

Brussels, 4<sup>th</sup> November 2016

**Explanatory note on INERIS report “Study on AMS and SRM performances and their impact on the feasibility of lowering ELVs for air emissions in the context of the BREFs and BATs revision and of BATAEL elaboration according to the IED”.**

While the emission concentration values reported by the operators in the Waste Incineration BREF questionnaires are below – and most often well below - the current Industrial Emissions Directive (IED) Emission Limit Values (ELVs), the very low operational concentration levels reported are associated with high relative uncertainties. These relative uncertainties are for some pollutants higher than what is required under the IED and relevant Standards. Since the reported operational emission values are the basis for Best Available Techniques Associated Emission Levels (BATAELs) and BATAELs must be used to set future ELVs, it is necessary to clarify the legal framework to achieve compliance.

Our aim with the INERIS study is to raise awareness on the issue, to trigger discussion on this horizontal topic, and to work together with stakeholders in order to find a harmonised procedure or guidance at European level to deal with it: although compliance with current IED Annex V and VI ELVs is not questioned, for some pollutants the low values reported by plant operators cannot be used 1:1 to set emission limits, because the relative uncertainty connected to the measured values would be too high to comply with the current rules on uncertainty. Considering the legally binding nature of ELVs (with severe legal consequences in case of non-compliance), we need to ensure that compliance with ELVs derived from BATAELs can be checked with the appropriate certainty.

Best regards,

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ESWET – Patrick Clerens, Secretary General

FEAD – Nadine De Greef, Secretary General