

OCTOBER 2020

## Zero Pollution Action Plan

### Europe’s non-ferrous metals industries’ response to the roadmap

Metals are inorganic chemicals used across a range of European industrial ecosystems, including mobility, construction, electronics, digital, health, and renewable energy. Their demand is projected to increase significantly in line with society’s transition away from fossil fuels towards climate-neutrality, with recycling a key route to improving Europe’s resilience. While our industry is committed to continually improve its production performance to prevent, control, reduce and as far as possible eliminate its pollution to human health and the environment, the upcoming Zero Pollution Action Plan should remain coherent with other objectives of the EU, such as its open strategic autonomy on raw materials and Industrial Strategy.

#### This means that the upcoming Zero Pollution Action Plan must:

- Pursue a holistic approach (considering all EU objectives of the Green Deal), promoting technically and economically sound and feasible solutions matching its ambitions.
- Reinforce existing legislation and implementation, rather than going for new legislation.
- Remain realistic in its ambition, reflecting industry’s technical realities and historical progress, while maintaining a fair level playing field between sectors.
- Concentrate on what matters by ensuring the focus remains on the main contributors while targeted additional actions do not challenge those who have already progressed intensely to lower emission levels.
- Control that new monitoring and outlook tools are science-based and appropriately address uncertainty.
- Promote cross-cutting initiatives that enhance coherence among industrial and environmental pieces of legislation.

Below you can find our specific recommendations regarding the different aspects of the Zero Pollution Action Plan, as laid out by the Commission’s roadmap, and further considerations Eurometaux finds important for the success of such an action plan.



OCTOBER 2020

## Zero Pollution Action Plan within the Green Deal

The Zero Pollution Action Plan is one of many activities planned under the Green Deal, and more specifically its Zero Pollution Ambition. We recognise that all EU policy initiatives must be coherent with the EU’s climate-neutrality and circular economy objectives. Hence, it is of utmost importance that the Zero Pollution Ambition is working hand-in-hand with those objectives, and functions in an integrated manner. Specifically, when writing the action plan, it is important that it complements and links the two other main pillars of the Zero Pollution Ambition, the Chemical Strategy for Sustainability and the revision of the Industrial Emissions Directive (see below related comments).

The high ambitions of the Commission’s Green Deal will also require a good planning of the work behind the anticipated timelines for the different activities. It must be considered that within those time goals, all technical discussions need to take place. Given this will be a learning process, it is essential that the expert and technical groups have enough opportunities to exchange and validate data that will serve the decision-making processes. Therefore, the upcoming Zero Pollution Action Plan should consider with caution certain concepts or criteria that have not been defined yet, especially in the Chemicals Strategy for Sustainability (e.g. “essential uses”), but also be in coherence with other initiatives of the Green Deal and the Industrial Strategy .

We believe that most of the issues related to the core objective of “pollution reduction” could be addressed by strengthening implementation of existing legislation across the EU. Programmes like the Environmental Implementation Review<sup>1</sup> are helpful to enhance the communication between local authorities, national decision takers and European policy makers and to identify practical issues. Moreover, it helps to identify country or even region-specific problems, which require adapted processes to be solved.

We support a horizontal and integrated strategy for the Zero Pollution Action Plan. This demands considering potential discrepancies in the EU’s public policy targets. Our industrial sites have to comply with a wide range of rigorous environmental legislation. It is important to consider the synergies and trade-offs between the various policies and environmental objectives. Increased focus to reach one target (e.g. reduction in the emissions of certain pollutants) can impact the achievement of other targets (e.g. reduction of energy consumption and CO<sub>2</sub> emissions).

### Key recommendations

- Ensure coherence of policy and realistic objectives between industrial strategy, low carbon transition, protection of environment and human health, circular economy and resource efficiency.
- Environmental policies need to be proportional and based on scientific and factual evidence and efficiently implemented to support the industrial transition and global competitiveness of EU industry.

<sup>1</sup> [https://ec.europa.eu/environment/eir/index\\_en.htm](https://ec.europa.eu/environment/eir/index_en.htm)



OCTOBER 2020

## Data collection and monitoring

The new 8<sup>th</sup> Environment Action Programme<sup>2</sup> proposes an upgraded monitoring, measuring and reporting framework, the so called “Integrated Zero Pollution Monitoring Framework”. We support the ambition to avoid duplication and limiting administrative burden related to the reporting requirements. In addition, we believe, e.g. in regards of the ongoing Impact Assessment of the E-PRTR<sup>3</sup>, that the harmonisation of criteria for reporting across Europe will improve the use of available data.

To develop effective and proportionate policies, it is crucial to improve data collection, better understand and assess emissions and identify the main contributors or contribution sources to pollution. Other aspects that require careful consideration are the definition of thresholds to prioritise activities on pollution reduction at important points and how to best use detection limits (they should not serve as reporting basis).

Establishment of baselines to monitor progress, as already announced by the Biodiversity Strategy<sup>4</sup>, are crucial and should be carefully developed. Especially for metals, as they occur naturally in our environment and depending on the geographical conditions, varying loads can be expected for the natural background (see our comments to Water Policy aspects). Further, climate and meteorological changes influence loads of e.g. dust in the air (e.g. through Sahara winds). We recommend that the development of baselines includes experts coming from the different relevant fields. We would like to recall the European Parliament’s comments<sup>5</sup> *to ensure a science-based approach*, as this is fundamental in identifying the right methodologies for monitoring of pollution and analysis of data. The non-ferrous metals industries are committed to the continuous improvement of current monitoring activities, as via support of the EEA on an emissions inventory for diffuse water emissions and the joint ECHA/ Eurometaux sectorial approach MISA.

It is important that relevant data is used for decision processes of specific policy goals.

### Key recommendations

- Improve data collection, better understand and assess emissions and identify the main contributing sources to pollution.
- Ensure a science-based approach to monitoring activities.
- Ensure that harmonisation efforts do not overrule the suitability of methods and data used for policy making.

<sup>2</sup> “General Union Environment Action Programme to 2030”, European Commission, 14/10/2020

<sup>3</sup> [Eurometaux response](#) to E-PRTR Inception Impact Assessment, 26/10/2020

<sup>4</sup> “EU Biodiversity Strategy for 2030 - Bringing nature back into our lives”, European Commission, 20/5/2020

<sup>5</sup> European Parliament resolution of 15 January 2020 on the European Green Deal



OCTOBER 2020

## Chemicals Strategy for Sustainability

We support the Commission’s objective to protect human health and environment from harmful exposures. Green Growth requires that substances, articles and functionalities are all safe and sustainable, designed with a life cycle perspective. The Zero Pollution Action Plan should alleviate regulatory pressure on certain key metals to not hamper the uptake of secondary raw materials or discourage new mining projects for critical materials essential for EU’s strategic autonomy. It is important that the efforts towards a healthier planet and clean Circular Economy, also addressed by the Chemicals Strategy for Sustainability (CSS)<sup>6</sup>, are driven by risk and focus on what matters.

The Roadmap refers to the importance of promoting “safe and sustainable design” for Green Growth, which seems to refer to the “safe and sustainable-by-design” concept extensively mentioned in the CSS. It must be ensured that any promotional action under the Zero Pollution Action Plan is in line with the criteria, which will only be finalised in 2022, according to the Commission’s own indicative timeline. Hence an efficient Circular Economy needs to make sure that materials are safe when recovered, including the process to do so. Hazard driven framework will have significant negative impact on metals recycling and will diminish the EU capacity to recycle complex materials as well as supply strategic metals using its own sources as well as the coherence with the Green Deal. The production of many valuable and critical metals is dependent on production and use of carrier metals, several of which are substances of concern.

The “one substance - one assessment” approach under the CSS should be used as a key element to ensure consistency between legislation and creating efficiencies. Using one hazard dataset with a common, appropriate and accessible template will increase the coherence between different regulatory processes.

The CSS also aims at introducing provisions to consider the “combination of chemicals”. We therefore invite the Commission to wait for the outcome of current discussions under the CSS before drawing conclusions in its Zero Pollution Action Plan. Regarding metals, most knowledge to date has been gathered on metals mixtures and their possible effects on the environment or human health, often starting from the well-studied ‘base metals’. Further knowledge needs to be acquired on co-exposure with other types of chemicals. Important though is that metals/inorganics present some specificities that need to be considered when tackling unintentional aggregate exposure. For example, their natural occurrence and for some also their essential need for life. Background levels exist for each metal in the different environmental compartments, relatively well known as there have been several major pan-European measurement programmes.

The CSS introduces more attention for new hazard endpoints like Endocrine Disrupting hazards or immunotoxicity, while recent REACH updates introduced the need for the assessment of the potential specific properties of nanomaterials. Eurometaux fully supports the need to ensure safe use across all chemicals and materials as well as potential hazards. However, this should be based on science-based assessments relevant to the type of materials under consideration.

<sup>6</sup> “Chemicals Strategy for Sustainability - Towards a Toxic-Free Environment”, European Commission, 14/10/2020



OCTOBER 2020

Indeed, “One fit for All” solutions do not exist and could lead to the wrong conclusions in respect to the Zero Pollution Ambition.

### Key recommendations

- Ensure that substances needed for the strategic autonomy and sustainable innovations are not regulated according to their inherent toxicity but according to risk and exposure control.
- Chemical management policy shall ensure the safe use while enabling the sustainable non-ferrous metals production and recycling in Europe.
- Support the CSS ‘one substance, one assessment’ (OSOA) approach.
- Need for an integrated approach to risk management that selects the most effective, proportionate and sustainable combined measures for chemicals management, climate and circularity, that would strengthen each other. The specificities of metals impacting risk assessment/ management should also be taken into account.
- Ensure that attention for new hazard endpoints such as endocrine disruptors and materials (e.g. nanomaterials) considers selective relevant approaches needed to cover the specific nature of these materials (e.g. metals).

### IED’s Integrated Approach and BAT-based conclusions

The Industrial Emissions Directive (IED) has a continued, essential role in delivering on EU goals in reducing the environmental impacts coming from industrial activities. Its objective is to prevent, reduce and as much as possible eliminate pollution arising from industrial activities, thus achieving a high-level protection of the environment taken as a whole.

The recently published evaluation report<sup>7</sup> assessed the IED as being effective in reducing the environmental impacts and competitive distortions in the EU. Furthermore, the IED is reported to be largely efficient, coherent with other policies and to provide significant EU added value. The IED is a main tool to consider cross-media effects from regulating emissions: not only does it promote integrated improvements on pollution prevention, but it also has an intrinsic dynamic, with the revision of BREF documents, that ensures a continuous update of best available techniques (BAT) in use. The IED’s Integrated Approach is crucial to identify best available techniques that do not cause a disproportionate shift of burden from one environmental medium to another. There are many important trade-offs to be made between e.g. emissions reductions, energy demand, waste generation or material use. Prioritising one goal over the other aspects (e.g. decarbonisation) will cause an imbalance. BREF review processes are based on dedicated data collection and questionnaires from well performing plants, that have to be defined following the principle of environmental protection as

<sup>7</sup> Staff Working Document to the Evaluation of the Industrial Emissions Directive, European Commission, 23/09/2020



OCTOBER 2020

a whole. This step, although time consuming, is necessary to avoid shortcuts that might only favour a technique that minimises impact on one pollutant but has cross-media effects that should not be overlooked.

**Key recommendations**

- Operational permits should be updated and granted based on a technology driven analysis and a transparent and robust methodology to derive emission limits.
- Secure the IED’s Integrated Approach and BAT conclusions based on technological and economic feasibility.
- Ensure proportional emission reduction measures to maintain investment conditions in strategic value chains and secure global competitiveness of EU industry.

**Water Quality**

The non-ferrous metals industry is highly committed to the achievement of good ecological and chemical status of EU Waters and to keep improving the assessment of risks posed by metals in waters through the most up-to-date scientific knowledge and methods. However, in practice, the assessment of the ecological status is strongly based on the chemical assessment. Given the goal is a healthy environment, it seems that more scientific investigation is needed to improve the *ecological* assessment, where natural changes of aquatic environment and local situations are considered. Also, more clarity is needed on how to assess socio-economic activities, to ensure that when it is already regulated and in line with the requirements of the Industrial Emissions Directive, the non-deterioration principle is not blocking activities in a general manner.

We recommend the Commission to further encourage promotion and enforcement of the ongoing processes to improve consideration of our metals’ natural background concentrations and bioavailability. We believe that the new Guidance on Implementing Metals Environmental Quality Standards (EQS) – when published – will greatly assist regulators in correctly assessing the risk posed by metals, and therefore the status of EU Waters. We also recommend harmonising methods for deriving EQSs for River Basin Specific Pollutants (RBSP). This can be achieved by using the EQS Derivation Guidance.

When using this EQS Derivation Guidance, it is important to consider that EQS values may differ for RBSPs between Member States, primarily due to locally different environmental conditions. Following that, for the revision of the Priority Substances, it is fundamental to carefully assess whether an EU-wide risk exists or whether reported issues are only of local relevance. Also, we see it as important to ensure that the recently started process to identify new Priority Substances is taking into consideration all important scientific evidence and is assessed carefully. Overall goals should not encourage too rapid decisions nor result in an overload of the responsible expert groups.



**Key recommendations**

- Integrate local environmental conditions and natural backgrounds when defining EQS values and validating Priority Substances.
- Apply robust criteria and most up-to-date data and scientific knowledge when assessing the risks posed by metals in water.

**Air Quality**

A new air quality policy should not lead to disproportionate and harder achievable standards. Current air quality standards are already difficult to meet for many EU Member States, who are struggling to implement effective measures and facing a number of infringement procedures<sup>8</sup>. Before Ambient Air Quality (AAQ) targets are further reduced, we need to understand what prevents some Member States from achieving the current ones. A successful Zero Pollution Ambition should start where previous policies have failed: implementation guidance and support that will assure a shared burden.

Measures set by local authorities to improve ambient air quality shall be derived from an impact assessment to understand the contribution of different sources and identify the most cost-effective measures. Ambient air is influenced by local industrial activities, but there are effects due to energy production, household heating, shipping, construction work, transport. External factors such as unstable meteorological conditions (dry weather, thermal inversion) or local geographical situation are important to consider at specific monitoring stations. Focusing only at industrial emissions could not be acceptable unless this has been demonstrated as the only economic and technical proportionate solution. A local assessment should not invite national authorities to put pressure on permitting authorities to pass national requirements and commitments via Ambient Air Quality Directives (AAQD) or National Emission Ceilings Directive (NECD) on industrial activities (in)-directly. A local assessment should ensure that the on-site characteristics are considered, but also the cross-media effects still respected.

**Key recommendations**

- Ensure justified, proportionate and achievable Ambient Air Quality targets.
- Achieve improvement of air quality in cost efficient manner without entailing disproportionate burden for industry.

<sup>8</sup> “Monitoring the Application of European Union Law 2019 - Annual Report”, European Commission, 31/07/2020



## Waste Management in Circular Economy

The Circular Economy Action Plan published in March 2020, puts emphasis on enhanced waste policy in support of reuse of materials, waste prevention and circularity. It also speaks about a well-functioning internal market for high-quality secondary raw materials from high-quality recycling operations.

The non-ferrous metals industry is already at the forefront of Circular Economy as metals are permanent materials which can be endlessly recycled. In Europe, over 50% of base metals produced are already from recycled sources, compared with only 18% worldwide<sup>9</sup>. Moreover, state-of-the-art European recyclers recover over 20 metals with high recycling efficiency from complex products like electronics waste, catalysts and batteries, including several critical raw materials. In that perspective, achieving a Circular Economy for metals allows the EU to reinforce its strategic autonomy while contributing positively to its economic and trade balance with foreign nations.

Use of secondary raw materials has the potential to reduce GHG emissions over the life cycle, for example recycling of 1 kg of aluminium saves up to 8 kg of bauxite ore and 4 kg of other chemical products<sup>10</sup>. However, some specialty metals are present in products like electronics, for example, in very small quantities. Recovery of those materials depends on product design and the quality of recycling operations underpinned by economic and technical viability. Moreover, recovery of those low quantities may also mean higher emissions during the recycling process.

It is also worth mentioning that, as the ultimate goal of the Circular Economy is to bring materials back in the loop, they should be carefully and safely managed during their whole life cycle. Metal recyclers are equipped to process a variety of complex input materials, including those containing hazardous substances. We have a high level of knowledge on material composition throughout the recycling process and we use best available techniques delivering a recycling output in line with strict quality specifications as well as highly stringent standards of protection of human health and environment. To this end, it is key to promote risk-management and safe recycling of hazardous substances in a Circular Economy as well as ensuring coherence between circularity and chemicals' objectives.

In addition, by-products from metals production, such as final slags, can be used in construction sector, facilitating industrial symbiosis, saving the use of raw materials, lowering the carbon footprint of construction products and preventing valuable resource of our industry ending up in landfill.

Overall, to be effective, the EU waste management for Circular Economy also needs to improve collection, dismantling and sorting of waste as well as a streamlining of waste shipment rules.

<sup>9</sup> IES Brussels, 2019

<sup>10</sup> [Metals for a Climate Neutral Europe - A 2050 Blueprint](#), 10/2019



**Key recommendations**

- Improve the flow of end-of-life products and metals containing waste to EU high-quality recyclers, through improvements made to the collection, dismantling and sorting of waste as well as a streamlining of waste shipment rules.
- Promote risk-management and safe recycling of hazardous substances in a Circular Economy. Ensure coherence between circularity and chemicals' objectives.
- Reward synergies in the transition towards a climate-neutral and circular economy that support valorisation of by-products (e.g. use of final slags in construction applications).

**ABOUT EUROMETAUX**

Eurometaux is the decisive voice of non-ferrous metals producers and recyclers in Europe. With an annual turnover of €120bn, our members represent an essential industry for European society that businesses in almost every sector depend on. Together, we are leading Europe towards a more circular future through the endlessly recyclable potential of metals.

**Violaine Verougstraete**, Chemicals Management Director | [verougstraete@eurometaux.be](mailto:verougstraete@eurometaux.be) | +32 (0) 2 775 63 27

**Nathalie Kinga Kowalski**, Chemicals Management Manager | [kowalski@eurometaux.be](mailto:kowalski@eurometaux.be) | +32 (0) 2 775 63 62

