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Energy Intensive Industries’ statement on GHG abatement measures Interaction with the Industrial Emissions Directive

The energy intensive industries remain committed to develop and implement GHG abatement measures that contribute to the achievement of a climate-neutral EU economy. In doing so, they want to ensure full coherency with any other policy measures that address other environmental issues, in particular the Industrial Emissions Directive¹ that is the backbone of the environmental legislation applicable to large industrial installations (i.e. the integrated approach based on the BAT concept).

In the spirit of better regulation principles and considering that ETS regulates the GHG emissions, the energy intensive industries reject the option to regulate GHG emissions under an IED permitting regime (without prejudice to the article 9.1²).

The purpose of this note is to restate the meaning of the Master Plan³ recommendation as well as to confirm our position regarding the way both directives should cohabit in the future, further to some misinterpretations of the Industry position.

Background

The chapter II **Developing climate-neutral solutions and financing their uptake** of the master plan includes the following recommendation (see page 34):

The Industrial Emissions Directive permitting process should be adapted to support GHG abatement measures in energy-intensive installations throughout the transition. The low carbon emission technologies under development should be assessed as potential emerging techniques during the BREF drawing and reviewing process.

¹ Revision of the Industrial Emissions Directive Inception Impact Assessment (<https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12306-EU-rules-on-industrial-emissions-revision>)

² Where emissions of a greenhouse gas from an installation are specified in Annex I to Directive 2003/87/EC in relation to an activity carried out in that installation, the permit shall not include an emission limit value for direct emissions of that gas, unless necessary to ensure that no significant local pollution is caused.

³ The [Masterplan for a Competitive Transformation of EU Energy-intensive Industries Enabling a Climate-neutral, Circular Economy by 2050](#) was published on 28/11/2019

Studies have identified several technological solutions to reduce GHG emissions of energy-intensive industries and their products and allowing them to contribute to the transition to climate neutrality. The main low-carbon pathways, applicable to most of our industries, are referred to on pages 25-26 of the master plan.

GHG abatement measures may entail environmental impacts, for most activities under the scope of the IED, in particular for the energy intensive industries.

In that respect, the IED permitting process may be adapted to support the deployment of those breakthrough technologies. One option could be to adapt the article 15(5)⁴ with a view to allow testing those technologies (a priori not referred to in the more recent BAT conclusions applicable to the sectors at stake) and assess more broadly their possible wider impacts on the environment and their compliance with the existing BAT conclusions where relevant.

The concept of performance benchmark is already covered by the EU ETS Directive and the EIs do not see the need for double regulation & overlapping policies (ETS as market-based instrument to tackle GHG emissions and IED as control and command/BAT driven to tackle other emissions).

In conclusion, the energy intensive industries reaffirm that they:

- **remain committed to develop and implement GHG abatement measures that contribute to the achievement of a climate-neutral EU economy;**
- **support a full coherency with the Industrial Emissions Directive and its integrated approach based on the BAT concept;**
- **reject the option to regulate GHG emissions under an IED permitting regime (without prejudice to the article 9.1).**

⁴ The competent authority may grant temporary derogations from the requirements of paragraphs 2 and 3 of this Article and from Article 11(a) and (b) for the testing and use of emerging techniques for a total period of time not exceeding 9 months, provided that after the period specified, either the technique is stopped or the activity achieves at least the emission levels associated with the best available techniques.