduced their emissions of dust to air by approximately 54%, during the period 2007/8 – 2017 (more info [here](#)). This is achieved by making full use of the BREF process to identify BATs that contribute to the achievement of environmental and climate goals, to deliver improvement of other environmental aspects, and to reduce emissions through abatement techniques. At BREF level, worth-mentioning is also the conclusion of several LCA studies that the NFM sector in its entirety has shown significant energy and GHG emissions reduction in the recycling of materials produced in some industrial processes covered by the IED (e.g., ADEME, 2017 – p.95 [here](#)). In our view, further environmental improvements should be achieved in a cost-effective way by recognizing the role of all contributors to the condition of the environment, thus avoiding disproportionate burden for the industry. All the above confirm that the IED is fit-for-purpose in its current form with its core pillars¹ in terms of ensuring a very high level of environmental protection as a whole.

When assessing large industrial plants' contribution towards the achievement of environmental goals, or impacts on human health and the environment, currently and post-2030, the Commission needs to equally consider all contributors, incl., for example, agriculture, transport and households. Besides questions asking “*how important are the impacts of large industrial plants and intensive agricultural installations*” on different environmental issues, or asking to pinpoint industrial sectors, **a more realistic approach would assess the level of contribution from all potential polluters on the basis of a robust assessment.** The outcome of such assessment should be given more weight than the answers of stakeholders to Q1 and Q9. This is underpinned by the European Environment Agency (EEA) [2020 Air Quality Report](#) noting that the road transport, residential, commercial, institutional, agricultural, industrial, and other sectors share responsibility for the emissions of various pollutants. That is to say that the greatest efficiency in protecting human health and the environment will be achieved when the most harmful pollutants from the largest sources are tackled, on the basis of a robust risk assessment.

Coherence of legislation and avoidance of double regulation

The Commission's intention to ensure coherence with Circular Economy (CE) and climate neutrality objectives, should not compromise the IED's key objective; i.e. to prevent and/or limit pollution of the environment from large industrial installations' processes in an integrated way. To this end, overlaps and double regulation (e.g. with the Waste Framework Directive, or the Emissions Trading System (ETS)) must be avoided. More specifically to the ETS, we question the necessity for CO₂

¹ (1) an integrated approach, (2) use of best available techniques, (3) flexibility, (4) inspections and (5) public participation

performance benchmarks to be included under the IED permitting regime, especially when these are sufficiently and effectively tackled by the ETS, regulating GHG emissions (*see statement by 10 Energy Intensive Industries (EIIs) in 04/2020 on GHG abatement measures and interaction with the IED*). The IED is already well aligned with the objectives of the European Green Deal (EGD) and contributes to CE and decarbonization objectives, as the BREF process and BAT implementation support the performance improvement of industrial installations in emissions to air and water, energy efficiency and prevention of waste.

However, CE, energy efficiency and decarbonization are and should remain better dealt with in the first place by other existing legislation. If these are to be addressed within the IED, it should be part of BREF reviews and not via changes in the actual text of the Directive. Addressing CE or other environmental objectives via a generic regulation (e.g. IED) could generate confusion and disproportionate complexity. The only way for other environmental goals to be included in the IED, is by fostering BREF making processes that ensure materials are efficiently used and that process residues are reused or recycled.

BREF-making process & stakeholder engagement

The Seville process must be secured and further developed, maintaining transparency and allowing for in-depth technical discussions. In developing BREFs, an integrated approach must be pursued to protect the environment as a whole. The approach should cover emissions to air and water, generation of waste, use of raw materials, energy efficiency, etc. as has been done for the NFM BREF. Otherwise, there is a risk of shifting burdens from one environmental compartment to another. In the BAT-AELs derivation, the industry's technological feasibility and economic viability must continue to be considered. In this regard, all experts' contributions are deemed essential towards defining cross-cutting and realistic goals, putting into perspective all sound technical and economic information to enhance consistency across Member States' IED requirements implementation, and to ensure proportional emission reduction measures that achieve an equivalent level of protection across the Union.

Contribution to Circular Economy

Circularity is embedded in the IED framework due to the Directive's integrated approach principle. Nevertheless, the IED has no a priori vocation to trigger reuse of secondary raw materials or to promote circularity specifically. The IED does not establish CE-specific BAT/BREFs, nor can it derive BAT-AEPLs or pre-identify Key Performance Indicators (KPIs), given that circularity strongly depends on the availability of materials (which vary geographically, in nature and quantity) and on the nature of the examined installation per se (e.g. primary vs. secondary copper smelters). As IED focuses on a specific sector, it is difficult to legislate about one sector's use of another sector's residues, as a BREF can only regulate the sector within its remit. Still – on top of the fact that the IED does already establish BATs (and BAT-AEPLs) for enhancing resource efficiency – the IED can continue to ensure that the integrated approach to regulating plants is maintained, addressing also cross-media effects. This helps to ensure a very high level of environmental protection as a whole when reusing products (secondary raw materials), and when setting BATs for these processes.



European Copper Institute (ECI) is the voice of the International Copper Association (ICA) in Europe. The [International Copper Association](#), with its 35 members, represents a majority of the world's primary copper producers, some of the largest mid-stream smelters/refiners, and 10 of the world's largest copper fabricators. It aims to bring together the global copper industry to develop and defend markets for copper and to make a positive contribution to society's sustainable development goals.

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