

Linking the Directive on Industrial Emissions (IED) and the REACH Regulation

IMPEL project 2013 and results 2014

Dr. Gisela Holzgraefe
17 April 2015



Schleswig-Holstein
Ministerium für Energiewende,
Landwirtschaft, Umwelt und
ländliche Räume

Content

01	Short introduction to IMPEL
02	IED and REACH: IMPEL project 2013
02.1	Objectives
02.2	Conclusions
03	IMPEL project 2014
03.1	Objectives
03.2	Results
03.3	Proposal for future IMPEL work
04	State of IMPEL project 2014

Short introduction to the IMPEL network

IMPEL = Implementation and enforcement of environmental law

Network of practitioners working in the field of environmental protection

Founded in 1992, since 2009: association under Belgian law

Members: European Ministries for the Environment, Norway,
Iceland, Turkey, several European regions

Work: projects, conferences, administration (General Assembly,
secretariat, expert teams), cooperation with other networks

Activities in five expert teams: industry, waste, water & soil, nature
conservation, x-cutting issues

Funding: member states and regions pay membership fee plus LIFE +
funding)

IED and REACH: IMPEL project 2013 objectives

- IED many references to hazardous substances and risks
- ➔ worthwhile to explore interrelation between IED and REACH by identifying
 - how the requirements/obligations under REACH Regulation can be used for permitting and inspection work
 - how requirements / obligations under REACH Regulation and IED requirements interact
 - what input the information generated by REACH requirements can be for permitting and inspection tasks
 - what input the information generated by IED procedures can be for tasks under REACH
 - the synergies and complementarities of the two pieces of legislation

IMPEL project 2013 methodology

- ❖ Small team of 8 experts REACH, IED or REACH and IED (IMPEL and Forum, ECHA)
 - brief analysis of existing literature
 - presentations on
 - relevant REACH processes and generated REACH information
 - interlinks of the REACH Regulation with the IED
 - Information about existing databases, flowsheets, supporting tools and permit conditions related to chemical substances was collected in participating countries
 - ECHA provided an analysis of synergies between IED and IED from the downstream user perspective

IMPEL project 2013

Conclusions

- Operators can benefit from the information generated under REACH and IED for cross-legislation compliance in many different situations.
- It is a benefit for all parties if the information generated under one legislative regime can be used by industrial operators/downstream users to facilitate compliance under a second regime.
- IED authorities also benefit from REACH/CLP information when dealing with applications for IED permits, especially when assessing the substances used, produced or imported.
- There is a need to raise awareness and provide all the actors having a role in cross-legislation issues with guidance and tools on how to deal with and use the synergies identified.
- Link: <http://impel.eu/projects/linking-the-directive-on-industrial-emissions-ied-and-reach-regulation/>

IMPEL project 2014 – follow-up to project 2013 objectives

➤ Objectives of IMPEL project 2014

- dissemination of results and best practice examples and
- exploring the practical work with REACH requirements in permitting and inspection by using a questionnaire (17 MS were involved) and carrying out a workshop

IMPEL project 2014 - results

I. work in practice - permitting

Legal background and guidance / supporting tools on national level:

- 6 MS have either a **direct or indirect link between IED and REACH in their legal provisions**
- 6 MS have **guidance** for dealing with REACH in permitting it in place - either generic or as **tools** like flowsheets, or checklists for permitting and inspection
 - guidance and supporting tools promote the integration of REACH and IED in permitting and inspections and facilitate the work of permit writers and inspectors

IMPEL project 2014 - results

I. work in practice - permitting

Permit conditons:

- **Setting conditions for substances regulated under REACH**
 - Awareness of REACH relevance is not yet very high.

- **Use of specific information from ES and SDS for setting conditions:**
Information from SDS is used but not systematically.

IMPEL project 2014 - results

I. work in practice - permitting

- **Reference to Annex XIV and XVII in the permit:** more than half of the countries require information about these substances in the permit application.
 - If an application covers activities that are an offence against restriction or authorisation requirements the permit cannot be granted. For this reason substances have to be checked. Experience must grow.

- **Reference to authorisations granted or rejected** for substances under REACH Annex XIV in the permit
 - Due to rare cases up to now there is not much experience with it.

IMPEL project 2014 - results

II. work in practice - inspection

- Some countries have general guidance for dealing with REACH in inspection in place
 - several countries use the manuals / checklists of the FORUM REACH EN-FORCE-projects,
 - others have own checklists for REACH in inspections in place.
 - It remained unclear whether they are used in joint IED / REACH inspections or in REACH inspections
- Some authorities check whether the company activities are covered by ES, but it seems that is not done systematically

IMPEL project 2014

III. Authorities - recommendations

- For dealing with REACH in IED permitting and inspection well trained staff is necessary.
- For producing good and harmonised results IED permitting and IED inspection authorities should closely cooperate with REACH authorities and vice versa.
- Close cooperation may be a problem when authorities belong to different organisations (e.g. ministries). Use of common mailing lists and databases may facilitate cooperation.

IMPEL project 2014 proposal for future IMPEL work

Project participants saw need for further work on items related to substances regulated by REACH.

→ Recommendation for a follow-up project on:

- dealing with REACH authorisations and restrictions in IED permitting and inspection
- work with SDS and ES in IED permitting and inspection (including use of PNECs)
- how the integration of REACH aspects into IED permitting and inspection can be improved / further developed

IMPEL project 2014 state of the project

- draft final report has been developed
- agreement on the report not yet finalised
- results of the project will be presented at the IMPEL expert team meeting “Air and Industry” end of April
- Final report will be published on IMPEL and Forum website

- Questions?

Thank you for your attention !

On behalf of IMPEL

Gisela Holzgraefe

Ministry for Energy, Agriculture, the Environment and Rural Areas

of Schleswig-Holstein

Mercatorstraße 3

24106 Kiel

Phone: +49 988 7133

Email: Gisela.Holzgraefe@melur.landsh.de