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CONTRIBUTION

From: General Secretariat of the Council
To: Working Party on the Environment

N° prev. doc.: WK 12297/23 INIT

Subject: Industrial Emissions Directive and Industrial Emissions Portal: Follow-up to the WPE meeting on 13 November - Comments from a delegation

Following the WPE meeting on 13 November, delegations will find attached the comments received from the BE delegation.

Written suggestions Belgium on IED and IEP:

d.d. 14/11/2023 in follow-up of the WPE 13.11.2023

Cluster 1:

1. Mixed farms:

BE suggests a more complex rule for mixed farms taking into account different thresholds (LSU) for different animal categories. As only 1 threshold for all animal categories will always undervalue/underestimate some animal categories.

$$\text{Mixed rule: } (\# \text{ Bovine}/450) + (\# \text{ Pigs}/350) + (\# \text{ Poultry}/280) > 1$$

Belgium acknowledges that for mixed farms we could allow an 'exclusion threshold' for small number of non-primary animals for domestic consumption. This threshold should not be too high therefor we think a threshold of 10-20 LSU should be acceptable.

2. Piglets

BE thinks the environmental impact of piglets from 20-30 kg is significant. In Belgium piglets have an emission factor in traditional housing systems for ammonia and odour that is about 20% of the emission factor from pigs > 30kg. This means that the environmental impact of piglets is higher than accounted for in LSU numbers (0,027 vs 0,3).

Integrated farm where pigs are bred from piglet to adult animal have to comply with BAT-conclusions (the BREF IRPP has BAT for piglets). Non-integrated farms buy piglets from special breeding farms. Generally these breeding farms are considered non IED as the number of sows is kept just below the threshold and they don't need to comply with BAT-conclusions. These intensive farms have in our view also a significant environmental impact and should be in scope of the IED – therefor we think that piglets from 20-30kg are to be kept in scope of Annex Ia.

Cluster 3:

3. PFAS

BE thinks PFAS are very relevant to monitor in industrial installations, however in Council WPE meetings we have never discussed any changes of Annex II as the extension of relevant parameters and thresholds would be too technical for WPE meetings.

Belgium has always supported more flexible updates of Annex II than finally agreed in the general approach. We think a more dynamic Annex II is needed to ensure the objectives of the IEPR and scientific and technical progress is part of that. We support the proposal from the Commission and the Presidency to allow Annex II to be updated through a general review clause, as this makes common sense to include sunset parameters and exclude sundown parameters. We think the first general 5-year review should follow the first update of Annex II as proposed by the presidency (2026 see point 2 in steering note).

The presidency proposal to include only PFOS and PFOA in Annex II does in our view not make a lot of sense as these parameters are already (partly) out of use and therefor emissions through industrial installations will be rather low. On top of that the proposed gigantic threshold of 1 kg/year will not result in much reporting.

We think it would make more sense to broaden the study described in point 2 of the steering note ensuring that all relevant sunset parameters are included in Annex II starting already in 2026. This way more relevant parameters and thresholds can be included in Annex II taking into account available scientific and technological progress.

If however the presidency thinks it is needed to include a relevant parameter in Annex II for PFAS-like substances we would suggest to add organic fluorine. In our opinion 'adsorbable organic fluorine' (AOF) instead of PFAS would be the way forward. From our experience AOF is an indicator of PFAS and measurement methodologies do exist (ISO/WD 18127:2022). To ensure the threshold is sufficiently relevant we would suggest maximum 100 grams/year (to start with).

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