CETS Position on the STM BREF Review

Dear colleagues,
CETS and its national associations have participated in the revision of the STM BREF and have given substantial technical resources to the process. Industry was asked to complete an extensive data collection exercise, which proved especially difficult for small and medium-sized companies and for installations treating a wide and changing range of products.

1. Specific indicators must reliably describe the wide variety of installations

A central difficulty concerns the comparability of performance expressed per unit of treated surface area. Some operators can determine this reliably and use it to improve resource efficiency. For many others, bulk processing, complex or hollow components, changing product mixes and incomplete product information prevent consistent measurement or estimation. Unclear definitions, system boundaries and calculation or allocation methods at the data-collection stage can therefore make the data unsuitable for reliable analysis or sector-wide requirements. This remains a material concern in a sector largely composed of SMEs, where even small installations can readily exceed the 30 m^3 treatment-vat threshold.

2. Harmonisation of controls and site inspections

A further shortcoming is the inclusion of emission data for water and air. There are no harmonised rules across Europe; instead, sampling points and sampling frequencies, as well as measurement methodologies, differ considerably.
In addition, many of the reported values are not relevant at all. At the very least, their relevance has not been established, since some values are extremely low without any examination of how such values actually arose. Many of these values result from the fact that the substance is not used in the respective process at all.
This aspect becomes even more significant because emission levels naturally also depend strongly on the specific process. Furthermore, an assessment of the emission levels that are actually achievable cannot be substantiated by a sufficiently large number of measurements.
The entire database suffers from the fact that the number of available values can in no way be regarded as representative of the sector as a whole, or even as representative of individual subsectors or process types. Once only a few categorisation criteria are applied, the data analysis is reduced to individual data points or, in some cases, merely two values.

3. Representativeness of data

Data can be representative only when they refer to sufficiently specific and comparable subsets of processes and installations. Aggregating observations from activities with different functions and operating conditions creates results that can reasonably be read in different ways. The sometimes-divergent views now expressed by national authorities and associations are therefore a consequence of

CETS aisbl
c/o VOM Belgie
Kapeldreef 60
BE-3001
Leuven
T: +32 (0)16 40 14 20
F: +32 (0)16 29 83 19
E: info@cets-eu.be
www.cets-eu.be

the limitations of the evidence base and the different ways in which the data can be interpreted. A value drawn from one country, region or market niche cannot automatically represent the whole European surface treatment sector.

CETS calls for a transparent and consistent assessment of the evidence submitted during the STM BREF review, whether it originates from Member States, industry or other TWG participants. Contributions should identify their data sources, selection criteria and relevant operating conditions, and clearly disclose limitations and uncertainties. Relevant evidence that contradicts a proposed conclusion should be explicitly addressed.

The JRC should assess the accuracy, completeness and representativeness of these contributions through the TWG review process. Material factual discrepancies should be investigated, identified errors corrected, and the outcome made available to all TWG members. The presence of a submission on BATIS should not, in itself, be treated as confirmation that its findings have been validated.

Selective subsets of data should not support conclusions for the whole sector unless their representativeness is clearly demonstrated. Where material factual discrepancies are identified, their resolution should be documented before the affected findings are used to justify binding requirements. Verified evidence should remain clearly distinguishable from assumptions, interpretations and expert judgement.

4. Basic principles of every regulation

CETS considers that the final phase of the review should be guided by the following common principles:

- **Measurable and reasonable requirements**. Every requirement must rely on a clear definition and a method that companies and authorities can apply and verify in practice.
- **A clear reason for every additional burden**. New monitoring, documentation or investment obligations must have a stated environmental purpose, a transparent evidential basis and a proportionate benefit.
- **Indicative performance benchmarks where evidence is insufficient**. BAT-associated environmental performance levels should become binding only where representative data, comparable process groups and harmonised measurement methods support that use. In other cases, they should remain indicative benchmarks that competent authorities can apply in light of national frameworks and documented installation circumstances.
- **A common European evidence base**. Existing official monitoring data held by operators and authorities should form a European database built on agreed definitions and meaningful process categories. Most of these data already exist because companies routinely monitor their emissions to air and water. Any further request to industry should target a clearly defined data gap and must be designed before collection begins.

CETS aisbl
c/o VOM Belgie
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BE-3001
Leuven
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F: +32 (0)16 29 83 19
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5. Remarks on the STM BREF process as a whole

CETS is concerned with the reliability of the process used to draft and discuss the STM BREF as a whole. Focusing the discussion on one value risks turning a national or process-specific experience into a European rule without first establishing that it is transferable.

Requirements derived from unclear or non-comparable data will not create fair conditions for European industry. They may instead produce inconsistent permitting, unequal competitive impacts and obligations that some installations cannot technically demonstrate or meet. If such requirements are applied without a sound basis, otherwise viable businesses may be forced to reduce or cease operations. This risk should be addressed before the conclusions become mandatory.

CETS therefore asks that the basis for each binding requirement be made transparent, that verified evidence be clearly distinguished from expert judgement, and that further data be requested only where the full body of existing information, including routine monitoring data rather than only data submitted voluntarily, cannot support an EU-wide conclusion.
In particular, the derivation of any specific numerical requirements, including emission limit values and environmental performance levels, must be fully documented and transparent. It must be demonstrated how such values have been derived from the underlying data, which statistical methods have been applied, and to what extent the resulting values are statistically robust.
The associated uncertainty must be quantified and explicitly reported. Only on this basis can reliable conclusions be drawn as to which emission and environmental performance levels are genuinely associated with the best available techniques.

CETS asks that BAT conclusions explain the conditions under which the proposed emission and environmental performance levels can be achieved with the techniques identified. General references to precipitation, scrubbing, separation or evaporation are insufficient without evidence linking performance to relevant process and operating conditions. A sufficiently detailed analysis may identify factors that make a treatment or abatement technique technically feasible in some installations but unsuitable or ineffective in others.
The review should therefore clarify the applicability and limitations of these techniques, and the measures supporting improved performance, without assuming that results from one context are transferable to all installations.

CETS and its national associations remain ready to contribute to a process that produces environmental requirements that are clear, measurable, reasonable and capable of consistent application across Europe.

VAT nr.: BE 0827.987.545
Bank: ING Belgium, Naamsesteenweg 121, BE-3001 Leuven
Bank Account: 363-0760532-92 & IBAN: BE12 3630 7605 3292 & BICC: BBRUBEBB

CETS aisbl
c/o VOM Belgie
Kapeldreef 60
BE-3001
Leuven

T: +32 (0)16 40 14 20
F: +32 (0)16 29 83 19
E: info@cets-eu.be
www.cets-eu.be