

Position of the ERM Coalition on the revision of the Industrial Emissions Directive (IED) and the new Industrial Emissions Portal (IEP) Regulation

The ERM Coalition of drinking water suppliers' associations represent 170 water suppliers and 188 million people in the river basins of Rhine ([IAWR](#), [AWBR](#), [ARW](#), [RIWA-Rijn](#)) and Ruhr ([AWWR](#)), Danube ([IAWD](#)), Elbe ([AWE](#)), Meuse ([RIWA-Meuse](#)) and Scheldt ([RIWA-Scheldt](#)) depending on clean drinking water in 18 states, including the 13 EU member states Austria, Belgium, Bulgaria, Croatia, Czechia, France, Germany, Hungary, Luxembourg, the Netherlands, Romania, Slovenia, Slovakia.

On April 5, 2022, the European Commission presented its proposal for the modernisation of the Industrial Emissions Directive (IED) and the European registration of these emissions. The Directive determines the rules set for emissions to water, soil and air of large industrial installations. The revision is in line with the European Zero Pollution Ambition and the objectives of the Green Deal. The ERM Coalition sees the revision of the IED as a positive development towards the desired improved integration of various European directives and regulations such as the Water Framework Directive, REACH, the Urban Wastewater Directive and the Industrial Emissions Directive. The change of the European Pollutant Release and Transfer Register (E-PRTR) to an Industrial Emissions Portal (IEP) linked to this revision is a step forward as well.

The European Commission's revision proposal aims to:

- Tighten the threshold values for discharges and wider application of Best Available Techniques (BAT) or the purification of polluting industrial emissions. This should lead to a reduction of both direct discharges to surface water and indirect discharges via urban wastewater systems;
- Stricter and more transparent permitting;
- Better integration with REACH and the classification of Substances of Very High Concern (SVHC);
- Better substantiation and limitation of potential derogations from the Directive;
- An improved and more transparent system for registration of discharges and permits by integrating IED and E-PRTR.

The ERM Coalition sees the present proposal as an improvement. At the same time, the ERM Coalition advocates tightening up on a number of points:

Wider application range needed

The disadvantage of the IED is that the directive only applies to larger installations, and thus only to approximately 20% of the discharges. The ERM Coalition argues for a broader scope, by making all discharges of SVHC substances (and certainly all PFAS) subject to a permitting scheme. Based on European Union's primary law, Art. 191 (2) TFEU, substances that have not explicitly been permitted, discharge is not allowed.

- Broaden the scope of the IED to include all discharges of SVHC substances, and in any case PFAS;
- Apply, based on the basic EU principles, if not permitted, do not emit it. The discharge of (individual) substances that have not explicitly been permitted, is not allowed.



Assess the impact for sources of drinking water production

In addition, the effects of discharges on water quality at intake points for drinking water should be assessed at European level. This is possible, for example, as is done in the Dutch General Assessment Methodology (ABM) and immission audit, where this audit, along with an obligation to provide information to drinking water companies, is built in. This also applies to discharges that enter the surface water indirectly via sewage and wastewater treatment plants. Extra purification, in addition to mentioning BAT requirements is then necessary when drinking water sources are in danger (BAT+).

- Add an audit in the IED to assess the effects of discharges at drinking water intake points in accordance with the Dutch ABM and Immission Audit. Apply extra purification (BAT+) when necessary;
- Involve downstream drinking water companies in the permitting process;
- In the case of indirect discharges to urban or industrial wastewater installations, involve wastewater installation operators in the permitting process.

Regular updates of permits and better registration of permits and discharges

It is important that permits are based on the most recent insights and legislation. In the proposal, a mandatory revision after no more than 7 years should be added. Along with the proposal for the IED, the European Commission is introducing a new Industrial Emissions Portal (IEP) proposal for a more transparent registration of permits and emissions data. The existing register (European Pollutant Release and Transfer Register, E-PRTR) turned out to be insufficiently coherent and transparent. Both permits and discharges will be registered in the Portal.

In support of this ambition, the ERM Coalition advocates adequate supervision of this Portal by an independent institute such as the European Environment Agency (EEA), through annual monitoring and reporting on the completeness and quality of this Portal.

- A mandatory revision of permits should be carried out after no more than 7 years.
- Organize annual monitoring and reporting on completeness and quality of the Portal for Industrial Emissions by an independent institute, such as the European Environment Agency.

The proposal of the European Commission includes that SVHC substances must be registered above a certain limit value in Annex II of the revision of the E-PRTR. In view of the European aim to phase out these SVHC substances, the ERM Coalition argues for an obligation that this registration obligation applies to all SVHC discharges, regardless of the quantity. The discharges of non-SVHC substances, which the competent authority considers relevant, must also be registered. This also applies to discharges of cooling water (including additives). The ERM Coalition welcomes that the Commission's Annex II, which determines which substances the IEP applies to, can be amended to meet rapid developments in other laws or advancing scientific understanding.

- Mandatory registration of discharges of all SVHC substances, regardless of their quantity, including substances that have been designated and standardized by the competent authority/licensor;
- Mandatory registration of discharges of cooling water (including additives).



RIWA-Rijn



RIWA-Meuse



RIWA-Scheldt

Better execution and control

An important point of attention is implementation. According to the ERM Coalition, it is crucial that the competent authority has sufficient capacity and commitment to act according to the requirements of the IED. Close monitoring of the implementation of the directive is essential for proper enforcement. Therefore, it must also be ensured in the directives that compliance is mandatory and that sanctions can follow in the event of non-compliance.

- Ensure sufficient knowledge and capacity for the implementation of the IED;
- Ensure that compliance and/or sanctions are enforceable in the event of non-compliance with the IED.

This ERM Coalition position paper corresponds to the position paper of Vewin, Association of Dutch water companies.

12 September 2022

