



Position Paper on Best Available Techniques Reference Documents (BREFs)

In the context of the Urban Waste Water Treatment Directive revision

Summary

EurEau strongly supports innovation in our sector. However, we do not agree that the approach of BREFs as defined under the Industrial Emissions Directive (IED) suits the context of the UWWTD. Innovation and affordability of water services are best supported by an UWWTD which establishes output requirements with clear indications of enhanced performance requirements to achieve specific protection of the environment and public health, rather than prescribed instruments.



1. What are BREFs under the Industrial Emission Directive

Currently BREFs are defined in the context of the Directive 2010/75/EU on Industrial Emissions (IED)¹. This Directive applies to “the industrial activities giving rise to pollution”. In this context, BREFs define the best available techniques to remove pollution emitted by industries, the key mission of which is to produce goods and not to clean waste water. Therefore, industry needs guidance to implement the minimum level of treatment required to minimise their impact on the Environment. However, it is not the case for water and sludge treatment

The development of BREFs and the update of the provided information are a long and heavy work to give the right level of information and to achieve the desired performance of the proposed techniques when they are implemented. It involves multiple stakeholders and can lead to difficult debates. The approval of the final document can take more than one year of negotiations.

The official updating cycle of BREFs is eight years, but it generally takes more time due to the work needed for the development and to arduous negotiations for final adoption. BREFs are not a fast and reactive instrument.

¹ Directive 2010/75/EU of the European parliament and of the Council of 24 November 2010 on Industrial Emissions (Integrated Pollution Prevention And Control) (Recast).



2. The idea of BREFs under the UWWTD

Waste water services are not an industrial sector as any other. Our core mission is to collect and treat waste water to protect the environment and the human health. This mission is of public interest and needs to arbitrate between available techniques on the market, local specificities of the waste water, variation of flows due to urban run-off collection, local priorities and limited budget to keep waste water services affordable for the public. Waste water infrastructure is long-term and assets are paid over long cycles. They are not flexible enough to be changed according to the BREFs updating cycle, even a cycle of 8 years. Waste water operators work with public money that needs to be wisely invested. Binding investments only to the technologies referred to in BREFs is not an effective approach and cannot adapt to the large range of operating conditions in Europe. Introducing BREFs into the UWWTD, instead of increasing the uptake of new technologies, would put an additional constraint in the complex equation that waste water services operators have to solve to keep compliance with the regulation and to keep waste water services affordable. As we look to the future where we should minimise the energy consumption and the GHG emissions and should find circular solution for waste water resources, BREFs could never be sufficiently flexible, scoped sufficiently broadly or address the range of technical challenges presented by the existing installed infrastructure.

Furthermore, the burden of writing and developing BREFs being very high, it would not serve waste water services.

3. The idea of BREFs as a promotor of innovation

In the draft policy options for the revision of the UWWTD, the European Commission suggested the use of BREFs to promote innovation. As the mission of the WWTP operators is to comply with certain requirements and as their work is to apply the best treatment to reach the defined standards within their available economic resources, they are pushed to develop their own solutions. The freedom to develop tailor-made solutions adapted to the specific situation of each WWTP must be preserved; as this is the single most important lever to control costs and satisfy performance requirements.

This is currently done through public tenders where the requirements are clearly defined, and where the technology providers could propose their own solutions for a given price. This system ensures that the local authorities to be able to choose the best technological solution for their budget with the objective to comply with the regulation.

Instead of promoting innovation, the introduction of BREFs would transform the UWWTD from a directive of standards to protect the environment to a directive whereby technological requirements are stipulated to achieve the standard to protect the environment. From the perspective of operators, this introduces an additional step in compliance with associated costs but without any benefits for the environment or public health.



From EurEau's perspective, citizens across the EU benefit from the protection of the environment through the UWWTD without the stipulation of technological solutions. Our members are aware of their diverse asset bases (every collection system and waste water treatment plant is different). Stipulation of technological solutions will generate costs without benefits. It remains our preference that the UWWTD sets objectives and leaves Member States, local administrations, and operators to design the most effective solutions to deliver compliance. Some EurEau members already apply some kind of BREFs at a national level. In these cases, the authorities made this choice as an enforcement tool for the UWWTD in order to impose a minimum level of treatment for the WWTP. This tool is not used to favour innovation. Imposing this policy at EU level would not make sense. We are convinced that both innovation and affordability of water services are best supported by an UWWTD which establishes output requirements with clear indications of enhanced performance requirements to achieve specific protection of the environment and public health, rather than prescribed instruments.

4. How to promote innovation in the UWWTD?

If the objective is to stimulate innovation, we should rather consider guidance documents presenting innovative technologies and referring to research results and new processes on the market, defined and tested under large scale conditions by technology providers but without obligation of implementation. Indeed, implementation of any new technology must be adapted to the investment cycles and the asset maintenance cycles which operators follow and regulators / local administrations agree to finance. The development of these guidances would be ensured by technology providers, preserving their trade secret but allowing the access to the benefit and constrains for the utilities. It could work better than the strict structure of the BREFs under the IED.

EurEau strongly supports innovation in our sector. However, we do not agree that the approach of BREFs as defined under the Industrial Emissions Directive (IED) suits the context of the UWWTD.



About EurEau

EurEau is the voice of Europe's water sector. We represent drinking water and waste water operators from 29 countries in Europe, from both the private and the public sectors.

Our members are 34 national associations of water services. At EurEau, we bring national water professionals together to agree European water sector positions regarding the management of water quality, resource efficiency and access to water for Europe's citizens and businesses. The EurEau secretariat is based in Brussels.



EurEau

With a direct employment of around 476,000 people, the European water sector makes a significant contribution to the European economy.