EURATEX THE EUROPEAN APPAREL AND TEXTILE CONFEDERATION

EURATEX, the European Apparel and Textile Confederation representing the interest of the European textiles and clothing industry, perceives the Industrial Emissions Directive proposal for review as greatly concerning. Although as an industry we understand the need to continue updating the rules on industrial emissions to ensure improvements for the environment, the current draft review poses some risks for effective implementation of the revision. EURATEX hereby suggest the following recommendations/amendments:

1) The current scope must be maintained

The extention of the scope on pre-treatment in Art. 6.2. of Annex I, by including finishing of textiles has no comprehensive evidence that it would improve environmmental performances if it were included in the IED.

I) EURATEX requests to maintain the current IED scope (Art 6.2 on pre-treatment) since Textile BREF (TXT BREF) has just been negotiated based on the existing 6.2 definition. The implementation of updated TXT BREF into national law will require numerous organizational/technical measures (including monetary expenditures) over the next few years. Redrawing the rules and including installations that have not been considered in the data collection of the TXT BREF would question the legitimacy of the data source, because finishing stand-alone installations would be imposed requirements agreed for different type of installations and without considering the specificities of their own processes. This would therefore challenge the applicability and it would result in immense burden for SME's in the textiles industry.

ii) However, should the revision go forth, EURATEX sees as appropriate to amend the scope to stress that dying may be part of a finishing activity, but it should not be considered as stand alone.

Amendment proposal Annex I, Art 6.2. insert (in bold, italic):	
Current version	**Proposed version**
6.2. Pre-treatment (operations such as washing, bleaching, mercerisation), dyeing or finishing of textile fibres or textiles where the treatment capacity exceeds 10 tonnes per day;	6.2. Pre-treatment (operations such as washing, bleaching, mercerisation), dyeing or ***dyeing with integrated*** finishing of textile fibres or textiles where the treatment capacity exceeds 10 tonnes per day;

2) Life-cycle assessments must be excluded

EURATEX highlights that product life cycle assessments of products are already subject to other rulings in scope of the Greed Deal, (i.e. ecodesign requirements), risking overlapping and therefore must not be mixed with plant regulations i.e. IED.

Amendment proposal Art. 11, point (fb), delete (in bold, italic):	
Current version	**Proposed version**
Member States shall take the necessary measures to provide that installations are operated in accordance with the following principles: [...] (fb) the overall life-cycle environmental performance of the supply chain is taken into account as appropriate;	Member States shall take the necessary measures to provide that installations are operated in accordance with the following principles: [...] ~~***(fb) the overall life-cycle environmental performance of the supply chain is taken into account as appropriate;***~~

Amendment proposal Art. 14a, point 2 (b) delete (in bold, italic):	
Current version	**Proposed version**
2.The EMS shall include at least the following: [...] (b) objectives and performance indicators in relation to significant environmental aspects, which shall take into account	2.The EMS shall include at least the following: [...] (b) objectives and performance indicators in relation to significant environmental aspects, which shall take into account

benchmarks set out in the relevant BAT conclusions and the life-cycle environmental performance of the supply chain;	benchmarks set out in the relevant BAT conclusions ***and the life-cycle environmental performance of the supply chain;***

3) Emission levels shall be correct

The requirement to set strictest possible emission limit values, consistent with lowest emissions achievable by application BAT in installation disadvantages companies that already work in the lower area of the spectrum and comply with more strict limits. The discussions on the possible ranges will be discussed and determined in the Sevilla Process, under consideration of the operational specialities and process circumstances. Individual cases (exceptions) will be covered through foot notes. In GER admission law deviations are possible, this flexibility has to be kept, hence, requesting by law of only the strictest limit values would be counterproductive and therefore EURATEX sees the need to revoke this.

Amendment proposal Art. 15. 3, amend (in bold, italic):	
Current version	**Proposed version**
3. The competent authority shall set the strictest possible emission limit values that are consistent with the lowest emissions achievable [...]	3.The competent authority shall set ***the strictest possible*** emission limit values ***that are consistent with the lowest emissions*** achievable [...]

4) Emerging techniques must be tried and tested

In relation to the definition of "emissions levels associated with emerging techniques" (Art. 3. (50)), EURATEX stresses that emerging techniques must be tried and tested, valid and verifiably applicable for the respective application purpose and this must be clarified. Criteria like suitability for use, economic efficiency, utility and proportionality must be introduced in a clearly defined manner.

5) Business information confidentiality needs to be ensured

i) The publication of granted permits to be made available to the public in an unrestricted manner could run the risk of breaching confidentiality, know-how and trade secrets of companies, since very detailed information is presented in the frame of the approval. Having EMS available on the internet must also be avoided, to secure the rights of competitivity.

Amendment proposal: Art. 24, 3.c. delete (in bold, italic):	
Current version	**Proposed version**
3. The competent authority shall also make available to the public, including systematically via the Internet, free of charge and without restricting access to registered users, the following: [...] c. the results of the monitoring referred to in Article 16(3) and in Article 18, second subparagraph.	3. The competent authority shall also make available to the public, including systematically via the Internet, free of charge and without restricting access to registered users, the following: [...] ***c. the results of the monitoring referred to in Article 16(3) and in Article 18, second subparagraph.***

Amendment proposal Art. 27d, 3. delete (in bold, italic):	
Current version	**Proposed version**
3. The operator shall make its transformation plan as well as the results of the assessment referred to in paragraphs 1 and 2 public, as part of the publication of its environmental management system.	***3. The operator shall make its transformation plan as well as the results of the assessment referred to in paragraphs 1 and 2 public, as part of the publication of its environmental management system.***

Amendment proposal Art. 5, 4. amend (in bold, italic):

Current version	Proposed version
4. *Member States shall ensure that permits granted pursuant to this Article are made available on the Internet, free of charge and without restricting access to registered users. In addition, a summary* of each permit shall be made available to the public *under the same condtions.* That summary shall include at least the following:	4. Member States shall ensure ***~~that permits granted pursuant to this Article are made available on the Internet, free of charge and without restricting access to registered users. In addition,~~*** a summary of each permit shall be made available to the public ***~~under the same condtions.~~*** That summary shall include at least the following:

Amendment proposal Art. 14a, 3. delete (in bold, italic):	
Current version	**Proposed version**
3.The EMS of an installation shall be made available on the Internet, free of charge and without restricting access to registered users.'.	***~~3. The EMS of an installation shall be made available on the Internet, free of charge and without restricting access to registered users.'.~~***
Note: EURATEX sees the need to protect business confidentially, however should shared information could be ensured to be limited to verbal explanations of topic, rather than on concrete content to secure rights of competitivity, EURATEX would find it appropriate to repeal this amendment proposal.	

ii) In the same regard, the sharing of confidential information should be limited to authorities as in existing procedure, and not be made available to industry and non-governmental organisations. An abusive use of information is not guaranteed and thus EURATEX stresses the retention of existing rulings.

Amendment proposal Art. 13, delete (in bold, italic):	
Current version	**Proposed version**
Without prejudice to Union competition law, information considered as confidential business information or commercially sensitive information shall only be shared with the Commission and with the following individuals having signed a confidentiality and non-disclosure agreement: civil servants and other public employees representing Member States or Union agencies, and representatives of non-governmental organisations promoting the protection of human health or the environment. [...]	Without prejudice to Union competition law, information considered as confidential business information or commercially sensitive information shall only be shared with the Commission and with the following individuals having signed a confidentiality and non-disclosure agreement: civil servants and other public employees representing Member States or Union agencies, ***~~and representatives of non-governmental organisations promoting the protection of human health or the environment.~~*** [...]

6) Bureaucracy ought to be minimised

i) The necessity for operators to draw up transformation plans for each industrial installation runs the risk of producing additional costs, time delays and legal uncertainty, with largely high consequences for medium-sized companies. EURATEX stresses the need to revoke this.

Amendment proposal Art. 27d, delete (in bold, italic):	
Current version	**Proposed version**
1. Member States shall require that by 30 June 2030 [...] 2. Member States shall require that [...] 3. The operator shall make its transformation plan [..] 4. The Commission shall by 30 June 2028 [...]	***~~1. Member States shall require that by 30 June 2030 [...]~~*** ***~~2. Member States shall require that [...]~~*** ***~~3. The operator shall make its transformation plan [..]~~*** ***~~4. The Commission shall by 30 June 2028 [...]~~***

ii) The newly condition for actors in research activities, development and testing of new products and processes, having to request a temporary derogation from the requirements would immensely complicate the flexibility and innovation capability of the companies in detail, including the fulfilment of requirements of Green Deal. The high dynamics of new rulings under the Green Deal (ecodesign requirements, REACH, etc.) require a high flexibility of the companies, to which they have to react in most cases in the scope of ongoing production processes.

Amendment proposal Art. 2. insert (in bold, italic):	
Current version	**Proposed version**
1. This Directive shall apply to the industrial activities giving rise to pollution referred to in Chapters II to VIa.	1. This Directive shall apply to the industrial activities giving rise to pollution referred to in Chapters II to VIa. ***2. This Directive shall not apply to research activities, development activities or the testing of new products and processes***

Amendment proposal Art. 27b. delete (in bold, italic):	
Current version	**Proposed version**
Without prejudice to Article 18, the competent [...]	***~~Without prejudice to Article 18, the competent [...]~~***

iii) In general, EURATEX supports measures to promote innovation and research. However, currently there appears to be no added value in the establishment of a new innovation centrum, as there are already many existant specialised institutes. This would merely result in an extra bureaucratical obstacle. It would be more useful to support sector-specific research/development, and replenish existing promotional programs of the KOM (e. g. HORIZON).

Amendment proposal Art. 27a. delete (in bold, italic):	
Current version	**Proposed version**
1. The Commission shall establish and operate an innovation centre [..] 2. The centre shall collect and analyse information on innovative [...] 3. The centre shall be assisted by [...] 4. The centre shall make its findings public [...]	***~~1. The Commission shall establish and operate an innovation centre [..]~~*** ***~~2. The centre shall collect and analyse information on innovative [...]~~*** ***~~3. The centre shall be assisted by [...]~~*** ***~~4. The centre shall make its findings public [...]~~***

iv) The inclusion of information on progress towards fulfilment of the environmental policy objectives is unnecessary. This requirements is one of the many in the scope of an EMS, and has nothing to do in a mere technical regulation scope of an approval, since it is not validated through specialist authorities. Its inclusion in the IED would raise bureaucracy, and delays of approval procedures. Its insertion would better fit within the frame of the Corporate Social Responsibility media coverage.

Amendment proposal Art. 14, 1 (d) (iii), delete (in bold, italic):	
Current version	**Proposed version**
1.Member States shall ensure that the permit includes all measures necessary to [...]	1.Member States shall ensure that the permit includes all measures necessary to [...]

(iii) information on progress towards fulfilment of the environmental policy objectives referred to in Article 14a. Such information shall be made public.	***~~(iii) information on progress towards fulfilment of the environmental policy objectives referred to in Article 14a. Such information shall be made public.~~***

v) In relation to obligations under non-compliance (Art. 8), it must be highlighted that the operator has to adopt all measures, that lead to the prevention of damage. Only if those measures do not hold, should they be obliged to inform the authority, that imposes additional measures. The adjustment of the plant requires appropriate escalation levels, that must be included.

Also, there are several inconsistencies surrounding the actions of authorities in non-compliance (Art. 8), especially relating to point 3, where the authority only takes action, if the necessary measures for the recovery of the compliance of requirements are not taken by the operator, while in in 2 (c) its in general in event of a breach of the permit conditions. It is better advised for the operator to take all measures that lead to damage prevention as a first stage, and only if these are not effective should the operaror inform the authority, which could order further measures. The cessation of operation requires corresponding escalation steps, which are to be inserted.

Amendment proposal
Art. 8, 2.c. amend (in bold, italic):

Current version	**Proposed version**
2. In the event of a breach of the permit conditions, Member States shall ensure that: [...] c) the competent authority requires the operator [...] Where the breach of the permit conditions poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon the environment, and until compliance is restored in accordance with the first subparagraph, points (b) and (c), the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof shall be suspended without any delay.	2. In the event of a breach of the permit conditions, Member States shall ensure that: [...] c) the competent authority requires the operator [...] Where the breach of the permit conditions poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon the environment, and until compliance is restored in accordance with the first subparagraph, points (b) and (c), the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof shall be suspended ***~~without any delay.~~***

vi) Additionally, the overcomplication and prolongation of procedures is feared with the heavier involvement of public participation in the permit procedure (Art. 24). The previous IED, as well as the predecessor regulation, the IPPC Directive, saw no reason for such extensive public participation.

vii) Moreover, it should be noted that the the IED already takes into consideration the safe usage of substances in the productional processes, where REACH is paid attention to as well. Thus, the inclusion of European Chemicals Agency (Art. 13) and competencies that they would introduce need to be clarified, favoring efforts to minimize the bureaucracy load.

viii) The Directive 2004/35/CE of European Parliament and the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage already includes requirements for actions to be taken in cases of incidents and accidents (Art. 5 (2, 3)). Then, there is no need for a separate ruling in the IED.

7) Clarifications must be introduced

i) As for third-party certification (Art. 27d 1), general uncertainty exists on whether they would be necessary for EMS overall of only the Energy Audit, clarifications are necessary, not dismissing that a third-party-certification would significant increase bureaucracy.

ii) Relevent polutants referred to in Art. 14 are ruled legally accountable in Annex II of Regulation (EC) No 166/2006. It is thus not clear how "other polluting substances" are dealt with in this context (how are "significant quantities" determined, whether individual or site-oriented etc.). In the course of a legally safe implementation, binding requirements are to be strived for, in the sense of a harmonisation this should happen through an inclusion in the Annex II of Regulation (EC) No 166/2006.

Amendment proposal Art. 14. 1 (a). delete (in bold, italic):	
Current version	**Proposed version**
'(a) emission limit values for polluting substances listed in Annex II of Regulation (EC) No 166/2006*, and for other polluting substances, which are likely to be emitted from the installation concerned in significant quantities, having regard to their nature and their potential to transfer pollution from one medium to another.	'(a) emission limit values for polluting substances listed in Annex II of Regulation (EC) No 166/2006*, and ~~***for other polluting substances, which are likely to be emitted from the installation concerned in significant quantities***~~, having regard to their nature and their potential to transfer pollution from one medium to another.

8) Old and new rulings under IED need to be clarified

i) The revision of the definition of "BAT conclusions" (Art. 3 (12)) poses a risk as it deviates from TXT BREF that identifies the environmental performance levels associated with the best available techniques as merely indicative and not legally binding. The same holds for the definitions of "benchmarks" (Art. 3, (53), "emissions levels associated with emerging techniques" (Art. 3, (50)) and inclusion of "environmental performance limit values" (Art. 14, 1. (aa)), which additionally can jeopardise the ability for industrial plants to be approved, as in case of various processes/plants, it is not always possible to improve the environmental performance limit values. Thus, IED should clarify how "old" and "new" rulings are to be handled with BREF. EURATEX calls for establishments of consisting BVT to apply until the revision of a BREF.

ii) As for 'compliance assurance' (Art. 8), it must be highlighted that it is already included in TXT BREF. However, it has to be ensured, that internal operational audits are also permissible, third-party certification should not be permitted exclusively. While this is justifiable for the energy management system, it is not so for EMS. It must be in line with TXT BREF where no external audit is required.

iii) As for the inclusion of anticipatory execution on plans and programs in the reconsideration and updating of permit conditions by the competent authority, this cannot be admisible since „plans and programmes" are generic terms subject to interpretation and may include any type of plan or action which set forward arbirtrary and unapplicable requirements. Requirements from plans and programmes only become decisive when they are incorporated into laws and directives (in this case also only after transposition into national law).

Amendment proposal Art. 21. 5 (c) delete (in bold, italic):	
Current version	**Proposed version**
5.The permit conditions shall be reconsidered and, where necessary, updated at least in the following cases: [...] (c) where it is necessary to comply with an environmental quality standard referred to in Article 18, and the specific contribution of the installation is proven including in the case of a new or revised quality standard or where the status of the receiving environment requires a revision of the permit in order to achieve compliance with plans and programmes set under Union legislation	5.The permit conditions shall be reconsidered and, where necessary, updated at least in the following cases: [...] (c) where it is necessary to comply with an environmental quality standard referred to in Article 18, and the specific contribution of the installation is proven including in the case of a new or revised quality standard or where the status of the receiving environment requires a revision of the permit ~~***in order to achieve compliance with plans and programmes set under Union legislation***~~