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### Joint Industry statement on the BAT Conclusions application's scope

The Associations, co-signatories of this paper, all have member companies that fall under the scope of the Industrial Emissions Directive (IED). For each of the sectors covered therein, the European Commission has adopted or will soon adopt specific Implementing Decisions on BAT Conclusions that set out the legally binding references underpinning the permitting process they are subject to.

We draw your attention on a development, in one EU Member State<sup>1</sup>, whereby the provisions and values of sector-specific BAT Conclusions (see : [Implementing Decision 2019/2010 on BAT Conclusions](#) for Waste Incineration) are applied to a different sector. An **application of BAT Conclusions** beyond its expressly restricted scope<sup>2</sup> sets a dangerous precedent for all EU industrial installations since it denies the very sector-specific nature of BAT Conclusions. This creates legal uncertainty, puts investments of each operator at risk and goes against the fundamental principles of the well-respected so-called “Sevilla process”.

At a time where all EU companies are deploying significant investments and projects to transition to a low carbon and circular economy model, we urge EU and national law makers to take the above recommendations into consideration and ensure a clear, predictable and workable set of rules for the permitting of our installations.

<sup>1</sup> An example at hand is the Slovenian Environment Protection Act, adopted on 7<sup>th</sup> March 2024, which obliges the Slovenian Government to set emission limit values for co-incineration plants by reference to the BAT conclusions for waste incineration plants.

<sup>2</sup> These BAT conclusions concern the following activities specified in Annex I to Directive 2010/75/EU: [...] 5.2. Disposal or recovery of waste in waste co-incineration plants: (a) for non-hazardous waste with a capacity exceeding 3 tonnes per hour; (b) for hazardous waste with a capacity exceeding 10 tonnes per day; whose **main purpose is not the production of material products** and where at least one of the following conditions is fulfilled [...]