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DIRECTORATE-GENERAL

ENVIRONMENT

Directorate C - Climate Change & Air

ENV.C.4 - Industrial emissions & Protection of the ozone layer

Brussels, **14 MARS 2008**

DG ENV.C.4 AP/mz D(2008) 4468

NOTE TO THE MEMBERS OF THE IPPC BAT INFORMATION EXCHANGE FORUM

Subject: Final draft of the BREF in the Energy Efficiency

In my note dated 2 February 2007, I informed you about the procedure which will be used to organize the work of the IEF for commenting on the draft final BREFs.

Such a procedure should avoid the difficulties raised during the last IEF meeting where a large number of comments (mainly editorial) were received very shortly before the IEF meeting leaving only a very short period of time for the European IPPC Bureau to review all these comments and present at the meeting a table summarizing the responses to these comments. In addition, these types of editorial comments should be dealt with at the level of the Technical Working Groups in order for the IEF to discuss more substantial issues related to the finalization of the BREFs and the experience gained on the information exchange.

In order to avoid the repetition of such situation, a timetable was established to provide sufficient time for the IEF members to comment on the final draft BREFs and the European IPPC Bureau to analyse those comments on a case-by-case basis.

I would also like to remind you that standard rules (see enclosed) were agreed for commenting on final draft BREFs. Those standard rules set clear guidelines for the IEF members and the Commission on issues which can be addressed at this stage of the process.

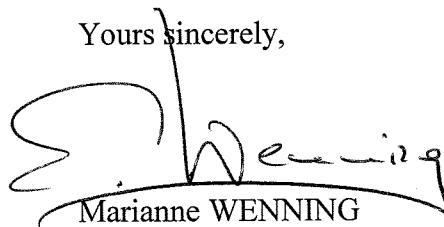
It should be underlined that, as indicated in the text of the standard rules, the possible proposals and the likely response of the Commission presented in this document are illustrative and non-exhaustive. A case-by-case analysis needs to be done by the Commission to decide on the responses to each of the comments.

In light of the above, the following timetable will be applied for the final draft of the BREF Energy Efficiency which will be presented at the next IEF meeting:

- 14 March: final draft BREF available on the web site of the European IPPC Bureau
- 8 April: deadline for the IEF members to provide comments to the European IPPC Bureau (JRC-IPTS-EIPPCB@ec.europa.eu) and DG ENV (filip.francois@ec.europa.eu) using the appropriate template (see Annex to this note).
- 23 April: the IEF members will receive a table summarizing the responses of the Commission to the comments provided by the IEF members. No further additional written comments could be considered at this stage but the IEF members will have the possibility to examine the responses, come prepared to the meeting and express their views.
- 30 April: date foreseen for the IEF meeting. Please note that we can not yet confirm this date. You should therefore wait for receiving the formal invitation to the meeting before making any travel arrangements.

I would like to thank you in advance for your cooperation and I look forward to seeing you at the next IEF meeting.

Yours sincerely,



Marianne WENNING
Head of Unit

Enclosure: standard rules for commenting on draft final BREFs



Standard IEF document

Conclusions concerning final draft BREFs

At the 8th IEF in 2000, the Commission established certain rules regarding the procedure for introducing changes to final draft BREFs as a result of comments made at the IEF meeting. In essence, it was decided that all material changes shall be settled by the Commission once and for all on the second day of each IEF meeting.

The Commission has also decided that all **proposals for changes in the text of final draft BREFs must be submitted in writing**. Members of the IEF are also asked to send all proposals to EIPPCB and DG Environment in advance of the meeting, **at the latest by 8 April 2007**. It will not be possible to take into account late comments.

A special template for comments has been developed and is annexed to this background document. Please use this form where appropriate.

As guidance to IEF members, the following illustration of possible proposals and the likely response of the Commission is provided. The list is non-exhaustive.

Commission response to typical categories of proposals

The TWG/Task Force must be considered as the competent group to debate technical issues and either reach consensus or express split views on issues. Therefore **proposals from the IEF will generally be rejected** if they meet any of the following criteria :

- The issue is technical and was discussed in the TWG/Task Force where consensus was reached.
- The issue is technical and information was submitted at a late stage in the work so the TWG/Task Force have not had a proper opportunity to validate or comment upon its inclusion.
- The issue is technical and despite discussion in the TWG no consensus was reached and the split views of the TWG are reported correctly in the final draft.
- The proposal is a compromise solution to avoid a split view on a technical issue.

These criteria will often apply to discussion over numbers, averaging periods or inclusion/exclusion of a technique as BAT in the final draft.

Proposals from the IEF will generally be accepted subject to advice from the EIPPCB, if they meet any of the following criteria :

- The issue was raised in the TWG and the dissenting view of the TWG member concerned is not accurately reflected in the final draft text.
- The IEF member proposes to remove or modify an opposing view expressed by their own TWG representative on the basis that the TWG member has not followed the principles of the BAT information exchange agreed by the IEF.
- The proposal clarifies text, which is unclear due to clumsy English language used in the final draft.
- The proposed text more accurately reflects the conclusion reached by the TWG/Task Force.
- The proposal corrects a typographic error in the final draft.
- The proposal adds important issues, which are already within the body of the BREF, to the executive summary or conclusions and recommendations sections.

