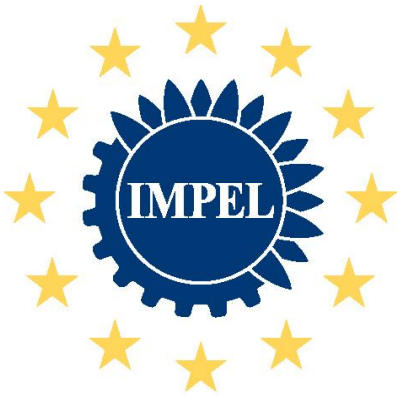

European Union Network for
the Implementation and Enforcement
of Environmental Law

Linking the Directive on Industrial Emissions (IED) and the REACH Regulation (II)

May 2015

Introduction to IMPEL

The European Union Network for the Implementation and Enforcement of Environmental Law (IMPEL) is an international non-profit association of the environmental authorities of the EU Member States, acceding and candidate countries of the European Union and EEA countries. The association is registered in Belgium and its legal seat is in Brussels, Belgium.

IMPEL was set up in 1992 as an informal Network of European regulators and authorities concerned with the implementation and enforcement of environmental law. The Network's objective is to create the necessary impetus in the European Community to make progress on ensuring a more effective application of environmental legislation. The core of the IMPEL activities concerns awareness raising, capacity building and exchange of information and experiences on implementation, enforcement and international enforcement collaboration as well as promoting and supporting the practicability and enforceability of European environmental legislation.

During the previous years IMPEL has developed into a considerable, widely known organisation, being mentioned in a number of EU legislative and policy documents, e.g. the 7th Environment Action Programme and the Recommendation on Minimum Criteria for Environmental Inspections.

The expertise and experience of the participants within IMPEL make the network uniquely qualified to work on both technical and regulatory aspects of EU environmental legislation.

Information on the IMPEL Network is also available through its website at:
www.impel.eu

Title report: Linking the Directive on Industrial Emissions (IED) and the REACH Regulation	**Number report:** [2014/10]
Project manager: Gisela Holzgraefe	**Report adopted at IMPEL General Assembly / written procedure:** June 2015
Authors: Gisela Holzgraefe with project team and participants of the workshop	**Number of pages:** [101] Report: [50] Annexes: [51]

Project team:

Gisela Holzgraefe (DE), Eva Haug (NO), Gunn Sørmo (NO), Sandrine Benard (NO), Paul Cuypers (BE, ECHA Forum member), Parvoleta Angelova Luleva (BG, ECHA Forum member), Monique Pillet (ECHA), Juan Pablo Calvo Toledo (ECHA Forum Secretariat)

Executive summary:

Together with the European Chemicals Agency (ECHA) IMPEL carried out a first project on "Linking the Directive on Industrial Emissions and the REACH Regulation" in 2013, in which the interrelation between the two pieces of legislation were explored. Some best practice examples for dealing with it were included in the final report. The main objectives of the follow-up project 2014 were to:

- contribute to increasing the awareness of authorities and the industry of the interactions between REACH and IED,
- collect more information on current practices related to the IED and REACH interlinks, especially about existing instruments and tools concerning chemical substances for handling the item in permit procedures,
- identify a set of data on chemical substances that is needed for permit applications and a procedure to deal with the obligation to use less hazardous substances and
- exchange experience on guidance material and best practice.

In this project a number of findings and recommendations were identified based on a survey of Member States and a workshop. The following good practices were identified at national level in relation to dealing with chemical substances in IED permitting and inspection:

- creating a direct link between IED and REACH/CLP in the national legislation to ensure a level playing field,
- providing good guidance, checklists and tools for developing a common understanding,
- requiring information about all substances used/manufactured during the process chain in the permit application and notification of any changes produces a good bases for assessing the risks and formulating permit conditions. This should include the submission of SDS and information about Annex XIV and Annex XVII substances.

Fostering close cooperation between IED permitting and inspection authorities and REACH authorities allow for producing good and harmonised results. This should be supported by:

a) allowing access to permits e.g. via databases,b) providing information about relevant results of inspections,

c) taking up colleagues into mailing lists for information exchange,

d) carrying out meetings for information exchange.

This may be a problem when authorities belong to different organisations (e.g. ministries).

On top of that the project identified activities on European level that could facilitate the work of permitting and inspection authorities:

- REACH requirements should be taken into consideration in the BREF documents and BAT conclusions.
- In BREF documents appropriate alternatives for substances regulated by the REACH candidate list, Annex XIV and XVII should be mentioned.
- BREF documents should take into account obligations to substitute certain chemical substances and offer alternatives.

A majority of the representatives participating in the project asked for a separate guidance document on CLP/REACH and IED in permitting and inspection. Most of them wished a general part and specific information with examples.

The following proposals for further work of IMPEL in cooperation with ECHA and the ECHA Forum were identified:

- Dealing with REACH authorisations and restrictions in IED permitting and inspection
- Work with SDS and ES in IED permitting and inspection (including use of PNECs).

The report contains a number of unresolved problems for which IMPEL should consider how they may be taken forward best (e.g. on PNECs and ELVs).

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1. Introduction

1.1 Project background

Priority activity 3 of the 7th Environment Action Programme (EAP) is to safeguard European Union's citizens from environmental related pressures and risks to health and wellbeing. EU environment legislation has delivered significant benefits for health and wellbeing of the public. However, water, air pollution and chemicals remain among the general public's top environmental concerns. Existing environmental legislation is to be applied more effectively and transparently. As a contribution to the improvement IMPEL carried out the first project on "Linking the Directive on Industrial Emissions (IED) and the REACH Regulation" in 2013.

The assessment of the interlinks between the REACH Regulation and the IED showed that downstream users / operators can benefit from the information generated under REACH and IED for cross-legislation compliance in many different situations but that the amount of information they have access to depends on their individual role under REACH.

As IED permitting and inspection tasks are closely related to properties of chemical substances, IED authorities can benefit from the information generated under REACH by using it for the assessment of applications and assessing the substances used, produced or imported. REACH competent authorities can get information for their work from permit applications (inventory of chemicals on site, information on the use of chemical substances), the environmental risk assessment, the monitoring data and support for substitution of hazardous substances from the description of emerging techniques described in BREF documents. Close cooperation between IED and REACH authorities is highly recommended.

A need to raise awareness and provide all the actors having a role in cross-legislation issues with guidance and tools on how to deal with and use the synergies was identified. The project team recommended a follow-up project that should mainly aim at the dissemination of results of the project 2013 and include a workshop.

1.2 General information for the reader of this report

The IMPEL project on "Linking the Directive on Industrial Emissions (IED) and the REACH Regulation" II is a follow-up of the project that was carried out in 2013. Therefore it is highly recommended to know the results of the previous project. The report of phase I is available on the IMPEL website (http://impel.eu/projects/linking-the-directive-on-industrial-emissions-ied-and-reach-regulation/). Another point to be aware of is that this current report is addressed to IED and REACH authorities at the same time. Not all of them are at the

same time familiar with both disciplines. Therefore it was necessary to explain some items in more detail.
A questionnaire was used for generating an input to phase II of the project. It might be possible that respondents, depending on their area of expertise understood the questions in a different way. To a certain degree, different interpretations of the questions may have led to the results that the project team got. In this report the reference to the questionnaire is made by using the main item of the questions as the headline of a table or a chapter or by mentioning the number of the question in brackets.

1.3 Project objectives

Chapter 2.4 of the Terms of Reference (ToR, Annex I) defines the expected outcome of the IMPEL project "Linking the Directive on Industrial Emissions (IED) and the REACH Regulation (II)". The project team was asked to:

- contribute to increasing the awareness of authorities and the industry about the interactions between REACH and the IED,
- collect more information on current practices related to the IED and REACH interlinks, especially about existing instruments and tools concerning chemical substances for handling the item in permit procedures,
- work towards the identification of a set of data on chemical substances that is needed in permit applications to ensure that substances are addressed adequately through the life-cycle of the permit,
- work towards the identification of a procedure to deal with the obligation to use less hazardous substances (steps in the authorisation process may provide useful information),
- exchange of experience on guidance material and best practice

If possible the project team should

- work towards a general recommendation on information on chemical substances in permit applications and supporting guidance / templates and tools – taking into account the interlinks of the REACH regulation with the IED,
- answer the open questions that remained from the project part I of 2013, e.g. by finding out, which relevance derived no effect levels (DNELs) and predicted no effect concentrations (PNECs) have for the enforcement tasks under the IED, whether the obligations of downstream users to follow received exposure scenarios have an effect on permits.

1.4 Participants and their interest in the project

The project team of the follow-up project consists of the following members (with their expertise mentioned in brackets): Gisela Holzgraefe (DE, project manager, IED and chemical

safety), Parvoleta Angelova Luleva (BG, hazardous chemicals, preventive activities, ECHA Forum representative), Eva Haug (NO, REACH), Gunn Sørmo (NO, IED), Sandrine Benard (NO, IED permitting), Monique Pillet (ECHA, Risk Management Implementation Unit), Juan Pablo Calvo-Toledo (ECHA, Forum Secretariat), Paul Cuypers (BE, environmental inspector, ECHA Forum representative).

Apart from Paul Cuypers and Sandrine Benard all members had been involved in the phase I of the project on "Linking the Directive on Industrial Emissions (IED) and the REACH Regulation" in 2013 and were interested in the further development of a common understanding concerning the interlink of the two pieces of legislation and the assessment of tools and approaches.

1.5 Methodology

Based on the outcomes of phase I of the project on "Linking the Directive on Industrial Emissions (IED) and the REACH Regulation" [Lit. 1] a questionnaire (see Annex II) was developed to get more information on how the authorities use data and information collected /developed on chemical substances for REACH purposes in IED permitting and inspection. The main items were:

- the formal interlink between IED and REACH in the IMPEL Member States,
- guidance and checklists on dealing with REACH in IED permitting and IED and REACH inspections,
- procedures on setting ELVs and defining permit conditions related to chemical substances and relation to REACH,
- use of data and information from safety data sheets (SDS), exposure scenarios (ES), predicted no effect concentrations (PNECs) as well as taking into account authorisations and restrictions under REACH in permitting and inspection,
- cooperation of authorities and capacity building,
- duties of enterprises and follow-up measures after granting the permit,
- proposals for guidance development and integrating substance related aspects into BREF documents.

The questionnaire was circulated via the national IMPEL coordinators to the competent authorities for IED permitting and inspection as well as via the ECHA Forum secretariat to the REACH competent authorities and the REACH inspection bodies. The answers to the questionnaire were collected in the "Summary of answers to the questionnaire" (see Annex III to this report). Together with the results of phase I of the IMPEL project on "Linking the Directive on Industrial Emissions (IED) and the REACH Regulation" the information collected from the questionnaire were the main input for the discussions during the workshop that was part of the project.

Information about the respondents and the organisations they work for

Experts from 17 *authorities* from the following IMPEL Member States filled in the questionnaire:

AT, BE, BG, CY, CZ, FI, FR, DE, GR, IE, LV, MT, NO, PL, PT, SK, SE. Table 1 gives an overview of the authorities, their competencies and of the experts, who answered the questionnaire.

Authority / organisation	national	11	regional	4
	national and regional	1	unclear	1
Competent for	permitting and inspection	10	inspections	4
	permitting	1	guidance and court cases	1
	unclear	2		
Kind of tasks of the respondent	permitting and inspection	9	permitting	2
	inspection	5	policy and implementation	1
Respondent works in the field of	REACH and IED	7	only REACH	5
	only IED	5		
Installations respondents deal with	all kinds	8	certain sectors: chemical industry: 3 out of the 4	4
	not identified	5		

Table 1: Analysis of the respondents and the authorities they work for

Further details:

- In Finland the answers concerning permitting and inspection came from two different colleagues (one from the permitting and the other from the inspection authority).
- Two respondents indicated that their answers do not represent the situation in the whole country (for BE the answers refer to Flanders, for DE to Schleswig-Holstein).

This means that a well balanced group of representatives from the REACH and IED competent authorities answered the questionnaire.

The workshop

From 24 – 26 November 2014 a workshop was carried out in Berlin (Agenda see Annex IV to this report). The purpose was:

- to get more input about current ECHA activities concerning the item and the SVHC roadmap;

- to discuss the results of the answers to the questionnaire; and
- to exchange information about best practice examples from Norway, Flanders and Schleswig-Holstein (DE) and supporting tools used in the different IMPEL Member States.

12 representatives from 10 countries (BE, CY, CZ, DE, FI, PT, NO, LV, FR, PL) participated in the workshop. Their professional background is shown in the following table. 11 of them had answered the questionnaire. Thus a well balanced group of experts gave their contributions to the project during the workshop.

Tasks in the field of	IED and REACH	only REACH	only IED	work safety
No. of participants	4	5	2	1

Table 2: professional background of participants in the workshop

Representatives from the Commission, the IPPC Bureau in Seville and ECHA were invited to participate in the workshop. ECHA was not able to attend the event or participate in the discussion but provided a presentation on the "Use of information generated by REACH/CLP and other legislation to ensure safe use of chemicals". The IPPC Bureau sent its current view on the possibility to integrate substance related aspects into BREF documents (see chapter 3.8.3).

2. Further input to the project

2.1 ECHA's project on the use of REACH and CLP information at installation level

Operators of industrial installations using chemicals (downstream users) are key actors in ensuring that chemicals are used safely for both human health and the environment. In doing so, they need to comply with a number of environmental and occupational safety and health legislations as well as REACH.

The REACH legislation and in particular the registration process has expanded, standardised and improved the information generated about chemicals. Part of this information is communicated to users of chemicals.

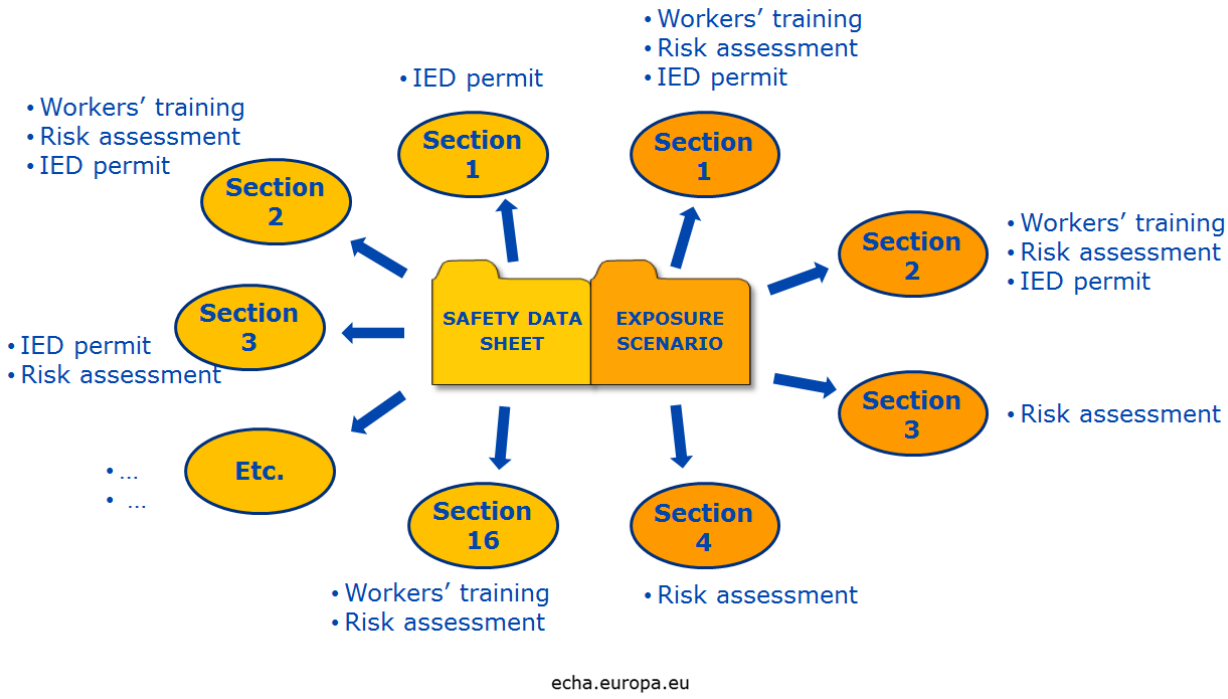
For the chemicals they use, operators/downstream users receive safe use information from their suppliers mostly via safety data sheets and exposure scenarios.

The aim of this ECHA project is to explore where the REACH and CLP information can be used to support operators/downstream users in meeting their obligations under the main occupational safety, health and environmental legislations.

A case study for a hypothetical nickel plating company was developed by ECHA with the support of a limited small group of industry and authority representatives drawing on information publically available for the surface treatment process described, including generic exposure scenarios and safety data sheets.

The case study illustrates in a practical and realistic way, what kind of information from REACH/CLP (especially safety data sheets and exposure scenarios) applies and can be used to support for example, an application for an environmental permit under the Industrial Emission Directive or a work place risk assessment under the Chemical Agents Directive (98/24/EC).

Examples of information use



An overview of the case study was briefly presented to the participants to the IMPEL "IED and REACH" - workshop 24 - 26 November 2014 in Berlin and as a follow-up, the full case study was shared with a request for feedback.

2.2 The SVHC Roadmap

As chemical substances regulated by REACH (under authorisation regime or restricted) play an important role in the work of IED permitting and REACH / IED inspection authorities, an update on recent developments in this field provided further input to the project. In 2013 the European Commission published its 'Roadmap for SVHC identification and implementation of REACH Risk Management measures from now to 2020' (called the SVHC Roadmap). The roadmap aims to include in the REACH candidate list all relevant currently known SVHC by 2020 as well as to ensure:

- progress in other areas of REACH, such as restrictions;
- the efficient use of information generated by REACH, for example from registration dossiers and evaluation, to identify regulatory risk management needs; and

- that the most appropriate action is taken.

The SVHC Roadmap outlines a methodology for working towards achieving this objective, with clear deliverables, planning and sharing of responsibilities. For the selection of the relevant SVHC it foresees the use of screening methods, followed by a risk management option (RMO) assessment. For this purpose information from the ECHA database, other REACH and CLP databases and further available relevant sources is used. The SVHC Roadmap lists as groups of substances to be covered CMRs (cat 1A/1B), sensitisers (and substances with other human health related hazard profiles which may give rise to equivalent level of concern), PBTs and vPvBs, endocrine disrupters, and petroleum / coal stream substances with CMR or PBT / vPvB properties.

To achieve the objectives of the roadmap, the Commission, ECHA and all Member States have to cooperate closely. In December 2013 ECHA published its "SVHC Roadmap to 2020 Implementation Plan" in which further information on the identification of relevant SVHCs, the coordination of activities between authorities, progress monitoring and communication towards stakeholders and the public is given. Documents on the SVHC Roadmap can be found on the ECHA webpage: http://echa.europa.eu/addressing-chemicals-of-concern/substances-of-potential-concern

3. The analysis of the answers to the questionnaire and the results of the workshop

In this section the replies to the questionnaire received are presented and the discussions held during the workshop are summarised.

3.1 Formal interlink between IED and REACH on national level (Question 1)

For correct enforcement of regulatory requirements, for a common understanding and for level playing field permit writers and inspectors need a clear and unambiguous legal framework. Table 3 shows the evaluation of the answers to the questionnaire.

Question 1: Do you have in your country a formal interlink between IED and REACH on legislation / decree / order level?			
no	**country**	**d / i ***	**comments**
1	FI	d	Environmental Protection Act: For preventing the environmental pollution and the risk of that must activity comply with the Waste Act (646/2011) of … .. as well as the general principles and requirements of the safe use of chemicals in accordance with the Chemicals Act (599/2013) and the European Union chemicals legislation. The Chemicals Act states that the regional and municipal authorities are responsible for the supervision of activities that pose a threat of environmental

			pollution in accordance with the Environmental Protection Act to the extent that the supervision concerns the operator's obligation to prevent harmful environmental effects in the use and storing of chemicals. This includes also REACH.
2	BE(FL)	d	Order of the Flemish Government of 6 February 1991 concerning Environmental Licences) and Order concerning General and Sectoral provisions relating to Environmental Safety of Flemish Government → additional item (F 16) in application form for environmental permits, (only) substances subjected to restrictions or authorisations under REACH have to be filled in
3	SE	i	Ordinance on environmental inspection and enforcement (2011): responsibility for inspection and enforcement for IED and REACH lies with either a municipality or a regional board.(i) Questions concerning chemical use relating to Reach are included in the Environmental code, chapter 22 section 1 (application and rules of consideration) and in chapter 22 section 25 among necessary conditions in a permit.However, in neither case is Reach mentioned specifically. (i)
4	DE	i	Federal Immission Control Act, Art. 6 Prerequisites for Licensing: A permit shall be granted provided that 2. the construction and operation of such installation does not conflict with any other provision under public law or any occupational safety and health concerns. (The REACH Regulation is such other provision under public law.)
5	NO	d	Reference to REACH in the permits for IED-installations, in the section setting conditions to chemicals (required by guidelines for applying for permits for land-based industry)
6	FR	i	The environmental code empowers experienced environmental inspectors for chemicals enforcement.

*(direct = d, indirect = i)

Table 3: Formal interlink between IED and REACH on national level

Conclusion: The results of the questionnaire confirm the situation of the IMPEL project of 2013: Up to now only a few legislators in the European Economic Area are aware of the relation between IED and REACH.

3.2 Support for permit writers

3.2.1 Guidance for dealing with REACH in IED permitting (Question 2)

The evaluation of the answers to the questionnaire showed that only a minority of respondents (FR, BE (Fl), (BG), NO, (AT), (DE)) report that guidance for dealing with REACH requirements in IED permitting is available or will be available in near future in their countries.

France has generic provisions on chemicals to ensure consistency between chemicals legislation and permits to make sure that the company does not use certain types of

chemicals or, if so, complies with the REACH Regulation or has a strategy for substitution, depending on the case.
Norway has a general guidance which explains what the meaning is behind the conditions that are set for chemicals in permits. A flow sheet has been developed that is also linked to a database for chemicals (see further information in chapter 4.1).

In **Flanders** (BE) the Environmental Licenses Division has an instruction manual for advising environmental counselors (permit writers) in cases where there are substances in the applications that are subject to restriction or authorisation requirements under the REACH Regulation (1907/2006). Besides giving advice on how to deal with REACH in permitting, the manual also asks the counselors to report which restrictions and authorisations apply to the environmental permit applications that they advise to the coordinator of chemical substances of the Flemish Environmental Licenses Division. This way the information is available at all times, including the use for the Article 117 report of the REACH Regulation.

Bulgaria and **Austria** say that it is partly covered in their guidance. In Germany a guidance document on national level does not exist, but at the federal state level, e.g. in Bavaria a brochure is available (see further information in chapter 4.3).

During the workshop the different approaches were discussed. The group did not identify a favourite one.

3.2.2 Checklists for permitting activities that include items related to REACH (Question 3)

The situation concerning checklists for permitting activities that include REACH requirements is similar to what was described in chapter 3.2.1 for guidance. Only a minority of countries or regions has developed checklists or templates / forms.

In the **Flemish** (BE) application form for an environmental permit an item (F16) is provided in which substances subject to restrictions or authorisations under REACH have to be filled in. The applicant has to fill in the name, number (CAS or EC), authorization and restriction of the substance to which the permit is related. The application form for an environmental permit can be found as annex 4 (more specifically, the item F16 can be found in annex 4.B) of title I of Vlarem (= Order of the Flemish Government of 6 February 1991 concerning Environmental Licences). The application form can be found here:
http://www.lne.be/themas/vergunningen/praktisch/formulieren

In **Sweden** in the Environmental Code includes questions concerning the use of chemical substances related to REACH (chapter 22 section 1 - application and rules of consideration -

and in chapter 22 section 25 among necessary conditions in a permit). However, in neither case REACH is mentioned specifically.

Schleswig-Holstein (DE) has a checklist for documents and data that have to be submitted with the permit application (see chapter 7.2.1 in the IED and REACH report 2013, Lit.: 1).

3.2.3 Conclusions on chapter 3.2.1 and 3.2.2

For both sides – applicants and permit writers - it is a value to have guidance documents and checklists describing the documents and data that have to be submitted to the authority. They contribute to transparency and to a common understanding. Applications for IED installations are very complex. For authorities and for applicants it is time consuming if documents and expert statements have to be handed in later on instead of getting them directly with the application. As many permit writers are not experts concerning chemical substances and are often not familiar with the interrelationship between REACH and IED the item should be addressed in guidance documents and checklists.

For providing supporting material the countries have chosen different approaches:

a) Generic guidance
b) General guidance with a flow sheet and databases
c) Instruction manual plus reporting obligations.

Additionally close cooperation between competent authorities in both fields is highly recommended.

It cannot be said which approach is the best. Authorities interested in providing supporting material and tools can check the examples and decide what fits best to their needs.

3.3 Procedures

For all parties – authorities, companies, neighbours and NGOs - defined and transparent procedures for setting emission limit values (ELVs) and additional permit conditions produce a reliable and trustworthy bases.

3.3.1 Procedures for setting emission limit values (ELVs) in permitting (Question 4)

The evaluation of the answers to the questionnaire are shown in table 4.

Do you have procedures for setting ELVs in permitting?		
country	**procedure in place**	**Description**
FR	yes/no	We already have procedures for IED installations and for some industrial sectors (national rules). There can also be considerations about the particular environment of the facility. However we don't make the link with REACH regulation, even though some substances can be the same
BE (FL)	√	Title II of Vlarem contains ELVs for air, noise and water. Title II of Vlarem contains both general and sectoral conditions which are consistent with

		the best available techniques (Article 4.1.2.1. of Title II of Vlarem). In addition, each application for an environmental permit is investigated so that if the permit is granted extra or adapted conditions may be imposed. This could further strengthen or supplement the ELVs, taking into account local conditions and environmental quality.
FI	√	ELVs based on BAT reference documents and other legislation concerning the industy
NO	√	ELVs based on BAT reference documents and BAT conclusions, additionally the recipient status and the environmental risk assessment are taken into account. The permit writers also use internal criteria for evaluating what should be considered as significant or less significant emissions
PT	√	ELVs based on BAT reference documents
IE	√	ELVs based on BAT reference documents unless environmental quality standards require stricter conditions
BG	√	ELVs based on BAT reference documents plus national legislation
CY	√	ELVs based on BAT reference documents
DE	√	ELVs from European provisions and BAT conclusions are transposed into national law. Generally the ELVs are given in ordinances or technical instructions. For substances without a defined ELV the Technical Instructions on Air Quality Control – TA Luft" of July 2002 provide guidance.
AT	√	Environment quality standard regulation for surface waters established EQSs for both EU priority substances as well as substances prioritised at national level. According to the Austrian Water Law (AWL) ELVs have to be derived on the basis of the Best available techniques (BAT). Competent authorities set specific limit values in permits based on these ELVs. In case an EQS is exceeded a stricter limit value than the BAT-ELV is required. (combined approach). Where no EQS or ELVs are established by regulation (e.g. for upcoming pollutants like polyfluorinated telomers) no ELVs will be set in the permit, in general.
MT	√	ELVs based on BAT reference documents plus national legislation

Table 4: Procedures for setting ELVs in permitting

Generally the countries refer to BAT and BAT conclusions as well as to Environmental Quality Standards (EQS) for setting ELVs in IED permits. According to the IED this is the basic requirement.

Besides that **Norway** also takes into account the recipient status and the environmental risk assessment. The permit writers also use internal criteria for evaluating what should be considered as significant or less significant emissions.

Other countries use their national legislation, into which they have transposed the European requirements. This is the case in **Germany**, where generally the ELVs are given in ordinances or technical instructions. For substances without a defined ELV the Technical Instructions on Air Quality Control – TA Luft" of July 2002 provide guidance in Chapters 4.8 "Determination without Established Immission Values and in Special Cases" and 5.2.7 "Carcenogenic, Mutagenic or Reproduction Toxic Substances and Slowly Degradable, Highly accumulative

and Highly Toxic Organic Substances". Chapter 5.2.7 refers to Directive 67/548/EWG (and consequently to CLP). Currently TA Luft is being reviewed.

The **Austrian** Environment quality standard regulation for surface waters established EQSs for both EU priority substances as well as substances prioritised at national level. According to the Austrian Water Law (AWL) ELVs have to be derived on the basis of the Best available techniques (BAT). Competent authorities set specific limit values in permits based on these ELVs. In case an EQS is exceeded a stricter limit value than the BAT-ELV is required. (combined approach).
Where no EQS or ELVs are established by regulation (e.g. for upcoming pollutants like polyfluorinated telomers) no ELVs will be set in the permit, in general.

Conclusion: Authorities generally refer to European provisions (especially BREF documents and BAT conclusions) as well as to Environmental Quality Standards (EQS) for setting ELVs in IED permits. According to the IED this is the basic requirement. On top of that they refer to substances prioritised under national law. Other countries use their national legislation, into which they have transposed the European requirements. National procedures for determining ELVs for substances without defined ELVs may also be used.

3.3.2 Procedures for setting other conditions in general and in particular related to chemical substances in permitting

a) General and related to chemical substances (Question 5)

The evaluation of the questionnaire produced the following picture: Generally the national legislation allows setting permit conditions imposing necessary measures to achieve the aim of effective prevention of pollution arising from industrial activities (10 of 12 answers). This includes permit conditions related to the use of chemical substances (e.g. storage, spill containment, fire-fighting waters, surface materials of soil …). Extra and tailor-made conditions may be imposed after the assessment of the application. This may also refer to the substitution of certain hazardous substances (within the shortest possible time / within a defined time). There are no defined procedures for developing the conditions themselves.

In **Ireland** installations within the scope of Chapter V of the IED are required by law to substitute certain hazardous substances to which specified hazard statements are assigned within the shortest possible time. Section 86 of the national Environmental Protection Agency Act as amended allows the setting of conditions for this purpose.

According to the **Austrian Water Law** the emission of certain hazardous substances with available substitutes to surface waters or sewer are not allowed. For dangerous substances which cannot be substituted with reasonable effort, the permit holder is obliged to evaluate

the situation every five years. Other problematic chemical substances like e.g. EDTA should be substituted by less harmful substances.

In **Malta** setting of conditions related to chemical substances is determined through the evaluation of BAT and other environmental regulation, as may be applicable. This is a step in permit drafting, though this may be highlighted to the applicant in the pre-application process.

b) Procedures for formulating permit conditions related to substances regulated under REACH (Question 6)

Half of the respondents confirmed that their procedures take into account the substances regulated by REACH (under authorisation regime or restricted). Generally this is ensured by close cooperation between the IED permit authority and the REACH competent authority (BE(FL), DE(SH), AT, MT, LV, NO, FR).

In **France** generic provisions in the permit aim at identifying substances regulated by REACH and make sure that the company complies with the Regulation.

Conclusions from answers to question 5 and 6: Authorities set permit conditions (general and related to chemical substances). The respondents did not describe the defined procedures for it. Not all take into account substances regulated by REACH.

3.3.3 Use of information from Safety Data Sheets (SDS) and Exposure Scenarios (ES) for setting permit conditions (Question 7)

Half of the respondents confirmed that they use information from the SDS for setting permit conditions (BE(FL), NO, SE, SK, LV, AT, MT). The other half answered that they do not yet use it (FI, IE, CY, PT) or that it is currently under discussion how to handle the item (FR, BG, DE(SH), AT).

The discussion during the workshop produced the following result:
Information from the SDS is used. The use of information from Exposure Scenarios (ES) and Chemical Safety Reports (CSR) is difficult. A high number of different ES may be forwarded to the downstream user and it may be difficult for the authority to identify the exact use in the company (including e.g frequency and duration of use). Training is necessary.
The number of substances is also a challenge. Some enterprises use a large variety of substances. Cases occur in which the number is higher than 250 at a single site. A procedure for prioritisation has to be developed. The quality and reliability of the data is another challenge.

Experts from REACH authorities generally are not able to say whether an ES is right. Sometimes the risk management measures [RMM] in the ES are challenging to fulfil or sometimes inappropriate. There might be a gap between theory and real use. The reason for this may be that the real use conditions are not known to the substance manufacturers who develop the ESs.

3.3.4 Use of PNECs from SDS for setting ELVs (Question 8)

a) general introduction

Under REACH, registrants are required to perform a chemical safety assessment for the substance as part of the REACH registration process. The extent of the assessment depends on the quantity and the hazard of the substance registered. For threshold substances, this assessment normally involves deriving no-effect values and using them as reference levels to establish the operational conditions and risk management measures necessary to control the risk for a given use. These conditions of use, when implemented by the downstream user, are intended to ensure that the substance is used safely for both the human health and the environment.

No-effect values are based on hazard information generated and collated for substance registration. They are derived for all relevant routes of exposure according to a procedure described in ECHA guidance. No-effect values are not derived for mixtures.

There are two kinds of no-effect values that have to be derived:

1. Derived No-Effect Level – DNEL (relevant for human exposure) and
2. Predicted No-Effect Concentration – PNEC (relevant for environmental aspects).

PNECs are usually derived for freshwater, marine water, sediment (freshwater and marine), soil, sewage treatment plant (STP), and (top) predators (secondary poisoning).

A PNEC for a given environmental compartment is predicted to ensure absence of direct effects to that compartment. However indirect effects are not taken into account with a PNEC. For example, a certain amount of substance released to water may not cause effects to pelagic organisms but may e.g. migrate to sediment and impact benthic organisms and/or be bio-accumulated and cause secondary poisoning to predators (including humans). In such a situation defining an emission limit value based on PNECwater only would not take into consideration indirect effects to the sediment, predators or humans and therefore not ensure protection of the overall environment.

PNECs are reported in section 8 of the safety data sheet "Exposure controls/personal protection".

b) Use of PNECs for setting ELVs in practice

In the questionnaires only two countries confirmed the use of PNECs for setting permit conditions. Three other countries (BG, DE (SH), AT) currently discuss how to handle PNECs for setting ELVs. Austria plans to develop supporting material for their authorities for the water sector.

Question 8: Do the authorities take into account PNECs from SDS when setting ELVs?	
	comment
BE (FL)	Flanders can be more strict if Vlarem (Flemish order) was already more stringent. Extra or adapted conditions may be imposed. The environmental quality standards and immissions are based on scientific knowledge (this can be - but are not exclusively - PNECs) and on economical and social feasibility studies.
NO	PNECs are used as additional information when we set ELVs.
BG, AT, DE (SH)	Use of PNECs under discussion

Table 5: Use of PNECs for setting ELVs in practice

Conclusion: Up to now PNECs from SDS are seldom used for setting ELVs. Several organisations intend to use them and check how to handle it. Further guidance on it would be needed.

3.3.5 Reference to REACH Annex XIV and XVII when substances in the process chain are covered by these annexes (Question 9)

In phase I of the IMPEL project on "Linking the Directive on Industrial Emissions (IED) with the REACH Regulation" it was identified that especially substances regulated under Annex XIV and XVII may cause conflicts if they are not taken into consideration during IED permit procedures. It cannot be correct if the IED authority grants a permit for an activity that does not comply with restriction or authorisation requirements.

The evaluation of the answers to the questionnaire showed that several Member States solve the problem by linking the two pieces of legislation through reference on REACH in legislation and guidance documents or supporting tools (see chapters 3.1 and 3.2). The answers concerning the practical work show that in several countries permit authorities deal with these substances in line with the interlinked pieces of legislation. Others take the substances of Annex XIV and XVII into consideration without having the formal interlink. Table 6 provides an overview.

Question 9: Do you refer to REACH annex XIV and XVII in the permit, when substances in the process chain are covered by these annexes?			
country	**formal interlink**	**Reference to REACH Ann. XIV and XVII**	**comment**
FR	√	√	The instruction for it has been sent only recently to enforcement and permitting services. No feedback yet, Objective: generic reference in the permit in order to draw attention on chemicals while avoiding overlaps /

			possible inconsistencies with EU chemicals legislation.
BE(FL)	√	√	Flanders asks explicitly for substances that are subject to restriction or authorisation requirements in the application form. REACH annex XIV and XVII will be mentioned in the advice for the permit and in the permit itself when substances were mentioned in F16 of the application form.
FI	√	√	Yes, if the application indicates that such substances are in use (we have no procedure for that i.e. so far the applications does not have specific questions on the substances of Annex XIV / XVII in the application)
CY		√	The competent authority for the implementation of REACH Regulation in Cyprus is the Chemical Substances Sector of the Department of Labour Inspection (DLI). Application for IED permits are submitted to the DLI (and dealt with by the Industrial Pollution Sector). There is frequent communication between the two Sectors and in certain cases expertise is provided upon request for permit writing.
LV		√	If the operator is planning to use or manufacture chemicals which are in the Annex XIV or XVII the State Environmental Service authority accordingly sets conditions in the permit.
AT		√	Applications for emission permits do usually not contain substances for uses which are restricted under REACH. With respect to authorisations it is too early to make an empirical statement.
DE(SH)	√	√	Applicants have to submit information on substances of Annex XIV and XVII. If an application covers activities that are an offense against restriction or authorization requirements the permit cannot be granted (see question 1)

Table 6: Reference to REACH Annex XIV and XVII in the permit

Conclusion: As only half of the respondents confirmed that they take into account substances regulated by REACH (authorisations and restrictions) in permit procedures further raising of awareness is necessary. Close cooperation between REACH and IED authorities is recommended.

3.3.6 Reference to authorisations granted or rejected / refused for substances of REACH Annex XIV in the permit (Question 10)

Substances of Very High Concern (SVHCs) are substances that may have serious and often irreversible effects on human health and the environment. The authorisation process aims to ensure that the risks resulting from the use of SVHCs are properly controlled and that they are progressively replaced by less dangerous substances or technologies where technically and economically feasible alternatives are available. Permit authorities should have a procedure to ensure that the permits do not conflict with conditions of the authorisation.

Only five respondents answered that they refer to the REACH Annex XIV authorisations in their permit activities. They handle it in different ways and stages of the permit procedure. Due to the low number of cases up to now the experience is not yet very high.

In Malta and Cyprus the permit authorities solve it through close cooperation with the competent REACH authorities. Flanders: If in F16 of the application form, substances listed in Annex XIV (authorisations) are mentioned, the permit advice will be to refuse the permit for all applications of use that do not match the authorisation. If an application concerns substances with an authorisation (or candidate authorisation), it is advised to dedicate a consideration to this in the advice for the permit. This reflects the fact that the operator must always fulfill the obligations under REACH (even with amendments of the regulation).

Conclusion: A minority of authorities refers to authorisations for substances of REACH annex XIV in their permitting activities. Not referring to authorisations may produce conflicts. The awareness concerning this item has to be further raised.

3.4 Dealing with REACH in inspection tasks

Background information:

Inspection activities including site visits have two functions in the regulatory cycle:
a) control whether the operator is in compliance with the environmental permit(s) and b) check whether changes have been carried out and if so, assessment whether the changes have the character of substantial changes. In this context the use of other chemical substances may lead to other risks and consequently be reason for a review of the permit.
The question concerning guidance and checklists for dealing with REACH in inspection tasks was general. It did not clarify to which authorities it refers, to REACH or IED inspection authorities or to joint inspections. Consequently this point remains unclear.

3.4.1 Guidance for dealing with REACH in inspection (Question 11)

10 countries confirm in their answers to the questionnaire that they have guidance for dealing with REACH in inspections. 8 have general guidance, Portugal has general and sector specific guidance whereas Austria intends to develop specific guidance for the water compartment.
In France so far, inspections of chemicals have been carried out by specialized inspectors, based on specific guidance documents and checklists. France aims at broadening the scope and having more inspections which deal at least partly with chemicals. This implies the involvement of all inspectors. New guidance documents and tools have to be developed for that purpose.
Latvia has guidance for dealing with chemicals including general REACH requirements in inspection activities.

3.4.2 Checklists for inspection activities covering REACH (Question 12)

The evaluation of the answers to the questionnaire showed that most of the countries having guidance have provided checklists for inspection activities concerning REACH requirements. France has two checklists for inspections, a generic list for non- specialised inspectors is yet to be developed. Sweden uses a checklist that was produced in connection with a project on inspection and enforcement of REACH related activities.
A large variety of items is covered by the checklists, e.g.:

	item	country
	operators activities	SE, DE
	operators roles according to REACH	SE, NO, DE
	control of the registration duties (incl. intermediates)	FR, NO, BG, GR, LV, DE
	SDS / extSDS available on site?	NO, SE, GR, LV, DE
	compliance of SDS	FR, BG, LV, DE
	obligations of DU related to ext. SDS (REACH Art. 37, 38 and 39)	NO
	exposure scenarios	SE, NO
	DU obligations under REACH in general and related to ES	PT, NO
	use of substances and RMM	SE, FI
	substances on candidate list, authorisation and restriction	NO, SE, GR, FI, DE
	compliance with strictly controlled conditions for handling intermediates	BG, FR
	number of substances manufactured / used / imported – the same as in the permit	DE

Table 7: Items in checklists used for inspection activities covering REACH

Some countries like Portugal and Germany (Schleswig-Holstein) use manuals and checklists of the REACH EN-FORCE inspection projects (REF) that were harmonised by the ECHA Forum. In Portugal the inspectorate IGAMAOT has produced a support guide (checklist) for assessing the quality of Safety Data Sheets, and is preparing a checklist for enforcement of DU obligations under REACH, related to Exposure Scenarios.

Conclusions concerning question 11 and 12: It is good practice to provide guidance and checklists on REACH items for streamlining inspection activities. Up to now ca. 60 % of countries which contributed to the project have such supporting material. There is still room for improvement. Unfortunately it remained open whether the existing supporting material refers to IED or REACH inspections. Well trained Inspectors should carry out the inspections.

3.4.3 Check whether enterprise's activities are covered by exposure scenarios (Question 13)

Background information on the obligation of the downstream user to check exposure scenario

Under REACH, downstream users are required to identify and apply the appropriate measures that allow them to control the risks of chemicals. These measures are usually communicated to them by their suppliers via safety data sheets and exposure scenarios (if applicable).
In practical terms, when a downstream user receives exposure scenarios, he should check if the use and foreseeable uses of their products and conditions of use are covered in it.
If the use is not covered by the exposure scenario (including possible scaling option), the downstream user has to take action. The key options available are:

- Have his use covered by his current (or a new) supplier
- Implement the conditions of use described in the exposure scenario received
- Substitute the substance or the process
- Prepare a downstream user chemical safety report

In any case, the downstream user needs to document his conclusions and actions, and keep them available for the enforcement authorities.

ECHA and the Member States conduct numerous actions to raise the awareness of companies of their obligations. Different support tools and guidance documents are also developed to cater for various company size, needs and knowledge levels. Despite these actions, work is still needed to achieve a satisfactory level of compliance.

Dealing with ES in practice

Half of the countries confirmed in their answers to the questionnaire that they check whether the enterprise's activities are covered by the ES. Countries like FR, CZ and NO check whether the enterprise has received any ES and whether the industrial activity is covered by an exposure scenario. Generally they do not make an assessment if companies comply with the ES.

The result of the discussion in the **workshop** confirmed that the awareness of operators concerning their obligations related to ES is not yet very high.

Portugal is working on the item of exposure scenarios and carries out a project (see description in box 1). If the company is not able to provide IGAMAOT with evidences that they have done their work with the exposure scenarios, the authority can use the information on registered substances (available on RIPE and on ECHA website) or in the exposure scenario presented by the inspected company, and try to identify the exposure scenario prescriptions with the industrial activities, and check if they are working within the determined Operational Conditions (OC) and if they have implemented the prescribed Risk Management Measures (RMM).

PROJECT "REACH – EXPOSURE SCENARIOS"

The Project "REACH – Exposure Scenarios" constitutes a multiannual enforcement project of the Portuguese National Enforcement Authority under both REACH Regulation and IED (IGAMAOT). It has a predicted time range from 2014 to 2016.

The main scope of this project is the improvement of the implementation of Risk Management Measures (RMM) recommended in Exposure Scenarios (ES) and in extended Safety Data Sheets (ext SDS).

The execution of this project was thought to be performed in close cooperation with the Portuguese Authority for Working Conditions, which is responsible for the enforcement of health and safety at work legislation.

The project will be developed in three stages, which are the following:

1st Stage – 2014 – Project Preparation

Includes development of reporting forms, definition and application of criteria for target selection (targets to be inspected in the 2nd stage); key performance indicators and goals for the project – to be evaluated in the 3rd Stage); execution of some testing inspections to validate the reporting forms and the methodologies, among other aspects.

2nd Stage – 2015 and 2016 (1Q and 2Q) – Project Execution

Includes training of the participant inspectors and inspections to selected targets.

3rd Stage – 2016 (3Q and 4Q) – Project Evaluation

Includes data compilation and treatment, in order to evaluate the project performance, in particular the evaluation of the indicators and goals defined in the 1st stage.

This project will focus, on one side, in the enforcement of Downstream Users (DU) obligations according to REACH, the actors in the supply chain who must implement RMM, and on the other side, in registrants' obligations of supplying good quality ext SDS, developed according to REACH requirements.

This project was also thought to constitute a training tool to the inspectors, in order to increase the knowledge in enforcing ES.

Box 1: Description of the Portuguese project "REACH – Exposure Scenarios"

Conclusion: The awareness of operators concerning their obligations related to ES has to be raised. As only half of the countries contributing to the project said that they check whether the enterprise's activities are covered by the ES a discussion on the difficulties and possible improvement should be carried out.

3.5 Capacity building

For dealing with REACH items the IED permit writers and inspectors need special training. Basic knowledge is necessary even if the REACH competent authority is involved in permit procedures and joint inspections with REACH colleagues are carried out.

Adapted training concerning REACH requirements for permit writers and inspectors (Question 14)

The result of the evaluation of the questionnaire was that half of the respondents confirm that REACH training is carried out in their countries. France has training courses for REACH / CLP for new inspectors. The training program consists of general (legal and technical) training weeks and specialised sessions.

- There are common general trainings in which chemicals are addressed.
- They are complemented by specific training sessions on REACH / CLP for beginners and advanced training for at least one specialist per region
- On top of that local trainings will be carried out. For this training programs have to be developed.

In Flanders the training is based on the instruction manual for permitting. Portugal, Ireland and Germany (SH) use the manuals of the ECHA Forum REF projects for training purposes. In DE(SH) there are regular meetings of the small expert group. Norway focusses on internal training for inspectors by going through the checklist that has been elaborated for REACH inspections. Finland plans an adapted 1-day-seminar for IED permit writers and inspectors on REACH Regulation. This will be repeated annually if considered useful by the participants.

Conclusion: Dealing with REACH requirements in permitting and inspection tasks requires special knowledge on the item and keeping it up to date. Regular trainings and exchange of experience are highly recommended. In this field there is still room for improvement.

3.6 Duties of Enterprises under the IED

Background information:

As most of the health and environmental risks caused by industrial activities are based on the use, manufacturing and processing of chemical substances it is crucial for permit authorities that operators submit all relevant information with their permit applications. According to Art. 20 IED the operator has to inform the competent authority of any planned change in the nature or functioning, or an emission of the installation which may have consequences for the environment. This does not explicitly refer to chemical substances. But it means that after the permit has been granted, the authority / authorities must be kept informed about the installations further use, purpose and environmental hazards that may be caused by it. In this context chemical substances and their properties play a central role. This is why most of the respondents reported that enterprises are obliged to inform about changes in the use of raw materials and especially REACH relevant substances.

3.6.1 Duty to integrate the information about substances in the process chain in the permit application (Question 15 - 18)

Background information:

According to Art. 12 (1) IED MS shall ensure that an application for a permit includes a description of: b) the raw and auxiliary materials and other substances, e) in cases where the activity involves the use, production or release of hazardous substances a baseline report on soil and groundwater and f) the nature and quantities of forseeable emissions from the installations into each medium as well as identification of significant effects of the emissions on the environment. The criteria for determining best available techniques as defined in Annex III of the IED include the use of less hazardous substances and the promotion of recovery and recycling of substances generated and used in the process and of waste where appropriate. As IED permit applications are very complex, it is recommended that authorities should have appropriate guidance material, templates and forms for applicants.

Evaluation of the answers to the questionnaire:

The table below (table 8) gives an overview of the information that has to be part of the permit application in the countries that contributed to the project. In most countries information about all substances in the process chain has to be supplied by the applicant (13 MS). 8 respondents said that the obligation is in their legislation, 1 reported that it is in a decree. In 6 countries it is put into a permit condition. 4 respondents answered that it is in the legislation and it is integrated into the permit. For several cases it remains unclear how it is ensured that applicants comply with the IED requirements described earlier. The reason for this may be that the respondent does not work in the field of permitting.

A subgroup of those who said that information of all substances has to be part of the permit application confirmed that enterprises have the duty to submit explicitly information about substances regulated by REACH. A slightly differing subgroup (7 MS) answered that SDS and ES have to be part of the application. Another slightly differing subgroup (6 MS) confirmed that in their country a summary of relevant information and data from SDS and ES has to be part of applications in those cases where the application is i.a. for an activity involving substances regulated by REACH.

Question 15 – 18: Duties of enterprises concerning chemical substances				
question no.	**the permit application must provide:**	**yes**	**obligation laid down in**	**MS ***
15.	information about all substances in the process chain (from raw materials to products including intermediates)	13 MS	a) legislation: b) decree or a document binding the authority c) permit condition / obligation in the permit: a) and c)	8 1 6 4
16.	information about substances regulated under REACH	7 MS	a) legislation: b) decree or a document binding the authority a) and c) permit condition /	3 3

			obligation in the permit:	1
17.	SDS and ES as part of the application	5 MS	a) legislation: b) decree or a document binding the authority c) permit condition / obligation in the permit:	4 3 3
18.	a summary of information from SDS and ES, e.g PNECS when applying for an activity covering REACH regulated substances	6 MS	a) legislation: b) decree or a document binding the authority c) permit condition / obligation in the permit:	3 1 5

* The numbers in column 5 may differ from column 3 because the respondents could give more than one answer.

Table 8: Requirements concerning information that has to be part of the permit appllication and other duties of the operator

Conclusion: Permit writers need a full overview on the procedures on site, and for assessing the risks and possible emissions they must know the full inventory of substances that are handled on site. The permit application provides a full picture. The majority of countries participating in the project (13 out of 17) require information on all substances. Less than half of the responding authorities ask for information concerning substances subject to further regulatory risk management measures under REACH (such as authorisation or restriction) in the applications. The answers show again that the awareness of using REACH information in permitting tasks still needs to be improved.

3.6.2 Duty to inform about changes (Question 19)

As mentioned before the IED requires that the operator informs the competent authority of any planned change in the nature or functioning, or extension of the installation which may have consequences for the environment. The use of other substances / raw materials may cause other risks. They might be less or more severe. The competent IED permit authority must get the information about changes of substances for carrying out an assessment and determing whether an update of the permit is necessary. The results of the questionnaire show that not all respondents are aware of this IED requirement. Only 10 of the 17 participating organisations confirmed that enterprises are obliged to inform about changes in the use of chemical substances. 6 said explicitly that the permit authority has to be informed. In three countries it is laid down in the legislation.

Question	Follow-up after the permit has been granted			
19	Duty to inform about changes in the use of raw materials/ REACH relevant	10 MS	Which authority? a) permit authority 6 MS b) inspection	Laid down in: a) legislation: 3 MS b) decree or a document binding the authority --

	chemicals		authority 5 MS c) REACH authority 2 MS d) authority for work safety 1 MS	c) permit condition / obligation in the permit: 5 MS a) and c) 3 MS

Table 9: Duties of enterprises after the permit has been granted

The participants of the workshop concluded that the reason for the different views on which authority has to be informed may be the fact that colleagues from different authorities (permit / inspection / REACH / work safety authorities) answered the question and they answered it from their own point of view.

3.7 Cooperation of authorities concerning substances and exchange of information (Question 20 – 23)

REACH and IED are very complex and their target group are companies. They have to comply with both of them. On the administrative level REACH is relevant in environmental permitting and inspection as well as in work safety tasks. The tasks concerning REACH and IED are often located in different authorities. As there are not many experts who are familiar with both of them, close cooperation between the different authorities is a crucial point. Well organised cooperation leads to a relief of administrative burdens for all parties involved. Different authorities do not ask the operator for the same information, the authorities do not have to wait for the answers of the operator etc. The cooperation can be organised in different ways.

Table 10 provides an overview on the answers to the questionnaire related to cooperation of authorities concerning substances and capacity building. The inquiry showed that there is a close cooperation between IED permitting and inspection authorities. The permit is sent to the inspection authority (14 answers) or it has access to it via a shared database (5 answers). In 6 cases it is sent to the REACH authority as well and only 2 authorities send it to the colleagues competent for work safety.

The flow of information about inspection activities and results is different. 8 inspection authorities inform about their inspection activities. Mostly (6) they do it on voluntary bases. In three cases the inspection activities are coordinated. 9 authorities inform the cooperating bodies about their inspection results, 4 are obliged to do so, 4 do it voluntarily.

Question 20 – 23: Cooperation between authorities															
by	**FR ***	**AT ***	**MT**	**BE ***	**PL**	**FI**	**CZ**	**IE**	**SK ***	**SE**	**PT**	**BG**	**LV**	**DE ***	**NO ***
Sending a copy of the permit to inspection authority	√	√		√	√	√	√	√	√	√	√	√	√	√	√

a) IED inspection authority	√	√		√	√	√	√	√	√	√	√	√	√	√	√
b) REACH authority	√			√							√		√	√	√
c) authority for work safety				√										√	√
Permit available via internet / database			√	√									√	√	√
Sending information to permit authority about inspection activities	√		√	√			√	√			√		√	√	√
a) obliged							√	**							
b) voluntarily	√	√	√	√				**			√			√	
on request				√									√		
by sharing a database				√***											√
coordinated insp.	√										√				√
Sending information to permit authority about inspection results	√		√	√	√		√	√			√		√	√	√
a) obliged				√	√		√	√							√
b) voluntarily		√	√								√		√	√	
Cross-over groups, systems for transfer of REACH info to permit + inspection authorities	√		√	√				√					√	√	√

* IED permit and inspection authority are in the same organisation
question 20: many respondents did say yes, but from the comment it was obvious that other organisations do have access to the permits via a shared database or via internet.
** IE has a Memorandum of Understanding covering the exchange of information between the Environmental Protection Agency (responsible for the prevention of environmental pollution under the REACH Regulation) and the Health and Safety Authority (lead competent authority for the REACH Regulation within the State). The EPA must use any information from IED monitoring and inspections in the reconsideration of an IED permit.
*** shared emission monitoring database under development (will be in use in 2015).

Table 10: Overview of cooperation between authorities concerning substances and capacity building

As already mentioned the cooperation of authorities can be organised in different ways. One possibility is to establish crossover groups or a system for ensuring that the flow of information on substances regulated by REACH to the permitting and inspection authorities. 6 respondents confirmed that they have such crossover groups or systems in place in their country. Four approaches shall be described here.

In France the information exchange is organised via a ***website***.

In Finland the Finnish Safety and Chemical Agency is responsible for the communication on REACH to permit and inspection authorities. This means that a ***competent body*** was determined to ensure the information transfer).
Flanders has established a ***working group*** in the department of Environment, Nature and Environment on the control of risks, coordinated by the policy advisor REACH/Chemical substances of the Environment, Nature and Energy Policy Division. Several authorities, e.g. permitting authorities, are member of this working group. By this, the authorities are kept up-to-date with information on the regulation of substances by REACH.
For permitting authorities some people (e.g. coordinator chemical substances) are also included in several federal or regional ***mailing lists*** (e.g. the mailinglist of BCR = Belgian Committee REACH) by which information on the regulation of substances by REACH is provided.
In Norway ***a team*** has been established within the Norwegian Environmental Agency, consisting of colleagues dealing with permitting, inspection and the CLP/REACH Regulations. The team meets regularly, and members of the team ensure that relevant information is communicated further to the relevant sections.

Conclusions:
The cooperation between IED permitting and inspection authorities seems to be functioning, but the collaboration between IED and REACH authorities is still poor. This confirms that ministries and authorities are not yet aware of the role of REACH in IED permitting and inspection. Examples for improvement are e.g.

- establishing a working group consisting of colleagues dealing with REACH and those from IED permitting and inspection
- the use of IT tools like websites and shared databases
- determining a competent body to ensure information transfer
- integration of colleagues from IED permitting and inspection into mailing lists by which information on REACH is provided

Good cooperation of REACH and IED authorities would be a benefit for all involved parties including the operators.

3.8 BREF documents and chemical substances

3.8.1 Integration of REACH aspects into BREF documents and BAT conclusions (Question 24 - 26)

The integration of REACH aspects into BREF documents and BAT conclusions could be another effective means for raising awareness and making sure that conflicting situations deriving from REACH requirements would be avoided. 13 out of 17 respondents think that this would provide support for the daily work. 9 respondents think that the support should be general and 4 of them would also like to see specific information in the BREF documents.

1 answer was that only specific information should be in BREF documents. 2 respondents think that it would make sense to have information added into BAT conclusions too.

Question 24	FR	AT	MT	BE	PL	FI	CY	IE	PT	BG	LV	DE	NO
Need for information on REACH relevant substances in BREF documents	√	√			√		√	√	√	√	√	√	√
a) general			√		√	√	√	√	√		√	√	√*
b) specific		√	√					√ **	√ **			√	
In BAT conclusions				√								√	

* plus links to specific information
** if and when required

Table 11: Need for integration of REACH relevant information into BREF documents

There are advantages and disadvantages in integrating REACH information into BREF documents. An advantage would be to have all relevant information in one document. One adverse aspect is that BREF documents are already very complex and cover a big number of different sectors and the question is whether taking on board more can still be handeled. This is a point that was mentioned by the EIPPC Bureau in Seville. The participants of the workshop identified that close cooperation between ECHA and the IPPC Bureau could facilitate overcoming this problem.

Several answers show what should mainly be addressed in BREF documents: Austria, Flanders and Norway point out that it would be helpful to have specific information if substances that are SVHC, CMR or subject to restriction, authorisation or are on the candidate list are used / manufactured in a sector. Alternatives for these substances could be given or at least links to appropriate information. These substances should be handled in the same way throughout the European Union. This is already overlapping to a certain degree with the proposals on how REACH information can be used for the development of BREF documents (see table 12).

Question 25: Proposals on how REACH information can be used for development of BREF documents	
France	Use of information from registration dossiers for identification of relevant sectors using certain chemical substances and use of DNELs and PNECs
Flanders	Use of information of SDS and ES for determination of ELVs
Sweden	REACH-related information should be produced concerning the chemical products commonly used in the activities covered by the BREF, for example concerning restrictions for use.

Germany	Integration of a separate chapter on chemical substances into the documents and into the conclusions. But if possible, it should give detailed information for the individual sector.
Malta	BREFs should consider particular chemicals/chemical groups (i.e. lists of chemicals frequently encountered in particular industrial settings) that are relevant in different sectors.
Norway	A general guidance may be included in the BREF referring to obligations according to REACH, and links to specific information about alternative or emerging techniques. Possibly make a reference in the guidance on the collection of data and the drawing up of BREFs.

Table 12: Proposals on how REACH information can be used for the development of BREF documents

3.8.2 Separate general guidance document on REACH and IED in permitting and inspection (Question 27)

For raising awareness of permit writers, inspectors and enterprises concerning the role of REACH relevant substances a separate guidance document would be an option. Most of the respondents are convinced that there is a need for it. Additionally most of them say that it would be best to have a general document and additional specific information for individual activities. Table 13 gives an overview.

Question 27	FR	AT	MT	BE	PL	FI	CY	IE	SK	SE	PT	BG	LV	DE	NO
Need for seperate guidance doc on dealing with REACH in IED permitting and inspection	√	√	√	√	√	√	√	√	√	√	√	√	√	√	√
a) general	√	√												√	
b) specific															
a) + b) for individual activities	√		√	√	√	√	√	√	√	√	√	√	√		√

Table 13: Need for a seperate EU guidance document on dealing with REACH in IED permitting and inspection

15 out of 17 respondents participating in the project think that a separate general EU guidance document on dealing with REACH in IED permitting and inspection would be helpful. 13 of them said that it should basically be general but on the other hand it should provide specific information for individual activities.

The participants of the workshop made the following recommendations:

a) The expertise and knowledge of ECHA should be made better available to the technical working groups developing BREFs. Given the resource requirements, the

best possible way to provide this expertise needs further discussion between ECHA and the IPPC Bureau.

b) A general chapter on chemicals should be in the BREF documents and in the BAT conclusions, to the extent that is relevant.
c) „The use of substance x for process y is not BAT“ would be an acceptable approach for making operators substitute substance x.
d) In BREF documents appropriate alternatives for substances regulated by the REACH candidate list, Annex XIV and XVII should be mentioned. (The problem of keeping up to date with changes in the lists has to be solved.)
e) BREF documents should take into account phasing out obligations under the Water Framework Directive and offer alternatives.

Concerning a separate guidance document on REACH and IED the proposal for a stepwise approach was made: To begin with, a webpage (IMPEL?) with links and best practice examples and guidance from different countries could provide valuable information. Translations are necessary. As some countries wish to make their guidance / best practice examples available only for internal use between authorities, restricted access for authorities with a preregistration / login will be preferable.

Conclusions on questions 24 – 27:

Integration of information on chemical substances into BREF documents, a separate guidance document on REACH and IED in permitting and inspection might be good means for raising awareness for REACH aspects in permitting and inspection tasks. It is highly recommended to start the discussion on it.

3.8.3 The view of the European IPPC Bureau

Concerning the idea of having a chapter dealing with chemical substances and REACH obligations in BREFs, the European IPPC Bureau is rather sceptical. The reasons for this include the high workload of the EIPPCB and the clear guidance endorsed by the IED Article 13 forum that the information exchange should focus on BAT conclusions (and the associated BAT candidate chapter), targeting a manageable and therefore limited number of key environmental issues on the basis of a sound and reliable data collection, followed by appropriate data processing.

Of course, information on chemical substances and how to handle them could be important for the BAT information exchange. Substances could even be targeted within BAT conclusions (e.g. by using negative BAT conclusions such as 'the use of substance x for process y is not BAT', where appropriate; or by describing the best way in which to handle hazardous substances). In this respect, the IPPC Bureau sees some potential that information generated under REACH could feed into the BREF review processes. On the other hand, the

BREFs are certainly not intended to describe other legal obligations in detail (see Section 2.3.13 of Commission Implementing Decision 2012/119/EU, http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:063:0001:0039:EN:PDF).

4. Best practice examples

4.1 Norway (NO)

Flow Sheet

As mentioned during the IMPEL project phase I, the Norwegian Environment Agency has further developed a flow sheet, as a work tool, mostly used by permit writers. The flow sheet gives an overview on the different chemical regulations that apply when working with IED permitting.

A link to the Norwegian database for chemicals (http://miljodirektoratet.no/kjemikaliesok/) has been included. This database, also previously mentioned during the project phase I, is a search tool for substances, by name or CAS- and EC-numbers. The search results in which chemical regulations a substance is covered by the national priority list, REACH candidate list, REACH authorisation list, REACH restricted substance list, CLP and possible other regulations like for biocides.

Guidelines

Additionally, Norway requires integrating the information about substances in the process chain in the permit application. The chapter 7 of the **Norwegian Guidelines** for applying for permits for industrial installations describes what information the company has to deliver concerning chemical substances and REACH processes (see box 2 below).

Guidelines for applying for permits for industrial installations
Pollution Control Act
Land-based industries
7. Chemicals and substitution

Use, import and production of chemicals are regulated in the Product Control Act and regulations that are included in this act, including regulations on registration, evaluation, authorization and restriction of chemicals (REACH), regulations on classification and labeling of chemicals (CLP Regulation) and regulations concerning approval of biocides and biocide products (Biocide Regulations).

We remind that chemicals can only be used within the range of applications that they were approved for by REACH. The company is obliged to consider the ongoing risk of harmful effects on health and the environment caused by the chemicals used and whether there are alternatives involving less risk of such effects. If such alternatives exist, the company shall choose these as long as they do not entail any unreasonable costs or disadvantages. (ref. Product Control Act § 3a). The enterprise shall have a documented system for substitution

of chemicals (ref. Internal Control Regulations).

The application should inform:
a) about health - and environmentally hazardous chemicals used by the company and whether the use may endanger pollution
b) if any use of health - and environmentally dangerous chemicals is covered by confirmed REACH registration
c) if the company uses substances included on the Candidate List of REACH or the List of substances requiring authorisations according to REACH Annex XIV. Copies of any authorisation to use substances that require authorisation shall be attached to the application.
d) if the use and handling of chemicals are risk assessed and how any findings are followed up (ref. Paragraph 11 of this guide)
e) if the operator utilizes chemicals that can have harmful effects in its life cycle and if these are considered for substitution.

Box 2: Norwegian Guidelines for applying for permits for industrial installations

4.2 Flanders (BE)

Application form

In annex E of the **Flemish application form** for an environmental permit the operator is requested to give the character and amount of all the substances[1] (E1) and products[2] (E2) that are used, processed, produced or stored. A process diagram in which the input of raw materials and emissions of waste are listed (E3) has to be added to the application form. A detailed description of the processes has to be added as annex E4.

Following the entry into force of Regulation (EC) No 1907/2006 (REACH) an item (F16) has been added to the application form for an environmental permit (annex 4 of Vlarem I (= Order of the Flemish Government of 6 February 1991 concerning Environmental Licences)). In F16 (only) substances subject to restrictions or authorisations under REACH have to be filled in. This application form must also be used for IED installations.

This has been considered to be necessary so that no environmental permit issued goes against the REACH Regulation and more specifically with regard to substances subject to a restriction (in accordance with Title VIII of the REACH Regulation) or the authorisation requirement (in accordance with Title VII of the REACH Regulation). By adding F16 effect has been given to article 125 of the REACH Regulation. This article states that Member States shall maintain a system of official controls and other activities as appropriate to the circumstances. By the implementation of this control at the time of applying for the environmental permit, it is avoided that the government delivers a permit that is incompatible with certain important provisions of the REACH Regulation.

[1] A substance as defined in the REACH Regulation (article 3, 1°)

The environmental permit provisions will be aligned with the applicable restrictions and authorisation requirements.

4.3 Bavarian (DE) brochure „REACH and CLP/GHS – information for operators of industrial installations and authorities"

The Bavarian State Agency for the Environment has developed a document providing information on dealing with chemical substances for operators, permit and inspection authorities. The main purpose is to give support for finding the right sources of information on chemical substances and providing information on what is meant by the new chemicals legislation. It consists of an abstract of basic information and recommendations for permit and inspection authorities how to deal with chemical substances in their work, e.g. chapter 7:

7 Recommendations for handling cases
7.1 Information on chemical substances to be submitted as part of the permit applications
7.2 Authorisations, restrictions and obligations
7.3 Operator does not comply with the identified use of the registration dossier
7.4 The environmental quality standard is stricter than a PNEC
7.5 A substance processed in the installation is on the candidate list
7.6 Only a few data available because substance is registered as intermediate
7.7 Differentiation waste – product
7.8 Operator wants to bring a residue as product on the market ....

The document is available as a download on the homepage of the Bavarian State Agency for the Environment (link: http://goo.gl/3xph7n)

4.4 Update on the Dutch SVHC database (NL)

In January 2014 the Dutch Ministry of Health, Welfare and Sport has published a list of Substances of Very High Concern (SVHC) to support authorities which grant environmental permits. The aim is to minimise emissions of these substances into the environment.

The substances were selected by the National Institute for Public Health and the Environment (RIVM) on the basis of the criteria set out in Article 57 of REACH, and on the:

- EU classification, labelling and packaging (CLP) Regulation;
- REACH candidate list of substances;
- EU persistent organic pollutants (POPs) Regulation;

[2] A product as product of nature, employment or industry, of art, of a chemical process

- water framework Directive; and
- Convention for the protection of the marine environment of the North-East Atlantic (Ospar convention).

This led to the Dutch SVHC list being more comprehensive than the REACH Candidate List. The purpose of identifying priority substances in the Netherlands is to identify those substances for which specific emission standards need to be set via environmental permits.

The Dutch SVHC list will be updated twice a year upon the availability of new information in any of the regulations used to compile it. The list as such has no legally binding status but merely identifies in a non-limitative manner which substances have formally been identified to meet the REACH Article 57 criteria. It will be used as a tool by local and regional authorities in issuing environmental permits. The RIVM has also published guidance documents to help stakeholders determine whether a substance is of very high concern.

5. Main findings, recommendations, general conclusions and proposals for future work

The report contains a number of unresolved points for which IMPEL should consider in consultation with relevant stakeholders how best they may be taken forward (e.g. on PNECs and ELVs).
The following findings, recommendations, general conclusions and proposals for future work are based on the survey of Member States and discussions during the workshop summarised in section 3.

Main findings

- 6 out of 17 countries have a direct or indirect link between IED and REACH in their legislation. (Chapter 8.3 of report 2013, the question whether IED permit writers are obliged to check whether the operator fulfills REACH duties remained open. Several Member States solve the problem by linking the two pieces of legislation through reference on REACH in legislation and guidance documents or supporting tools.)
- 6 out of 17 countries have guidance for dealing with REACH in permitting in place (either general guidance or tools like flowsheets or checklists).
- The awareness of REACH in setting permit conditions is not yet very high. Half of the respondents require information about Annex XIV and XVII substances in permit applications. Only a few countries use PNECs as additional information for setting ELVs.
- Information from SDS and ES is used but quality and applicability have to improve.

- Most countries have general guidance for dealing with REACH in inspections in place, several use the manuals / checklists of the ECHA Forum REACH EN-FORCE projects for this purpose. (It remained open whether this refers to REACH inspections or the REACH and IED inspections.)
- For producing good and harmonized results IED permitting and inspection authorities should closely cooperate with REACH authorities
  a) by allowing access to permits e.g. via databases,
  b) by providing information about relevant results of inspections,
  c) by taking up colleagues into mailing lists for information exchange,
  d) by carrying out meetings for information exchange.

  This may be a problem when authorities belong to different organisations (e.g. ministries).

Recommendations:

Concerning the integration of REACH aspects into the procedure for the development of BREF documents the following proposals were made:

- The expertise and knowledge of ECHA should be made better available to the technical working groups developing BREFs. Given the resource requirements, the best possible way to provide this expertise needs further discussion between ECHA and the IPPC Bureau.
- A general chapter on chemicals should be in the BREF documents and in the BAT conclusions, to the extent that is relevant.
- „The use of substance x for process y is not BAT“ would be an acceptable approach for making operators substitute substance x.
- In BREF documents appropriate alternatives for substances regulated by the REACH candidate list, Annex XIV and XVII should be mentioned. (The problem of keeping up to date with changes in the lists has to be solved.)
- BREF documents should take into account phasing out obligations under the Water Framework Directive and offer alternatives.
- Concerning a separate guidance document on REACH and IED a stepwise approach might be more successful: To begin with, a webpage (IMPEL?) with links and best practice examples and guidance from different countries could provide valuable information. Translations are necessary. As some countries wish to make their guidance / best practice examples available only for internal use between authorities, restricted access for authorities with a preregistration / login will be preferable.
- REACH national competent authorities together with ECHA should raise awareness of the Chemical Safety Reports (CSR) and their value to IED authorities.

General conclusions

1. The safe use of chemical substances is a key item in health and environmental protection. The IED refers to chemicals and their properties which are regulated under CLP and REACH. The understanding and awareness of that interlink has to be further improved. The current IMPEL project could only be one small step in that direction.
2. With REACH the development of requirements concerning chemical substances have become much more dynamic than it was before 2006. This has influence on the work of IED permitting and inspection activities. Authorities need support through guidance and appropriate tools for fulfilling their tasks in a proper way and to guarantee a level playing field concerning hazardous substances throughout Europe.
3. The efforts in improving the work with REACH requirements in IED permitting and inspection would be much more effective if a link between them would be integrated into the IED or direct reference would be made in BREF documents respectively BAT conclusions.
4. The objectives of the project defined in chapter 2.4 of the ToR) were met to a high degree (see table 14).

No.	objective		Comment
1	Contribution to raising awareness of authorities and the industry about the interaction between IED and REACH	√	To a certain degree. Not all MS answered the questions. Industry was not involved in the project.
2	Collect more information on current practices related to the IED and REACH interlinks	√	By using a questionnaire extensive and detailed information was collected
3	Work towards the identification of a set of data on chemical substances needed in permit applications	√	Answers to Questions 15 – 18 of the questionnaire, best practice examples
4	Work towards the identification of a procedure to deal with the obligation to use less hazardous substances	~	Only initial discussion could be carried out.
5	Exchange of experience on guidance material and best practice	√	During the workshop, best practice examples in the report

Table 14: The project objectives compared to the achievements

Proposals for future IMPEL work on the item (to be further developed in consultation with relevant stakeholders):

The evaluation of the follow-up project on “Linking the Directive on Industrial Emissions (IED) and the REACH Regulation” showed that many participants saw the need for work on items related to substances regulated by REACH. The role of chemical substances (especially on the candidate list, those under authorisation or those under restriction) in IED permitting and inspection activities needs clarification. Another field of uncertainties lays in the use of information from SDS and ES. Consequently the following items are recommended for follow-up projects:

- Dealing with REACH authorisations and restrictions in IED permitting and inspection
- Work with SDS and ES in IED permitting and inspection (including use of PNECs)

6. Dissemination of results

The final report will be published on the IMPEL website as well as on the ECHA Forum website.
An article about the project will be published in the IMPEL newsletter.
The final report will be sent to the IMPEL contact officers at the Commission and at the European IPPC Bureau in Seville.
The results of the project parts 2013 and 2014 are used for training and workshops in different countries.
The results form the bases for further cooperation of IMPEL, ECHA and the ECHA Forum on the proposed follow-up activities. The European IPPC Bureau will be invited to join.

7. Literature

[1] Linking the Directive on Industrial Emissions (IED) and the REACH Regulation, final report of the IMPEL project 2013/09, available on IMPEL homepage: (http://impel.eu/projects/linking-the-directive-on-industrial-emissions-ied-and-reach-regulation/).

[2] IED: Directive on industrial emissions (integrated, pollution prevention and control) (2010/75/EU), link: http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:334:0017:0119:en:PDF

[3] REACH: Regulation concerning the Registration, Evaluation , Authorisation and Restriction of Chemicals REACH (1907/2006/EC), link: http://www.reach-compliance.eu/english/legislation/docs/launchers/launch-2006-1907-EC-06.html

8. List of abbreviations

BAT	Best Available Technique
CSR	Chemical Safety Report
ES	exposure scenario
ELV	emission limit value
EPA	Environmental Protection Agency
ES	exposure scenario
EQS	Environmental Quality Standard
ext-SDS	extended safety data sheet
IED	Directive on Industrial Emissions
OC	operational conditions
PNEC	predicted no effect concentration
REACH	REACH Regulation
RMM	risk management measures
RMO	Risk Management Options
SDS	safety data sheet
SVHC	substance of very high concern
WFD	Water Framework Directive

Annex I: Terms of Reference

Terms Of Reference (TOR) for an IMPEL project

1. Project title & version control

1.1 Name of project 2014/10			
Linking the Directive on Industrial Emissions (IED) and REACH Regulation (II)			
1.2 Abbreviated project name (where deemed required)			
IED and REACH			
1.3 Version Control (enter current version number of TOR & date eg. V1 03/03/13)			V2 11/11/2013
1.4 Where was this TOR amended to current version (eg Spring cluster 2013)?			
1.5 How many years do you foresee this project lasting?			**1 year**
1.6 Current year of project?	**2014**	**1.7 Approved at which G.A?**	**Vilnius/ December 2013**

2. Outline business case (why this project?)

2.1 Legislative driver(s) (name the Directive, Regulation etc)	
Directive 2010/75/EU on industrial emissions (integrated prevention and control (IED) and Regulation (EC) 1907/2006 on Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) Link to the 7th EAP: Priority activity 3: to safeguard the Union's citizens from environmental-related pressures and risks to health and wellbeing; EU environment legislation has delivered significant benefits for the health and wellbeing of the public. However, water, air pollution and chemicals remain among the general public's top environmental concerns. Existing environmental legislation is to be applied more effectively and transparently.	
2.2 Link to MASP priority work areas (indicate which of the following apply)	
Assist members to implement new legislation.	
Build capacities in member organisations including through the IMPEL review initiatives.	Yes, including improvement of cooperation and decrease of

	administrative burdens
Work on trans-frontier shipment of waste.	
Work on 'problem' areas of implementation identified by IMPEL and the European Commission.	

2.3 Description of the project (include reasons why the project is needed)

In 2013 IMPEL carried out a project on "Linking the Directive on Industrial Emissions (IED) and the REACH Regulation". A project team consisting of MS representatives from 8 ministries resp. authorities of 6 Member States and a representative of ECHA explored

a) whether the requirements/obligations under REACH Regulation can be useful for permitting and inspection work
b) what input the information generated by REACH requirements can be for permitting and inspection activities,
c) the synergies and complementarities between these two pieces of legislation and how to react on and to improve them.

For that purpose an evaluation of existing studies was carried out as input for the project. Relevant processes under the IED with relation to chemical substances were analysed and a short overview of relevant REACH processes was made. The interlinks of the REACH Regulation with the IED were explored. An inventory of the required information on chemical substances in permit applications and supporting guidance / templates and tools was made. The access of REACH authorities to information generated for IED permitting and inspection was discussed. Other items were: best practice examples, reduction of workload, cooperation of authorities and joint inspections.

The assessment of interlinks of the REACH Regulation with the IED showed that downstream users/operators can benefit from the information generated under REACH and IED for cross-legislation compliance in many different situations. The amount ins depending on their individual role under REACH. There is a need to raise awareness and to provide all the actors having a role in cross-legislation issues with guidance and tools on how to deal with and use the synergies. In the chapter with proposals for future work of IMPEL the project team recommends the organisation of a workshop on the item.

In 2014 the IMPEL project on "Linking the Directive on Industrial Emissions (IED) and the REACH Regulation" (II) shall focus on raising awareness of the interlinks of the REACH Regulation with the IED on authority level and through that indirectly on the operator level.

As only representatives of 6 Member States participated in the project, information from the other MS should be collected and analysed before any general recommendation on information on chemical substances in permit applications and supporting guidance / templates and tools – taking into account the interlinks of the REACH Regulation with the IED - can be made. On top of that best practice examples shall be discussed, the reduction of workload and cooperation of authorities and joint inspections addressed.

2.4 Desired outcome of the project (what do you want to achieve?)

The project in 2013 was a very small one with representatives only from 6 MS and working in the field of IED permitting and inspection and enforcement of REACH regulation. For collection of further input and dissemination of the results of the project in 2013 the project team recommends the organisation of a workshop on the item for:

- the collection of further information about instruments and tools concerning chemical substances existing for handling the item in permit procedures
- the definition of a set of data on chemical substances that is needed for permit applications
- the identification of a procedure to deal with the obligation to use less hazardous substances. Steps in the Authorisation process of REACH may provide useful information
- the development of a better understanding on the link between the two pieces of legislation
- a general recommendation on information on chemical substances in permit applications and supporting guidance / templates and tools – taking into account the interlinks of the REACH Regulation with the IED -
- the exchange of experience on guidance material and best practice and
- answering the open questions that remained from the project part 2013, e.g. find out
  which relevance derived no effect levels (DNEL) and predicted no effect concentrations (PNEC) have for enforcement tasks under IED,
  whether obligations of downstream users to follow received exposure scenarios have an effect on permits ….

2.5 Which Cluster will review this TOR (I or TFS)?	I

3. Structure of the project

3.1 Describe the activities of the project (What are you going to do?)

Development of workshop design from the draft final report of the IMPEL project 2013 on "Linking the IED Directive and the REACH Regulation" in the project team,
possibly collecting input for the workshop by using a questionnaire,
carrying out the workshop,
evaluation of workshop results and writing a draft final report

3.2 Describe the products of the project (What are you going to produce?)

Final report with:

- an overview of instruments and tools concerning chemical substances existing for handling the item in permit procedures,
- a definition of a set of data on chemical substances that is needed for permit applications,

- a recommendation for a procedure how to deal with the obligation to use less hazardous substances. Steps in the Authorisation process of REACH may provide useful information
- identified guidance material and best practice
- if possible, answers to the open questions of the project part I
- recommendations

3.3 Describe the milestones of this project (How will you know you are on track to complete the project on time?)

January 2014: identification of project team members
February 2014: collection and dissemination of core items for the workshop
March 2014: first project team meeting
May 2014: workshop
June 2014: second project team meeting
September 2014: draft final report for Cluster i
November 2014: submission of the draft final report to GA

4. Organisation of the project

4.1 Lead (Who will lead the project: name, organisation & country)

To be determined

4.2 Project team (Who will take part: name, organisation & country)

Representatives of 4 IMPEL member states dealing with both items
1 representative from Forum REACH
1 representative from IPPC Bureau
1 representative from ECHA

4.3 Other IMPEL participants (name, organisation & country)

Experts from enforcement of IED and experts from enforcement of REACH Regulation

4.4 Other non-IMPEL participants (name, organisation & country)

Forum REACH
IPPC Bureau
ECHA

5. High level project budget projection over life of project

	Year 1	Year 2	Year 3	Year 4	Year 5
Year eg.2014	**15 350**				
How much money do you require from IMPEL?	15 350				
How much money is to be co-financed?					
Total cost	**15 350**				

6. Detailed cost of the project during 1st year (subsequent years see annex1)

6.1 Meeting costs	**Event 1**		**Event 2**		**Event 3**	
	Name: project team meeting I		*Name workshop*		*Name: project team meeting II*	
	Month: March		*Month: May*		*Month: June*	
	Country: To be determined		*Country: To be determined*		*Country: To be determined*	
	€	**No.**	**€**	**No.**	**€**	**No.**
Total numbers of participants		7				7
Travel costs/numbers	1 800 (360 € each)	5	5400	15	1 800	5
Catering costs/numbers	175	7	1 000	20	175	7
Hotel costs/number	450 (90 € each)	5	3 600 (2 nights)	20	450	5
Total costs	2 425		10000		2 425	
6.1 Meeting costs continued	**6.2 If you use a consultant what is the total cost?**		**Event 5**		**Event 6**	
	Name		*Name*		*Name*	
	Month		*Month*		*Month*	
	Country		*Country*		*Country*	
	€	**No.**	**€**	**No.**	**€**	**No.**
Total numbers of participants						
Travel costs/numbers						
Catering costs/numbers						

Hotel costs/number						
Total costs						
6.3 What is the total amount of any other costs?					500	
6.4 Where a consultant is used what will they do?						
6.5 Where there are other costs what will they be spent on?						
Project manager participation at Cluster I meeting						
6.6 Where money is co-financed detail which organisation(s) will provide the money?						
6.7 Where money is co-financed describe how that money will be spent?						

7. Communication & follow-up (ensuring value for money)

7.1 How will you communicate the outputs of the project?
The final report will be made available on the IMPEL website. It will be sent to the national IMPEL coordinators. The report will also be sent to Forum REACH and other target groups (via IMPEL secretariat at the European level, via national coordinators at the national level). The results of the project will be reported in professional and technical journals. On top of that they will be used for discussions on national level, for inspector trainings and presented at conferences.
7.2 Who will you communicate the outputs of the project to?
7.3 What follow-up will you undertake to ensure the outputs of the project are embedded? (Include how & when you intend to carryout the follow-up)
Guidance document in 2015 - .

8. Review & approval

8.1 Which cluster meeting(s) will you discuss the project? (Include what you plan to discuss eg. progress reports and/or draft documents)?
At the Cluster I meeting in Graz the TOR was discussed. The progress report will be discussed at the Cluster I meeting in spring 2014. The draft final report will be presented at the Cluster I meeting in Sept. / Okt. 2014.
8.2 Which General assembly will you seek to get final approval by?
December 2014

Annex II: Questionnaire

13 October 2014

Questionnaire concerning "Linking the Directive on Industrial Emissions (IED) and REACH Regulation (phase II)"

In 2013 IMPEL carried out a project on “Linking the Directive on Industrial Emissions (IED) and the REACH Regulation”. The assessment of interlinks of the REACH Regulation with the IED showed that downstream users/operators can benefit from the information generated under REACH and IED for cross-legislation compliance in many different situations but that the amount of information they have access to depends on their individual role under REACH.

A need to raise awareness and provide all the actors having a role in cross-legislation issues with guidance and tools on how to deal with and use the synergies was identified. The **activities in 2014** focus on disseminating and building on up from the findings of the 2013 project. This will be done by preparing and running a workshop to raise awareness on the interlinks that the REACH Regulation has with the IED as well as collecting and compiling more data on how Member State authorities can utilise REACH information in their IED work.

The first stage project carried out in 2013 involved a project team consisting of Member States representatives from 8 ministries resp. authorities of 6 Member States and a representative of ECHA. Information from other Member States would be worthwhile collecting and analysing before any general recommendation on how chemical substances should be addressed during IED permit life-cycle (application, drafting, monitoring, enforcement and review) and supporting guidance, templates or tools taking into account the interlinks of the REACH Regulation with the IED could be drafted.

These activities will also help address questions that were left unanswered in the first stage of the project (e.g. discussion of best practice examples, workload reduction, cooperation of authorities and joint inspections).

The workshop will be aimed at representatives of IED permitting and enforcement authorities as well as REACH enforcement authorities.

For the preparation of the workshop the project team wants to collect some input by using the following questionnaire. It will be sent to the National IMPEL Coordinators and to the Forum members. The project team kindly asks you to send your answers by **10 November 2014** to me and Juan Pablo from the Forum Secretariat. Please send it to the following email addresses: Gisela.Holzgraefe@melur.landsh.de and juanpablo.calvotoledo@echa.europa.eu .

During the workshop, which is planned to take place **end of November 2014**, the results will be discussed and further input will be given. Further information about place and date of the workshop will be provided as soon as possible.

If you cannot answer questions (e.g. because it is too specific), please skip it. If any questions and problems occur, please do not hesitate to contact us.

Gisela Holzgraefe, Ministerium für Energiewende, Landwirtschaft, Umwelt und ländliche Räume, Mercatorstraße 3, 24106 Kiel, Tel.: + 49 431 988 7133

Information about respondent, organisation and contact details

Name of respondent	Mr / Ms			
E-mail address Phone				
Country				
Name of your organisation				
Address of the organisation				
Is the organisation	national		regional	
	Other, please specify			
Is your organisation / authority responsible for	permitting		inspection	
Do you work in the field of	permitting		inspection	
In which field is your main professional activity?	REACH		IED	
	Other, please specify			
Which are the installations you deal with? Please note also the number of Annex I Directive on Industrial Emissions	please specify			

Questionnaire

No.	Questions related to	Yes / No	Comment	Enclose no.
Authorities				
For permitting activities				
1	Do you have in your country a formal interlink between IED and REACH on legislation /decree/order level?		If yes, please describe on which level and in a few words the content	
2	Do you have guidance for dealing with REACH in permitting?		If yes, please describe in a few words, which type it is	
3	Do you have a checklist for permitting activities that includes questions related to REACH?		If yes, please describe the main items in it	
4	Do you have procedures for setting ELVs in permitting?		If yes, please describe it in a few words	
5	Do you have procedures for setting other conditions related to the chemical substances used or manufactured in permitting?		If yes, please describe it in a few words	

6	Do the procedures take into account the substances regulated by REACH? (under authorization regime or restricted)		If yes, please describe	
7	Do you use specific information from exposure scenarios and SDS when setting conditions in the permit?		If yes, please describe	
8	Do the authorities take into account PNECs from SDS when setting ELVs?		If yes, please describe how	
9	Do you refer to REACH annex XIV and XVII in the permit, when substances in the process chain are covered by these annexes?		If yes, please describe how	
10	Do you refer to any authorizations granted or rejected/refused for substances on REACH Annex XIV in the permit?		If yes, please describe how you precede	
For inspection activities				

11	Do you have guidance for dealing with REACH in inspection activities?		If yes, is it a) general b) sector specific c) both	
12	Do you have a checklist for inspection activities covering REACH?		If yes, please describe roughly the main items in it	
13	Do you check if the enterprise's industrial activities are covered by the exposure scenarios?		If yes, please describe in a few words how you precede	
For both permitting and inspection activities				
14	Do you offer adapted training to IED inspectors and permit writers to qualify for activities concerning the REACH regulation?		If yes, please explain the content / the format and how you organize the training	
Enterprises				
For the permitting activities				

15	Do the enterprises have the duty to inform the permit authority about all substances in the process chain (from raw materials to products, including intermediates)?		If yes, how and where is the obligation laid down: a) in a piece of legislation b) in a decree or a document binding the authority c) in a permit condition / obligation in the permit	
16	Do the enterprises have the duty to inform the permit authority explicitly about substances regulated by REACH?		If yes, how and where is the obligation laid down: a) in a piece of legislation b) in a decree or a document binding the authority c) in a permit condition / obligation in the permit	
17	Do the enterprises have the duty to send relevant documentation to the authorities as part of the application (SDS, exposure scenarios)?		If yes, how and where is the obligation laid down: a) in a piece of legislation b) in a decree or a document binding the authority c) in a permit condition / obligation in the permit	
18	Do the enterprises have the duty to send a summary of relevant information from exposure scenarios and/or SDS, for example PNECs when applying for a permit covering an activity involving substances regulated by REACH?		If yes, how and where is the obligation laid down: a) in a piece of legislation b) in a decree or a document binding the authority c) in a permit condition / obligation in the permit	
To follow up the permit				

19	Do the enterprises have the duty to inform the authorities about changes in the use of raw materials/chemicals relevant to REACH?		If yes, please indicate which authority / authorities has / have to be informed: - permit authority - inspection authority - REACH authority - authority for work safety Where is the duty laid down?	
Cooperation between authorities				
20	Do the permitting authorities send a copy of the permit to inspection authorities?		If yes, please indicate to which authority - IED inspection authority - REACH authority - authority for work safety	
21	Do the inspection authorities (IED, REACH, work safety) inform the permitting authorities about inspection activities?		If yes, please indicate whether they are: a) obliged or b) do it voluntarily	
22	Do the inspection authorities inform the permitting authorities about the results from inspections?		If yes, please indicate whether they are: a) obliged or b) do it voluntarily	

23	Are there any crossover groups/system in your country to ensure that information on the regulation of substances by REACH is communicated both to the permitting and inspection authorities?		If yes, please explain whether there is a formal requirement for e.g. regular meetings behind it or whether it is voluntarily	
Guidance development of BREF-documents				
24	Do you think BREF documents (describing best available techniques and binding conclusions for industrial installations in EU) should contain general and specific information on techniques involving substances regulated by REACH?		If yes, please specify whether it should be: a) general b) specific	
25	Do you have any proposals on how information from REACH can be used when BREF documents are developed?		If yes, please specify	
26	Do you have any ideas or input on how the “Guidance on collection of data for drawing up BREF documents” could be revised to link information from REACH?		If yes, please specify	

27	Do you think a separate general EU guidance document on dealing with REACH in IED permitting and inspection would be helpful?		If yes, please indicate, whether it should be a) general b) specific c) general plus specific information for individual activities	
Planning of workshop IED / REACH				
28	Would you be interested in participating in a workshop with the purpose to collect information and explore the way forward in dealing with IED and REACH?		No further comment necessary.	
29	Would you be interested in contributing to the workshop with a presentation?		If yes, please indicate the item or title of the presentation	
30	Would you have the possibility to send relevant guidance concerning REACH that you use for IED permitting and /or inspections?		If yes, please enclose them.	

Annex III

IMPEL project
"Linking the Directive on Industrial Emissions (IED) and REACH Regulation (phase II)"

Summary of answers to the questionnaire

I. Information about the respondent, the organisations
Responses have been submitted from the following countries:

Austria (AT)	**France (FR)**	**Norway (NO)**
Belgium (BE)	**Germany (DE)**	**Poland (PL)**
Bulgaria (BG)	**Greece (GR)**	**Portugal (PT)**
Cyprus (CY)	**Ireland (IE)**	**Slovakia (SK)**
Czech Republic (CZ)	**Latvia (LV)**	**Sweden (SE)**
Finland (FI)	**Malta (MT)**	

Is the organisation	national	FR, CZ, NO, IE, CY, PT, SK, BG, GR, LV, AT, MT, FI	regional	FI, PL, BE, DE
	Other, please specify			
Is your organisation / authority responsible for	permitting	FR, FI, NO, IE, CY, SK, LV, BE, BG*, DE, MT	inspection	FR, CZ, NO, IE, CY, PT, PL, SK, GR, LV, BG**, DE, MT, FI
	BG*: permitting (IED): Not in its own capacity; Executive Environmental Agency under the Ministry of Environment and Water (MoEW) is in charge of IED permitting BG**: inspection (REACH and IED): Not in its own capacity; Regional Inspectorates on Environment and Water (RIEWs) under the MoEW are in charge of the enforcement of IED permits, as well as certain provisions of REACH (e.g. registration, data sharing, authorisation, SDS in terms of safe storage of chemicals and emissions' control, REACH restrictions of substances of environmental concern etc.), Health Inspectorates and Labour Inspectorates have their own role in the REACH enforcement as well			
Do you work in the field of	permitting	FR, FI, NO, IE, CY, SK, BG, BE, DE, MT	inspection	FR, CZ, NO, IE, CY, PT, PL, SK, BG, GR, LV, DE, MT, FI
	BG: (in the policy and implementation level)			
In which field is your main professional activity?	REACH	FR, CZ, NO, IE, PT, PL, BG, GR, LV, DE*, AT, FI	IED	FI, NO, IE, CY, PT, SK, BG, LV, BE, DE, MT, FI
	Other, please specify:			

	GR. CLP and PIC DE*: in the past several years of work in the field of REACH FR: *The ministry is both REACH and IED competent authority. IED permitting and inspection services are regional departments of the ministry (and are also tasked for REACH/chemicals enforcement).* SE: IMPEL-coordinator NO: The Norwegian Environment agency groups both inspection and permitting authorities. Inspection authorities are grouped under the Inspection and Environmental Data Department (TAL). Both control sections, the Industrial and Offshore Control Section (TIN) and the Chemicals and Product Control Section (TPR) perform both IED and REACH inspections related to the environment. Permitting authorities are grouped under the Industry and Marine Environment Department (IAL). Industry Section 1 (IN1) and Industry Section 2 (IN2) issues permits for industry while Oil and Gas Section (IPE) issues permits for offshore petroleum industry. This is also shown on the organization chart below.  IED and REACH in Norwegian Environm
Which are the installations you deal with? Please note also the number of Annex I Directive on Industrial Emissions	please specify: SK: all categories of activities (1. – 6.) described in annex I IED) PL: Production of organic chemicals, such as: nitrogenous hydrocarbons such as amines, amides, nitrous compounds, nitro compounds or nitrate compounds, nitriles, cyanates, isocyanates. Annex I activities 4.1. (d) PT: Any installation that might have a role on REACH regulation, and specifically from Annex I Directive on Industrial Emissions, among others, the number 4.2. Production of inorganic chemical (a) chlorine; (b) hydrochloric acid, sulphuric acid; and the number 6.1. (a) Production in industrial installations pulp from timber. CY: Annex I (1.1, 3.1 and 6.5) & Annex VII (1, 2, 3, 11, 17) IE: All installations requiring IED permit to operate within Ireland CZ: Chemical industry FI: According to DIRECTIVE 2010/75/EU Annex I: Energy industries Production and processing industries Mineral industry Chemical industry Production of inorganic chemicals

	Waste management Other activities: intensive rearing of poultry or pigs, surface treatment of substances, objects or products using organic solvents **FR:** *Installations we deal with, are mostly industrial facilities falling under the legislation of "installations classées pour la protection de l'environnement (ICPE)", including installations falling under the IED, SEVESO and waste directives (generally, FR has lower thresholds than directives e.g. to trigger authorisation/permitting duties). Inspectors can also inspect "non industrial installations" (like dry cleaner or supermarket,...), for the sake of the environment and human health. This is in particular the case for enforcement of chemicals legislations, the dutyholders of which may not have large industrial facilities (e.g. formulator, distributor…).* LV: There are no specific installations we deal with DE/SH: all kinds of installations NO: all types
	DE: The answers only reflect the situation in Schleswig-Holstein. Some answers include reference to documents of other federal states, e.g. Bavaria that are available on the internet. BE: The answers only refer to Flanders MT: all kinds

II. The answers

Authorities				
For permitting activities				
		Yes	No	
1	Do you have in your country a formal interlink between IED and REACH on legislation /decree/order level?	FR BE(FL) FI NO SE DE MT	IE CY PT SK BG GR LV AT	If yes, please describe on which level and in a few words the content: FR: *Just starting to be developed (and interested in suggestions from IMPEL/Forum work)!* *Legislation (by law: article L.521-12 of environment code) empowers environment inspectors (who have long been in charge of IPPC/IED) for chemicals enforcement.* BE(FL): ► Article 125 of REACH is linked to the IED through title I of Vlarem (= Order of the Flemish Government of 6 February 1991 concerning Environmental Licences) and title II of Vlarem (= Order of the Flemish Government of 1 June 1995 concerning General and Sectoral provisions relating to Environmental Safety). Following the entry into force of Regulation (EC) No 1907/2006 (REACH) an item (F16) has been added to the application form for an environmental permit (annex 4 of

				Vlarem I). In F16 (only) substances subject to restrictions or authorisations under REACH have to be filled in. This has been considered to be necessary so that no environmental permit issued goes against the REACH Regulation and more specifically with regard to substances subject to a restriction (in accordance with Title VIII of the REACH Regulation) or the authorisation requirement (in accordance with Title VII of the REACH Regulation). By adding F16 full effect has been given to article 125 of the REACH Regulation. This article states that Member States shall maintain a system of official controls and other activities as appropriate to the circumstances. By the implementation of this control at the time of applying for the environmental permit, it is avoided that the government delivers a permit that is incompatible with certain important provisions of the REACH Regulation (also valid for IPPC-installations). The environmental permit provisions will be aligned with the applicable restrictions and authorisation requirements (also valid for IPPC-installations). FI: On legislation level. In Environmental Protection Act it is outlined like this: For preventing the environmental pollution and the risk of that must activity comply with the Waste Act (646/2011) of … .. as well as the general principles and requirements of the safe use of chemicals in accordance with the Chemicals Act (599/2013) and the European Union chemicals legislation. The Chemicals Act states that the regional and municipal authorities are responsible for the supervision of activities that pose a threat of environmental pollution in accordance with the Environmental Protection Act to the extent that the supervision concerns the operator's obligation to prevent harmful environmental effects in the use and storing of chemicals. This includes also REACH. NO: Yes, there is a reference to REACH in the permits for IED-installations, in the section setting conditions to chemicals. SE: In the Ordinance on environmental inspection and enforcement (Miljötillsynsförordning, 2011:13, 2 kap. 30§ & 32§) it is stated that the responsibility for inspection and enforcement concerning both of these activities lies with either a municipality or a regional board. CY: The competent authorities for the implementation of the IED Directive in Cyprus are the Department of Labour Inspection (emissions into air) and the Department of Environment (emissions into water and land and waste). The competent authority for the implementation of REACH Regulation in Cyprus is the Chemical Substances Sector of

				the Department of Labour Inspection. Application for IED permits are submitted to the Department of Labour Inspection (and dealt with by the Industrial Pollution Sector). It is possible for the Chemical Substances Sector to have access to the documents for the permit application; however, at present there is no formal operating procedure in place for this purpose. DE/SH: § 6 Abs. 1 Nr. 2 Federal Immission Control Act: A licence shall be granted if 1. It is ensured that the obligations arising from Article 5 and from any ordinance issued under Article 7 will be complied with and if 2. The construction and operation of such installation does not conflict with any other provision under public law or any occupational safety and health concerns. The REACH Regulation is such "other provision under public law". BG: Part of the information from safety data sheets is required with the application for issue of IED permit. MT: Article 19 of LN10 of 2013 requires that permit applications are sent to the competent authority for REACH for its views on matters pertaining to its competence, for inclusions within the permit issued. LV: REACH requirements are integrated into permits issued according to IED.
2	Do you have guidance for dealing with REACH in permitting?	FR BE(FL) NO (BG) (DE) AT	FI IE SE CY PT SK GR LV DE AT MT	If yes, please describe in a few words, which type it is FR: yes (in progress), *- Just developed: generic provisions on chemicals to ensure consistency between chemicals legislation and permits (make sure the company does not use certain types of chemicals or, if so, complies with regulation or has a strategy for substitution, depending on the case);* *- To be developed: checklists and tools for permit preparation.* *- In progress: draft instruction to inspectors.* BE(FL): ► In the Environmental Licenses Division there is an instruction manual and a flow sheet for advising environmental permits, in cases where there are substances that are subject to restriction or authorisation requirement under the REACH Regulation (1907/2006). Besides giving advice in how to deal with REACH in permitting, the manual also asks the counselors to report

				which restrictions and authorisations apply to the environmental permit applications that they advise to the coordinator of chemical substances of the Flemish permit authority. This way this information is available at all times, including for use in the article 117 report of the REACH Regulation. NO: Yes, a flow sheet.  CLP-REACH flow sheet EN.pdf SE: Most of our guidance concerns inspection and enforcement. BG: Partially covered in the updated guidance on drafting IED permits DE/SH: No national guidance available, Bavaria has a guidance document. In SH we have no guidance on Land level. AT: partly, MT: The number of cases is too limited, and the case load too varied, for guidance to have practical value. Each case is considered on its own merits
3	Do you have a checklist for permitting activities that includes questions related to REACH?	BE(FL) NO SE DE AT	FR FI IE CY PT SK BG GR LV MT	If yes, please describe the main items in it FR: No (not yet), *To be developed. Suggestions from IMPEL-Forum work could be taken on-board.* BE(FL): ► In the application form for an environmental permit an item (F16) is provided in which substances subject to restrictions or authorisations under REACH have to be filled in. One has to fill in the name, number (CAS or EC), authorization and restriction of the substance to which the permit is related. The application form for an environmental permit can be found as annex 4 (more specifically, the item F16 can be found in annex 4.B) of title I of Vlarem (= Order of the Flemish Government of 6 February 1991 concerning Environmental Licences) The application form can be found here: http://www.lne.be/themas/vergunningen/praktisch/formulieren NO: We have a general guidance, which explains what is the meaning behind the conditions that we set for chemicals in

				permits, and we use the flow sheet. SE: Questions concerning chemical use relating to Reach are included in the Environmental code, chapter 22 section 1 (application and rules of consideration) and in chapter 22 section 25 among necessary conditions in a permit. However, in neither case is Reach mentioned specifically. DE/SH: a) for documents that have to be submitted with the permit application: yes b) for the assessment of the data submitted: no, not on national level, federal state SH: no
4	Do you have procedures for setting ELVs in permitting?	BE(FL) NO IE CY PT BG DE AT MT	SE SK LV	If yes, please describe it in a few words FR: Yes/No *We already have procedures for IED installations and for some industrial sectors (national rules). There can also be considerations about the particular environment of the facility. However we don't make the link with Reach regulation, even though some substances can be the same (references for water releases are mostly water framework directive substances; for air pollution, CMRs and volatile compounds…).* BE(FL): Article 30bis §2 ° 9 of title I of Vlarem (= Order of the Flemish Government of 6 February 1991 concerning Environmental Licences) comprises that the environmental permit of IPPC- and other installations should include conditions in order to ensure a high level of protection as a whole. The environmental quality standards and policy in this field is included in Part II of Title II of Vlarem (=Order of the Flemish Government of 1 June 1995 concerning General and Sectoral provisions relating to Environmental Safety). The focus of the operating conditions in environmental permits is put on these environmental quality standards and the policy mentioned above. Title II of Vlarem contains ELVs for air, noise and water. Title II of Vlarem contains both general and sectoral conditions which are consistent with the best available techniques (Article 4.1.2.1. of Title II of Vlarem). In addition, each application for an environmental permit is investigated so that if the permit is granted extra or adapted conditions may be imposed. This could further strengthen or supplement the ELVs, taking into account local conditions and environmental quality. FI: **It is usual to set ELVs in permitting by using BAT BREFs or other legislation concerning that industry or emissions for example volatile organic compounds and flue gases and waste water**

				NO: Yes, we have a procedure explaining what shall be taken into account when establishing ELVs and other conditions in the permits. It includes relevant BAT conclusions according to IED, the available BAT technologies, recipient status and environmental risk assessment. We also have a guidance based on criteria for evaluating what can be considered as a significant or less significant emission for the most common substances in industrial emissions in Norway. IE: Section 86 of the Environmental Protection Agency Act 1992 as amended requires that a permit includes ELVs for environmental pollutants likely to be emitted from an IED activity in significant quantities and ELVs shall be based on BAT unless environmental quality standards require stricter conditions (Section 83(5)(b) of same Act). SE: Generally there are possibilities for limiting emission levels of substances, for example VOC, ammonia, and formaldehyde but there are no specific procedures for the setting of ELVs. PT: In Portugal, all the permit under the IE Directive the emissions limits values are based on the BAT reference documents, and BAT conclusions BG: ELVs are derived from the BAT&ELs' conclusions, the respective pieces of national legislation setting ELVs for specific substances in concern and taking into account the environmental impact of that ELVs based on dispersion modeling LV: Permit issued by State Environmental Service do not contain requirements for ELVs (Exposure limit values) CY: We set ELVs in permitting according to the IED Directive and Best Available Techniques. DE: Normally the ELVs are given in ordinances or in technical instructions. For substances without a defined ELV the Technical Instructions on Air Quality Control – TA Luft" of July 2002 provide guidance in Chapters 4.8 "Determination without Established Immission Values and in Special Cases" and 5.2.7 "Carcenogenic, Mutagenic or Reproduction Toxic Substances and Slowly Degradable, Highly accumulative and Highly Toxic Organic Substances". Chapter 5.2.7 refers to Directive 67/548/EWG (and consequently to CLP) Water: ELVs in the annexes of the ordinance on waste water AT: Water: The Austrian Environment quality standard regulation for surface waters (Fed. Law Gazz. II No. 96/2006

				amended by Fed. Law Gazz. II No. 46172010) established EQSs for both EU priority substances as well as substances prioritised at national level. According to the Austrian Water Law (AWL) ELVs have to be derived on the basis of the best available technology (BAT). Competent authorities set specific limit values in permits based on these ELVs. In case an EQS is exceeded a stricter limit value than the BAT-ELV is required. (combined approach). Where no EQS or ELVs are established by regulation (e.g. for upcoming pollutants like polyfluorinated telomers) no ELVs will be set in the permit, in general. MT: Setting of ELVs is determined through evaluation of BAT, and other environmental regulation as may be applicable. This is a step in permit drafting, though this is usually highlighted to the applicant in the pre-application process.
5	Do you have procedures for setting other conditions related to the chemical substances used or manufactured in permitting?	FR BE(FL) FI NO IE CY BG LV DE AT MT	PT SK	If yes, please describe it in a few words FR: *Yes,* We have procedures for setting conditions to manufacturers or users of some specific chemical substances, like ammonia, chlorine... But, to date, there is no formal link with REACH (open question for the future, for example for annex XIV substances used under an authorization). BE(FL): As described in the question above, when a permit is granted extra or adapted conditions may be imposed after the investigation of each application. This can also be related to chemical substances used or manufactured in permitting. FI: **Chemicals are taken into account in permitting mainly by setting the conditions on the storage of chemicals (spill containment, surface materials of soil, rainwaters, fire – fight waters)** NO: Comment: We generally do not set specific conditions related to use or manufacture of chemical substances; our permits only refer to the existing legislations and regulations: the Norwegian Product Control Act and REACH Regulation. However, if chemical substances that can cause environmental damage are released to the environment, we set specific conditions to the emissions (see above). IE: Installations within the scope of Chapter V of the IED are required by law to substitute certain hazardous substances assigned specified hazard statements within the shortest

				possible time. Section 86 of the Environmental Protection Agency Act as amended allows the setting of conditions for this purpose. BG: Procedures for setting conditions related to manufacture, use, storage and release of hazardous chemicals aiming at their efficient use CY: In certain cases that measures for health and safety of workers are necessary due to the use of specific chemical substances these are specified in the permit. DE: svhc chemical substances should be substituted by less harmful substances. If applicable, conditions like the obligation concerning assessment of other alternatives can be set in the permit AT: Water: According to the Austrian Water Law certain hazardous substances with available substitutes emission to surface waters or sewer are not allowed. For dangerous substances which cannot be substituted with reasonable effort the permit holder is obliged to evaluate the situation every five years. Other problematic chemical substances like e.g. EDTA should be substituted by less harmful substances. MT: Setting of conditions related to chemical substances is determined through evaluation of BAT, and other environmental regulation as may be applicable. This is a step in permit drafting, though this may be highlighted to the applicant in the pre-application process. LV: To State Environmental Service authority sets conditions related to the chemical substances used or manufactured in permitting regard the requirements determined on national legislation (Chemical Substances and Chemical Products Law) and regulation of REACH and CLP. Procedure of setting conditions in permits is determined in national legislation - *Law on Pollution* and Republic of Latvia Cabinet Regulation No.1082 Adopted 30 2010 *Procedure by Which Polluting Activities of Category A, B and C Shall Be Declared and Permits for the Performance of Category A and B Polluting Activities Shall Be Issued*.
6	Do the procedures take into account the substances regulated by REACH? (under authorization regime or	FR BE(FL) NO (BG) LV (DE) MT	FI IE SE CY PT SK	If yes, please describe FR: (*Just developed) The generic provisions in the permits aim at identifying substances regulated by REACH and make sure the company complies with regulation. For example:* *- ensure the inspectors know about annex XIV substances used (and check whether the company has a substitution plan or is covered by an authorisation or an exemption)*

	restricted)			*- ensure the inspectors uses of restricted substances, especially when restrictions cover industrial uses.* BE(FL): As mentioned in question 3 an item (F16) In the application form for an environmental permit is provided in which substances subjected to restrictions or authorisations under REACH have to be filled in. By this item the counselor of environmental permits can, during the investigation of the permit application, see which substances regulated by REACH are used or manufactured. The counselor can also ask the operator of the IPPC-installation whether REACH is respected. With the investigation of the environmental permit application the focus is put on what is regulated by regional competence, being the protection of the environment. NO: We use the flow sheet as a checklist. SE: not specifically DE: TA Luft-version of 2002 does not refer explicitly to REACH. Currently TA Luft is under revision. I assume that it will then refer to REACH/CLP at least in the above mentioned chapter. BG: partially, There are general conditions but not substance specific AT: Restrictions under REACH are to be complied with by all companies. Authorisations under REACH are considered if relevant. Present authorisations address mainly the occupational and health aspects. There is a well established cooperation between the occupational health inspectorate and the BMLFUW as the REACH competent authority which ensures a harmonised enforcement. MT: This is done through the consultation process with the Maltese competent authority on REACH, as appropriate. LV: The operator shall fill a submission for the receipt of a permit. Filling a submission the operator has to give also information about the chemical substances he plans to use or manufacture. State Environmental Service authority do assess and check the chemicals if they are not under authorization regime or restricted under REACH.
7	Do you use specific information from exposure scenarios and SDS when	BE(FL) (NO) SE	FR FI IE	If yes, please describe : FR: *Not yet, but we are considering this opportunity and would welcome feedback from other NEAs (the difficulty being that exposure scenarios can be perceived as very complex for inspectors not specialized in chemicals).*

	setting conditions in the permit?	SK LV AT MT	CY PT BG DE	*Only few inspections were performed on this subject and it appears that inspectors need information from the CSR. But they don't have access to the CSR in Ripe.* *If we really want to set conditions in the permit, the inspector should have access to some parts of the CSR in a practical and as synthetic as possible manner.* BE(FL): Each application for an environmental permit is investigated so that if the permit is granted extra or adapted conditions may be imposed. For these extra conditions exposure scenarios or SDS can be used. NO: Yes, to some extent. The enterprise is obligated to support the authorities with information on chemicals in the application for a permit. We take available information into consideration, including information from exposure scenarios and SDS for the environmental risk assessment, and we use the flow sheet. SE: SDS can be used as support for assessing environmental consequences of emissions and thereby supporting the formulation of conditions in permits. SK: In setting permit conditions, We use specific information only from SDS. BG: Currently under consideration DE SH: Discussion started in a working group how to handle it. AT: see no. 2 (plans to develop something) MT: Safety data sheets are used to evaluate the potential for contamination of the environment from industrial operations being permitted, and to evaluate mitigation measures proposed. The findings of this evaluation, and any relevant information from the data sheets, are reflected in permit conditions. LV: If the operator are planning to use or manufacture not well known chemical State Environmental Service authority asks for SDS to set conditions in the permit.
8	Do the authorities take into account PNECs from SDS when setting ELVs?	BE(FL) NO AT	FR FI IE CY	If yes, please describe how: FR: *Not yet, but this could be an opportunity (see above)* BE(FL): ► In general, ELVs are based on European legislation (and on BATs). For some of the ELVs, imposed by Europe, Flanders can be more strict if title II of Vlarem was already more stringent.

			PT SK BG LV DE MT	Each application for an environmental permit is investigated so that if the permit is granted extra or adapted conditions may be imposed. This could further strengthen or supplement the ELVs, taking into account local conditions and environmental quality. The environmental quality standards and immissions are based on scientific knowledge (this can be - but are not exclusively - PNECs) and on economical and social feasibility studies. NO: PNECs are used as additional information when we set ELVs. SE: See previous answer DE SH: see answer to 7 BG: Currently under consideration AT: see no. 2 MT: This is considered on a case by case basis. Local experience has focused on dispersion models of emissions rather than PNECs, given the types of industries permitted to date.
9	Do you refer to REACH annex XIV and XVII in the permit, when substances in the process chain are covered by these annexes?	FR BE(FL) FI CY LV DE AT	NO IE PT SK BG MT	If yes, please describe how: FR: *At least we aim at this (no feedback yet, the instruction has been sent only recently to enforcement and permitting services).* *The objective is to have rather generic references in the permits in order to draw attention on chemicals while avoiding overlaps / possible inconsistencies with EU chemicals legislation => companies are asked to provide the permitting/enforcement authorities with the list of such hazardous substances they use and keep available for inspection any details on their strategies.* BE(FL): Since we ask explicitly for substances that are subject to restriction or authorisation requirement in the application form, REACH annex XIV and XVII will be mentioned in the advice for the permit and in the permit itself when substances were mentioned in F16 of the application form. FI: **Yes, if the application indicates that such substances are in use (we have no procedure for that i.e. so far the applications does not have specific questions on the substances of Annex XIV / XVII in the application)** NO: No, only to REACH in general, see comment at question 5

				BG: Currently under consideration LV: If the operator is planning to use or manufacture the chemical which is in the annex XIV and XVII State Environmental Service authority accordingly sets conditions in the permit. CY: The competent authority for the implementation of REACH Regulation in Cyprus is the Chemical Substances Sector of the Department of Labour Inspection (DLI). Application for IED permits are submitted to the DLI (and dealt with by the Industrial Pollution Sector). There is frequent communication between the two Sectors and in certain cases expertise is provided upon request for permit writing. DE SH: Applicants have to submit info on substances of Annex XIV and XVII. If an application covers activities that are an offense against restriction or authorization requirements the permit cannot be granted (see question 1). AT: Applications for emission permits do usually not contain substances for uses which are restricted under REACH. With respect to authorisations it is too early to make an empirical statement. MT: Such references have not been considered necessary to date, given the type of IED grade industries operating locally.
10	Do you refer to any authorizations granted or rejected/refused for substances on REACH Annex XIV in the permit?	BE(FL) CY DE AT MT	FR FI NO IE PT SK BG LV	If yes, please describe how you precede FR: *Same as above, we have a generic reference and no specifics, to avoid overlaps and potential inconsistencies.* BE(FL): If in F16 of the application form substances, listed in Annex XIV (authorisations), are mentioned, the permit advice will be to refuse the permit for all applications of use that do not match the authorisation. If an environmental permit application concerns substances with an authorisation (or candidate authorisation), it is advised to dedicate a considerans to this in the advice for the permit. This reflects the fact that the operator must always fulfill the obligations under REACH (even with amendments of the regulation). NO: Not relevant yet in Norway BG: Currently under consideration CY: The competent authority for the implementation of REACH Regulation in Cyprus is the Chemical Substances Sector of the Department of Labour Inspection (DLI). Application for IED permits are submitted to the DLI (and

				dealt with by the Industrial Pollution Sector). There is frequent communication between the two Sectors and in certain cases expertise is provided upon request for permit writing. DE SH: concrete case currently under discussion. AT: See no. 9 MT: This would be captured during the consultation stage of the consultation process with the competent authority for REACH, and reflected in the permit conditions where necessary.

Authorities				
For inspection activities				
		Yes	No	
11	Do you have guidance for dealing with REACH in inspection activities?	FR PL CZ NO SE PT BG LV DE FI	IE CY SK GR DE MT	If yes, is it d) General: FR FR: *So far, inspection of chemicals have been carried out by specialized inspectors, based on specific guidances & checklists. We aim at broadening the scope and having more inspections which deal at least partly with chemicals. This implies the involvement of all inspectors. New guidances and tools to be developed.* PL, SE, FI NO: general, with a comprehensive checklist BG: general for REACH inspections only LV: We do have guidance for dealing with chemicals where included general REACH requirements for inspection activities are (Methodical instructions on Integrated Pollution Control) e) sector specific f) both PT: both GR: No only circular DE SH: No, not on national level, SH refers to REF manuals AT: see no. 2

				MT: Such issues are tackled on a case by case basis, given the limited number of installations operating under the IED regime within Malta.
12	Do you have a checklist for inspection activities covering REACH?	FR NO SE PT BG GR (LV) DE FI	PL CZ IE CY SK MT	If yes, please describe roughly the main items in it FR: *We have 2 checklists for inspections covering Reach :-* *- one for the control of the registration duties and the compliance of SDS* *- one of the control of strictly controlled conditions in case of intermediate registration* *Generic guidance for non specialized inspectors is yet to be developed.* NO: main items are: - To verify that the enterprises fulfil their registration obligations – Has the enterprise received an extSDS? – Does the enterprise know the obligations related to extSDS (REACH articles 37, 38 and 39)? – Is the enterprise familiar with the candidate list, restrictions (REACH annex XVII) and authorisations (REACH annex XIV)? SE: There is a checklist that was produced in connection with a project on inspection and enforcement of Reach related activities. The project was a cooperation between the Swedish EPA and the Swedish Chemicals Agency. The checklist contains questions regarding: • The operators procedures and roles according to Reach • Registration status for substances according to Reach • Safety data sheets (SDS) • Use of substances and risk reduction measures • Limitations and the candidate list Exposure scenarios

				Link to download project report (summary in English, checklist in Swedish) PT: Apart from the ECHA guides which are very helpful to us, also the manuals of inspection FORUM harmonized projects (REF), which are sector specific if you consider different roles under REACH a sector. Besides that, in our inspectorate (IGAMAOT) we have produced a support guide (checklist) for assessing the quality of Safety Data Sheets, and we are preparing a checklist for enforcement of DU obligations under REACH, related with Exposure Scenarios. BG: 1. on SDS requirements, 2. Registration, 3. strictly controlled conditions for handling intermediates DE SH: For IED inspections we have checklists. REACH has to be integrated at least for certain activities. For those not dealing with chemical substances the item can be left out. AT: see no. 2 MT: Chemicals are part of the inspection checklist. There is however no specific reference to reach GR: (Registration, MSDS, exposure scenarios, authorization, annex XVII) FI: **We have drafted a REACH checklist for IED inspection, where the main items are:** **- Conditions of use (Operational conditions and risk management measures as described in an exposure scenario)** **- Use of restricted Chemicals** **- Use of authorized Chemicals** LV: not official; The checklist is made by The Netherlands (25 June 2013). The main items inspected by State Environmental Service are: - Access and availability of SDS; - Information provided in SDS; - Registration of substances in ECHA; Etc.
13	Do you check if the enterprise's	FR	PL	If yes, please describe in a few words how you precede:

	industrial activities are covered by the exposure scenarios?	CZ SE PT (BG) LV DE FI	NO IE CY SK GR MT	FR: *Inspectors only check if the industrial activities are well covered by a exposure scenario but they don't go further.* CZ: It is occasionally checked when inspecting downstream users of chemicals. NO: We ask if the enterprise has received any ES, and if there are any procedures to take these ES into account. SE: see previous answer PT: We are working on that now. If the company is not able to provide us with evidences that they have done their work with the exposure scenarios, we can use the information on registered substances (available on RIPE and on ECHA website) or in the exposure scenario presented by the inspected company, and try to identify the exposure scenario prescriptions with the industrial activities, and check if they are working within the determined Operatory Conditions (OC) and if they have implemented the prescribed Risk Management Measures (RMM). BG: in progress DE SH: SH: We refer REF-2 manual / checklist AT: see no. 2 MT: Chemicals are part of the inspection checklist. There is however no specific reference to reach LV: We do check SEVESO objects by the exposure scenarios. FI: Yes, starting step by step in 2015.
For both permitting and inspection activities				
14	Do you offer adapted training to IED inspectors and permit writers to qualify for activities concerning the REACH regulation?	FR BE(FL) FI NO IE	PL CZ SE CY SK LV	If yes, please explain the content / the format and how you organize the training FR: *REACH/CLP has been introduced in the training courses for new inspectors. The training program is based on general (legal and technical) training weeks and specialised sessions:* *- chemicals are addressed in the common general trainings (as such or, like CLP, back to back with introduction to SEVESO/industrial hazards presentations);*

		PT DE	MT	*- specific training sessions include a "beginners" training of REACH-CLP and an "advanced" training course. At least one inspector per region has reached the "advanced" level and we aim at maximising the number of "beginners". Some specialist inspector in Reach and CLP are also in charge of the application of the IED directive in their regions.* *- local trainings to be organized in regions (and delivered by regional specialists & the ministry). Training programs to be developed.* BE(FL): The manual mentioned in question 2 has been explained in a seminar concerning REACH. This seminar was intended for all counselors of the Environmental Licenses Division. FI: **There will be a 1-day seminar to IED inspectors and permit writers on REACH Regulation. This will be yearly repeated if considered useful by the participants.** NO: Especially for inspectors: Internal training in the check list by colleagues. IE: Training has been provided to some inspectors for the purposes of the REACH Forum REF 3 project. It is expected additional training will be provided when REACH requirements are incorporated into the permitting process. PT: It has been given the training, provided by ECHA, to IGAMAOT inspectors responsible to control REACH duties and to perform inspections in some sectors of Annex I of the IED, namely the categories of activity 1.1, 1.2, 2.2, 2.4, 4.1, 4.2, 4.3 , 4.4, 4.5, 6.1 BG: pending DE SH: SH: we have small taskforce with REACH/CLP-experts who give support and make trainings and provide statements in permit procedures. For inspectors training in the REF-projects were carried out. AT: As a follow-up of a study it is foreseen to organise specific workshops for permitting authorities with respect to the REACH regulation. MT: Such issues are tackled on a case by case basis,

				given the limited number of installations operating under the IED regime within Malta. MEPA reserved the right to require the operator to carry out additional studies to provide additional expertise which inspectors or permit writers may require to fulfill their tasks. LV: State Environmental Service have inspectors and permit writers covering all environmental issues like industrial emissions, chemicals, water, waste etc. There is no specific inspector or permit writer for one definite issue for example REACH regulation. We do have training for inspectors and permit writers covering activities concerning the REACH regulation and IED.
Enterprises				
For the permitting activities				
		Yes	No	
15	Do the enterprises have the duty to inform the permit authority about all substances in the process chain (from raw materials to products, including intermediates)?	FR BE(FL) NO IE SE CY PT SK BG LV DE MT FI	FR	If yes, how and where is the obligation laid down: a) in a piece of legislation b) in a decree or a document binding the authority c) in a permit condition / obligation in the permit FR: not entirely *Not all substances. But when new permitting tools are implemented (see above), the permits will oblige to inform the authority of uses of certain hazardous substances (and keep some other information available to the authority).* *Under worked protection legislation, there is also a duty to keep a registry of hazardous substances used.* BE(FL): b) in a decree or a document binding the authority In annex E of the application form for an environmental permit the operator is requested to give the character and amount of all the substances[3] (E1) and products[4] (E2) that are used, processed, produced or stored. A process diagram in which the input of raw materials

[3] A substance as defined in the REACH Regulation (article 3, 1°)

[4] A product as product of nature, employment or industry, of art, of a chemical process

				and emissions of waste are listed (E3) has to be added to the application form. A detailed description of the processes has to be added as annex E4. NO: a) in a piece of legislation, the Norwegian Pollution Control Act and the Pollution Regulations c) Obligation in the permit We have a guidance for applicants. http://www.miljodirektoratet.no/old/klif/publikasjoner/3006/ta3006.pdf IE: a) and c) SE: a) in a piece of legislation In the Environmental code chapter 22, section 1 on the contents of an application for a permit for an environmentally hazardous operation, requires information on the use of raw materials, other inputs and substances. PT: a) in a piece of legislation SK: a) and c) BG: General requirements to inform the IED granted permit authority (Executive Environmental Agency (EEA)) and the IED enforcement authority (RIEW) are set in the national legislation as indicated above and further elaborated in the guidelines on IED permits LV a) and c) CY: c) in a permit condition DE: Ninth ordinance to the Immission Control Act (Ordinance on the Permit Procedure) and SH: according to the check list for the permit application, yes (means a) and b)). MT: c) in a permit condition / obligation in the permit FI: As a part of the application there is a form concerning

				chemicals.
16	Do the enterprises have the duty to inform the permit authority explicitly about substances regulated by REACH?	FR BE(FL) NO CY SK LV DE	FR PL IE SE PT BG MT NO	If yes, how and where is the obligation laid down: a) in a piece of legislation b) in a decree or a document binding the authority c) in a permit condition / obligation in the permit FR: *Same as above: focus on certain substances (annex XIV especially after sunset date and some annex XVII + some biocidal substances + some regulated refrigerants e.g. CFC/HCFC)* BE(FL): b) in a decree or a document binding the authority As mentioned in question 3 an item (F16) in the application form for an environmental permit is provided in which substances subject to restrictions or authorisations under REACH have to be filled in. NO: a) in a piece of legislation, the Norwegian Pollution Control Act and the Pollution Regulations c) Obligation in the permit We have a guidance for applicants. http://www.miljodirektoratet.no/old/klif/publikasjoner/3006/ta3006.pdf SE: Not explicitly, but see previous answer. SK: a) in a piece of legislation LV: b)) in a decree or a document binding the authority CY: a) in a piece of legislation DE SH: According to the check list for the permit application, b). MT: Although information on substances and intermediates used is a requirement, there is no specific reference to REACH

17	Do the enterprises have the duty to send relevant documentation to the authorities as part of the application (SDS, exposure scenarios)?	BE(FL) NO SE CY SK DE MT	FR PL IE PT BG LV	If yes, how and where is the obligation laid down: a) in a piece of legislation b) in a decree or a document binding the authority c) in a permit condition / obligation in the permit FR: *Feedback from other authorities welcome.* *Before inspections, inspectors ask to the industrials to send him SDS and exposure scenario of some substances.* BE(FL): b) in a decree or a document binding the authority For every relevant substance an SDS can be asked during the application procedure. Exposure scenarios have to be added when a safety report according to Directive 2012/18/EU, is obligated. c) in a permit condition / obligation in the permit NO: a) in a piece of legislation, the Norwegian Pollution Control Act and the Pollution Regulations c) Obligation in the permit We have a guidance for applicants. http://www.miljodirektoratet.no/old/klif/publikasjoner/3006/ta3006.pdf SE: a) in a piece of legislation In the Environmental code chapter 22, section 1 on the contents of an application for environmentally hazardous operations. SK: b) in a decree or a document binding the authority c) in a permit condition / obligation in the permit LV: Enterprises send relevant documentation on request of permitting and inspection division. CY: in a permit condition / obligation in the permit

				DE: Ninth ordinance to the Immission Control Act (Ordinance on the Permit Procedure) and SH: according to the check list for the permit application, yes (means a) and b)). MT: all three, a) in a piece of legislation b) in a decree or a document binding the authority c) in a permit condition / obligation in the permit
18	Do the enterprises have the duty to send a summary of relevant information from exposure scenarios and/or SDS, for example PNECs when applying for a permit covering an activity involving substances regulated by REACH?	NO IE SK LV DE MT	FR BE(FL) PL SE CY PT BG	If yes, how and where is the obligation laid down: a) in a piece of legislation IE b) in a decree or a document binding the authority c) in a permit condition / obligation in the permit FR: *Feedback from other authorities welcome.* NO: a) in a piece of legislation, the Norwegian Pollution Control Act and the Pollution Regulations c) Obligation in the permit We have a guidance for applicants. http://www.miljodirektoratet.no/old/klif/publikasjoner/3006/ta3006.pdf In the application for permit the enterprises have the duty to collect, consider and conclude in an integrated way all relevant information. SE: Not as a mandatory condition but it may be part of an application for a permit. See answer 15. SK: c) in a permit condition / obligation in the permit LV: b) DE SH: - permit authority: yes. a) ordinance on permit procedure - inspection authority: no, in SH permit, REACH and

				inspection authority are in the same organization. - REACH authority: - authority for work safety: not explicitly. Has to be taken into consideration in the risk assessment of work places No active information required. MT: all three, a) in a piece of legislation b) in a decree or a document binding the authority c) in a permit condition / obligation in the permit
To follow up the permit				
19	Do the enterprises have the duty to inform the authorities about changes in the use of raw materials/chemicals relevant to REACH?	FR NO SE IE CY SK BG LV DE MT FI	BE(FL) PL SE PT	If yes, please indicate which authority / authorities has / have to be informed: - permit authority - inspection authority - REACH authority - authority for work safety Where is the duty laid down? FR: *Permit, inspection and REACH authority (they are all the same, ie. Regional services of ministry of ecology) should be informed of any substantial change in the facility or process that is likely to change the risks or impacts of the process (legal obligation). More specifically, we intend to specify in the permits that this information is required whenever certain regulated substances are involved.* *Labour inspection (authority for work safety) should be informed of the phasing-out of CMRs and substitution programs (legal obligation).* BE: No (for permitting authorities) NO: permit authority (inspection authority) Where is the duty laid down? In the legislation (see above) and in the permit.

				IE: - inspection authority √ - significant changes in the use of materials must be notified to the Office of Environmental Enforcement within the EPA. Duty is laid down in the permit SE: sometimes, inspection authority Not mandatory, but can be included in a condition in a permit. SK: - permit authority, - inspection authority BG: In case of necessity for any changes in the use of the raw materials including chemicals when there is changes in their hazardous characteristics and conditions of their storage the operator should inform the Ministry of Environment and Water and the IED permit authority (EEA) also. LV: Latvia does not have two different authorities – permitting and inspection. We do have one authority (State Environmental Service) who deals with permitting and inspection. Permitting division has cooperation with other institutions that provide proposals to permit. - *Law on Pollution* - Republic of Latvia Cabinet Regulation No.1082 Adopted 30 2010 *Procedure by Which Polluting Activities of Category A, B and C Shall Be Declared and Permits for the Performance of Category A and B Polluting Activities Shall Be Issued*. CY: REACH authority DE: - permit authority: yes - inspection authority: no, in SH permit, REACH and inspection authority are in the same organization. - REACH authority: - authority for work safety: not explicitly. Has to be taken into consideration in the risk assessment of work places No active information required. MT: - permit authority - inspection authority

				This is stipulated in permit conditions FI: **Information should be submitted to inspection authority if the change in operations is concidered significant.** Where is the duty laid down? **Environmental Protection Act 527/2014 (Finland)**
Cooperation between authorities				
20	Do the permitting authorities send a copy of the permit to inspection authorities?	FR BE(FL) PL FI CZ IE SE PT BG LV DE FI	FR NO SK MT	If yes, please indicate to which authority - IED inspection authority PL, IE - REACH authority - authority for work safety FR: *DREAL (local services of the ministry of ecology) are the permitting and inspection authorities and are also tasked for REACH inspections.* BE(FL): The permit is sent actively to environmental inspection authorities (who are responsible for IED and partly for REACH) and is publicly available. For Flanders permits of IPPC-installations can be found here: http://www.lne.be/themas/vergunningen/gpbv-ippc/lijsten-van-gpbv-installaties FI: **Yes, to a regional and municipality IED inspection authorities** CZ: - IED inspection authority NO: Comment: IED inspection authority and REACH competent authority are the same authority, and have an internal database where the permits are available to all employees. The permit is also publically available on the internet for downloading. http://www.norskeutslipp.no/en/Industrial-activities/?SectorID=600 SE: IED inspection authority, PT: IGAMAOT is an inspection authority for IED activities and is also a REACH authority. SK: **In Slovakia we have a same authority for permit**

				and inspection. BG: IED inspection authority DE SH: - IED inspection authority – in SH permit and inspection authority is the same organisation - REACH authority: In SH REACH authority is integrated in IED authority - authority for work safety: yes AT: In AT the permitting authority also covers the inspection tasks. MT: Permits are posted and publicly available on line LV: State Environmental Service works on inspection and permitting. Permits are public available to everyone who are interested in (for example Health Inspection Authority).
21	Do the inspection authorities (IED, REACH, work safety) inform the permitting authorities about inspection activities?	FR CZ NO IE PT LV MT FI BE(FL)	PL SE SK BG DE	If yes, please indicate whether they are: a) obliged CZ NO: IED and REACH inspectors inform the permitting authorities as a part of an internal procedure in our agency. IED inspections and REACH inspections for the environment are carried out by the same agency. All relevant inspection authorities for REACH for on shore enterprises (Norwegian Environment Agency, Norwegian Labour Inspection Authority and Norwegian Directorate for Civil Protection) cooperate and have a common database for planning inspection activities. This database has existed for many years and covers all inspection activities, not only those related to REACH. IE: a) obliged √ - There is a Memorandum of Understanding covering the exchange of information between the Environmental Protection Agency (responsible for the prevention of environmental pollution under the REACh Regulation) and the Health and Safety Authority (lead competent authority for the REACh Regulation within the State). The EPA must use any information from IED monitoring and inspections in

				the reconsideration of an IED permit. b) do it voluntarily FR: *DREALs have several missions, so information is easily accessible.* *Several other NEAs take part in REACH enforcement (customs, consumer protection and labour inspections): there is a national coordination of inspection activities. In particular cases, NEAs can exchange information (on a voluntary basis) and are legally permitted to do so.* PT: The answer is b). Yes, through the IGAMAOT annual activities plan and the annual activities report, which are published in the IGAMAOT website on a voluntary basis. LV: b) Inspection division informs about inspection activities on request of permitting division. SK: **In Slovakia we have a same authority for permit and inspection.** DE SH: not about inspection activities in general AT: see no. 20, voluntarily MT: b) do it voluntarily – on a case by case basis
22	Do the inspection authorities inform the permitting authorities about the results from inspections?	FR PL CZ NO IE PT LV DE MT BE(FL)	FR SE SK BG	If yes, please indicate whether they are: a) obliged or PL, CZ NO: obliged as part of an internal procedure. Comment: As for permits are inspection reports available in an internal database as well as publically available on the internet. http://www.norskeutslipp.no/en/Industrial-activities/?SectorID=600 IE: obliged √ - The EPA must use any information from IED monitoring and inspections in the reconsideration of an IED permit.

				b) do it voluntarily LV: b) FR: *DREAL (local services of the ministry of ecology) are the permitting and inspection authorities and are also tasked for REACH inspections.* PT: The reports from IED related inspections are sent to the permitting authority on the basis of mutual collaboration. By law, we are also obliged to make the inspection report publicly available within the limit of 4 months. SK: **In Slovakia we have a same authority for permit and inspection.** DE SH: - IED inspection authority – in SH permit and inspection authority is the same organisation - REACH authority: In SH REACH authority is integrated in IED authority - authority for work safety: For all three: yes, if results require changes in the permit or of relevance for it. voluntarily AT: voluntarily MT: b) do it voluntarily – as may be considered appropriate FI: **There is a common database (VAHTI) informing the inspection results to permitting authorities in Finland.**
23	Are there any crossover groups/system in your country to ensure that information on the regulation of substances by REACH is communicated both to the permitting and	FR BE(FL) NO IE LV MT	PL PT SK BG DE	If yes, please explain whether there is a formal requirement for e.g. regular meetings behind it or whether it is voluntarily FR: *The ministry provides regional specialists of chemicals with regulatory updates and information about EU activity. This information is made available to all environment inspectors on a dedicated website.* BE(FL): In the department of Environment, Nature and Energy there is a working group on control of risks, coordinated by the policy advisor REACH/Chemical substances of the Environment, Nature and Energy Policy

	inspection authorities?	FI		Division. Several authorities, e.g. permitting authorities, are a member of this working group. By this, the authorities are kept up-to-date with information on the regulation of substances by REACH. For permitting authorities some people (e.g. coordinator chemical substances) are also included in several federal or regional mailing lists (e.g. the mailinglist of BCR = Belgian Committee REACH) by which information on the regulation of substances by REACH is provided. FI: **In Finland, the Finnish Safety and Chemicals Agency (Tukes) is nominated to Competent Authority that is responsible for communication on REACH to the permitting and inspection authorities.** NO: We have a formalized CLP/REACH-IED-offshore cooperation. We have in our agency a team consisting of colleagues dealing with permitting, inspection and CLP/REACH regulations. The team meets regularly, and members of the team ensure that relevant information that connects CLP/REACH regulations together with permitting and inspection activities, is communicated further to the relevant sections. IE: The Environmental Protection Agency in responsible for the enforcement of the REACh Regulation for prevention of environmental pollution within the State. The current review of the IED permitting process by the Environmental Protection Agency is envisaged to result in greater communication regarding REACh Regulation compliance monitoring both within the organisation (between permitting and inspection activities) and with external authorities, e.g. the Health and Safety Authority (lead REACh Regulation competent authority within the State). BG: Currently under consideration DE: Not on national level. DE SH: No formal regulation for that but there is an agreement that the permit and inspection authority take part in information pools. AT: See no 14 MT: Such documentation is circulated through EU affairs departments of various agencies, and ad hoc meetings are held where required

				LV: Inspection division informs about inspection activities on request of permitting division.
Guidance development / BREF documents				
24	Do you think BREF documents (describing best available techniques and binding conclusions for industrial installations in EU) should contain general and specific information on techniques involving substances regulated by REACH?	FR PL IE CY PT BG LV DE AT PT (NO) FI	BE SK	If yes, please specify whether it should be: a) general PL, CY, LV, FI, BE b) specific FR: *Our understanding is that BREFs do not have recommendation on many REACH regulated substances and focus in priority in substances that have been regulated for a longer time. There is probably room for improvement in that area.* BE(FL): I think this is beyond the scope of a BREF. BREFs are already very extensive documents and including specific information on techniques involving substances regulated by REACH would lead us too much into detail. It is the duty of the operator to keep himself updated with the correct legislation such as REACH. On the other hand it can be very helpful to mention whether a substance that is used in certain techniques is subject to restriction or authorisation. Alternatives for these substances could also be given in the BREF. The question remains whether this should be mentioned in the BREF itself or in the BAT-conclusions. In the BREF the information might be lost but in the BAT-conclusions the information would extend these already very extensive conclusions (e.g. BREF LVOC). So I think this information should be limited to avoid to overwhelm the reader. FI: G**eneral.** NO: If techniques described in BAT-conclusions involve substances that are subject to restrictions or authorization according to REACH or subject to the candidate list, the issue should be handled the same way across EU/EEA-countries. A general guidance may be included in the BREF referring to obligations according to REACH, and links to specific information about alternative or emerging techniques. Possibly make a reference in the guidance on the collection of data and the drawing up of BREFs (COM 2012/119/EU) e.g. chapter 5.4.2.2 Consumption of

				the raw and auxiliary materials / feedstocks. We refer also to discussions going on in IED Article 13 Forum on the need to update the strategy to review the Chemicals BREFs and input delivered by EEB by email dated 20 October 2014, question A. IE: a) general √ b) specific √ - (if and when required). PT: In IGAMAOT (NEA) opinion we should have both. A chapter on REACH regulation general predicted obligations would be very welcome. At least a simple remit to ECHA's website and ECHA's guides. On the other hand, as long as the knowledge about specific REACH obligation is clear, than there should be introduced specific information concerning the issue on BREF. In APAs (competent authority) opinion, BREF should contain general information about substances regulated by REACH. BG: general plus specific information for individual activities DE SH: To put it into the BREF documents might be an option. This would produce common understanding / equal playing field throughout Europe. Perhaps an extra Article on the item might be integrated into the IED. At least a), if possible b). AT: specific, if SVHCs or CMR substances are used in a production process MT: Both: a) general, and b) specific with respect to chemicals of particular concern
25	Do you have any proposals on how information from REACH can be	FR BE(FL)	PL CZ	If yes, please specify: FR: *REACH registration dossiers provide information to identify sectors of used (correspondingly, relevant*

	used when BREF documents are developed?	SE DE MT (NO) FI	IE CY PT SK BG	*substances could be identified and prioritized by selecting a business sector).* *The dossiers provide information on acceptable levels of releases for the sake of environment and human health and data on actual (and hence achievable) emissions levels. This type of information would certainly be helpful to develop BREF documents.* BE(FL): A problem that occurs a lot in writing a BREF is that the technical working group (TWG) does not deliver a lot of information on emissions. In this way, the writers of the BREF do not have a basis to determine ELVs. A solution could be to base ELVs on SDS and exposure scenarios on the one hand but also to justify the choices for these ELVs by using SDS and exposure scenarios on the other hand. + See question above NO: See 24 above. IE: While there are no current proposals to use REACh information in the development of BREF, it is envisaged, the current review of the IED permitting process by the Environmental Protection Agency, will propose the use of such information in all appropriate aspects of permitting and inspection including the development of BREF. SE: It should be relevant to produce reach-related information concerning the chemical products commonly used in the activities covered by the BREF, for example concerning restrictions for use. DE SH: Integration of a separate chapter on chemical substances into the documents and into the conclusions. May be rather general as it is concerning Energy Efficiency. But if possible it should give detailed information for the individual sector. AT: see no. 2 MT: BREFs can consider particular chemicals/chemical groups (i.e. lists of chemicals frequently encountered in particular industrial settings) that are relevant to different sectors. FI: **More guidance on how to use of REACH toxicity data at tied emission limit values is needed.**
2	Do you have any	BE(F	FR	If yes, please specify

6	ideas or input on how the "Guidance on collection of data for drawing up BREF documents" could be revised to link information from REACH?	L) IE MT (NO)	PL CZ SE CY PT SK BG DE	FR: *Should be discussed with colleagues more involved in IED implementation.* BE(FL): see question above NO: see 24 above IE: As a minimum it should be a BAT for BREFs to substitute substances on Candidate List, Authorisation List and the Restriction list. ECHA should supply EIPPCB with information on the use of these substances in IED industries. AT: AT: see no. 2 MT: This could be sent to competent authorities for REACH for direct input.
27	Do you think a separate general EU guidance document on dealing with REACH in IED permitting and inspection would be helpful?	FR BE(FL) PL FI IE SE CY PT SK BG LV DE AT MT (NO)		If yes, please indicate, whether it should be d) general e) specific f) general plus specific information for individual activities FR: *General guidance would be most useful, but concrete examples of particular activities would also support the explanation and hence involvement of inspectors.* *It would be also very helpful to have a guidance on examples of the best available technologies that we can find as technical measures to ensure the rigorously containment of intermediates under REACH regulation.* BE(FL): c) general plus specific information for individual activities PL: c) general plus specific information for individual activities (especially for chemical industry) FI: **Yes, a general plus specific information for individual activities** IE: c) SE: c) CY: c) PT: Our answer is c).

				There should be general plus specific information for individual activities. SK: c) general plus specific information for individual activities BG: c) general plus specific information for individual activities LV: c) general plus specific information for individual activities DE SH: A general guidance document is considered helpful. AT: A general guidance document is considered helpful. MT: general plus specific information for individual activities NO: if possible c)
Planning of Workshop IED/REACH				
28	Would you be interested in participating in a workshop with the purpose to collect information and explore the way forward in dealing with IED and REACH?	FR BE(FL) PL CZ NO CY PT SK LV DE	IE SE BG	No further comment necessary. SE: Unfortunately we do not have resources for this at the moment. BG: not possible
29	Would you be interested in contributing to the workshop with a presentation?	FR BE(FL) LV DE	PL CZ IE CY	If yes, please indicate the item or title of the presentation FR: *It depends on the availability. To be confirmed.* BE(FL): The approach of permitting authorities of the Flemish region (application form, manual) NO: A presentation on the Norwegian approach is on the draft agenda.

		NO	PT SK	DE: yes presentation on background and results
30	Would you have the possibility to send relevant guidance concerning REACH that you use for IED permitting and /or inspections?	BE(FL) PT NO FI	PL FI CZ IE CY SK DE	If yes, please enclose them. FR: *Most documents are just being developed and either not finalized or not tested in actual conditions.* BE(FL): Handleiding chemische stoffen toetsing adviesverleners, flow sheet REACH EN(2) FI: **There isn't any that kind of quidance**. NO: Links and documents are included. Some of the material is in Norwegian only. In the IGAMAOT we have a checklist for Safety Data Sheet quality assessment, but its written in Portuguese. IGAMAOT recommends REF projects Manuals and ECHA Guidance. FI: **Available only in Finnish at:** https://helda.helsinki.fi/bitstream/handle/10138/136504/OH_7_2014.pdf?sequence=1

Annex IV: Agenda of the workshop 24 – 26 November 2014 in Berlin

IMPEL Project "Linking the Directive on Industrial Emissions (IED) and the REACH Regulation (phase II)"
Workshop - 24 – 26 November 2014 in Berlin
Landesvertretung Schleswig-Holstein
In den Ministergärten 8
10117 Berlin

Agenda

24 November 2014

time	Item	
13:15	Welcome, agenda Round table introduction	
13:45	Short introduction to the project – project scope and objectves Work done in 2013 and further developments	Gisela Holzgraefe
14:30	Overview of documents used as input for the project (apart from IED and REACH-Regulation)	Gisela Holzgraefe
	Discussion	all
15:00	Coffee break	
15:15	Relevant processes under the Directive on industrial emissions (IED) – the regulatory cycle	Gisela Holzgraefe
15:45	Relevant REACH processes and REACH generated information	Jordane Wodli
16:30	Interlinks of The REACH Regulation with IED (results of project report 2013 and recent activities of ECHA)	Eeva Nurmi on behalf of ECHA
17:00	Study on SVHC of the Netherlands and database	Gisela Holzgraefe
17:15	SVHC Roadmap 2020 and chemicals of environmental concern	Lars Tietjen (UBA)
17:45	Closure of day one	

Dinner: 19:30

Agenda
25 November 2014, day two of the workshop

time	item	
9:00	Short summary of day one	Gisela Holzgraefe
9:15	Presentation and discussion of the questionnaire - Analysis of respondents - Permitting activities - Procedures - Guidance	all
10:00	- Relevance of REACH in the permit procedures for industrial installations - Guidance for the authority / the applicant Setting ELVs in permits - Permit conditions	all
10:45	Coffee break	
11:00	- Obligations of enterprises For permit activities Follow-up measures	all
12:30	Lunch break	
13:30	Short summary of morning session	
13:35	Cooperation between permit and inspection authorities	Input from questionnaire - all
14:10	Development of BREF documents and REACH information	"
14:30	Best practice example 1: Guidance for applicants	Gisela Holzgraefe
15:00	Coffee break	
15:15	Best practice example 2: Approach of Flanders (BE)	Evelien Vervoort
15:40	Best practice example 3: Approach of Norway	Eva Haug
16:10	Best practice example 4:	
17:00	Closure of day two	

Dinner: 19:30

Workshop 26 November 2014 in Berlin

Landesvertretung Schleswig-Holstein
In den Ministergärten 8
10117 Berlin

Agenda
November 2014, day three of the workshop

time	item	
9:00	Short summary of day two	Gisela Holzgraefe
9:15	Lessons learned - guidance material - best practice - …. -	all
10:00	Proposals of recommendations regarding the link between the Directive on Industrial Emissions (IED) and the REACH Regulation	all
10:45	Coffee break	
11:00	*Further steps of the project and main conclusions:* ▪ Definition of work packages (further contributions for draft final report) ▪ structure of the draft final report, further issues to be discussed (e.g. .) ▪ follow-up project ?	all
12:00	Final discussion	all
13:00	lunch	