

Plenary opening session

**HORIZONTAL BREF ON GENERIC ENERGY
EFFICIENT TECHNIQUES - INTERACTION OF
DIFFERENT LEGAL REQUIREMENTS**

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HORIZONTAL BREF ON GENERIC ENERGY EFFICIENT TECHNIQUES - INTERACTION OF DIFFERENT LEGAL REQUIREMENTS

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The Industry does welcome any attempt to increase the efficient use of energy. The efficient use of energy is, besides the efficient production, a major strategy to face the problem of a “possible energy crisis”, namely the increasing prices of energy.

But the big question is – Do we need a new horizontal BREF, a new difficult “legal document”?

The Industry feels, that it would be better to insert necessary techniques in the sectoral Brefs during their revisions.

Let me discuss this thoughts with the following points:

IPPC Directive

The following regulations of the directive should be considered while working on the BREF.

The preamble:

“...The best available techniques, without prescribing the use of one specific technique or technology and taking into consideration the technical characteristic of the installation concerned, its geographical location and local environmental conditions.”

The IPPC directive deals with energy efficiency in a very short way.

Article 3 IPPC:

*“General Principles governing the basic obligations of the operator :
...(d) energy is used efficiently ...”*

Article 6 IPPC:

“The competent authority has to ensure, that the permit includes a description of the energy used in or generated by the installation,”

This rules do not enforce any horizontal BREF.

Sectoral approach

It is interesting for the operators of IPPC plants how the horizontal BREF can work. Every branch has typical plants with typical requirements.

- Energy intensive branches (f.e.: pulp and paper) are using energy in the most efficient way today. But not every paper plant can use f.e. CHP technologies on the site. Local environmental conditions may not allow this.
 - à How will the BREF handle this cases?
 - à Will the BREF be applicable additionally the BREF Pulp and Paper?
- Non energy intensive branches (f.e. metal working industries) do not use energy that efficient today like pulp and paper industry. And this is not needed from the economic point of view.
 - à Will there be any concern on the “economically needed”?
- The BREF could cover techniques common to more than one sector.
 - à What will happen, when the sectoral BREF is reviewed? Is there a review of the BREF compulsory?

This questions could lead to the answer, that the horizontal BREF could be replaced by the already large number of sectoral BREFs. Why not amend and supplement this sectoral BREFs with information about the appropriate “efficient energy use”?

Scope of the BREF

If there is a BREF designed, the BREF should define its scope exactly. The IEF IPPC bureau should await the decision of the legal service of the EU-Commission before starting the work.

IPP and EUP

A major problem in discussing the scope of the BREF is the possible overlap with the EUP directive (energy using products). The EUP directive will state rules for the eco design of energy using products. *“This Directive establishes a framework for the integration of environmental aspects in product design and development to ensure the free movement of energy-using products within the internal market.”*

The energy consumption during use is one of the important eco requirement for the design of the energy using products.

EUP will cover:

- Electric motors and drives
- Generators
- Pumps
- Refrigeration

The insulation etc. of buildings are covered by other directives.

The IPPC Directive prohibits the prescribing of a certain technique (the use of a certain product) and the freedom of movement of goods does prohibit the BREF to state any obstacles for goods in the common market (esp. those having the CE sign).

Freedom of movement of goods and WTO

The BREF faces the absolute border of the “freedom of the movement of goods” in the EU’s common market. Goods (like electrical machines, pumps etc.) once legally entered the common market must not be hindered in the movement by customs or obstacles like customs. Would the BREF establish any of this obstacles, which are not covered by article 6 of the Treaty of the European Union, the BREF must not be applied by the authority.

A similar problem would cause the BREF by stating any obstacles for legally imported goods from member states of the WTO.

Energy Efficiency and EU-Emission Trading

The “production” of the greenhouse gases is often a problem of energy production. Efficient production, efficient transport and efficient use of energy is important to reduce greenhouse gases.

The BREF should handle the different scopes of the Emission Trading and the IPPC directive.

Besides this problem, techniques on efficient energy use in non Emission Trading sectors could be useful.

CHP (Combined Heat and Power Production)

The CHP Directive is the main driver for the discussion in Austria to support the use of CHP in industrial sectors.

A horizontal BREF is not the most efficient way to encourage the industry to use CHP technologies in the plants:

- CHPs are producing electric current and heat on the site. But it is not allowed to “produce” dust, or ozone substances on every site. (Vienna region, Graz region).
- CHPs will become more and more attractive facing the increasing energy prices.