

Brussels, **XXX**
[...] (2021) **XXX** draft

COMMISSION IMPLEMENTING DECISION

of **XXX**

on a standardisation request to the European Committee for Standardisation as regards methods for the measurements of PCDDs/PCDFs and dioxin-like PCBs, total gaseous mercury and formaldehyde in support of Directive 2010/75/EU of the European Parliament and of the Council

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council,¹ and in particular Article 10(1) thereof,

Whereas:

- (1) Directive 2010/75/EU of the European Parliament and of the Council², in its Articles 4, 11(b) and 14, requires industrial activities listed in its Annex I to be operated in accordance with a permit based on the application of the best available techniques, including emission limit values for polluting substances and suitable emission monitoring requirements specifying the measurement methodology, frequency and evaluation procedure.
- (2) The Commission, in accordance with the procedure described in Article 13 and 75(2), adopts implementing decisions establishing conclusions on Best Available Techniques (BAT) for the various activities listed in Annex I, including associated monitoring. For the latter, the Commission frequently refers to European standards (EN) or, if not available, to international (ISO), national or other international standards that ensure the provision of data of an equivalent scientific quality. Chapters III and IV and their respective Annexes V and VI establish minimum emission limit values and corresponding monitoring requirements for large combustion plants and for waste (co-) incineration activities, respectively. According to Annex V, Part 3, point 8 and Annex VI, Part 6, point 1.2, sampling and analysis of relevant polluting substances and measurements of process parameters as well as the quality assurance of automated measuring systems and the reference measurement methods to calibrate those systems should be carried out in accordance with European standards where these are available.
- (3) According to Article 48 of Directive 2010/75/EU, as soon as appropriate measurement techniques are available within the Union, the Commission should set

¹ OJ L 316, 14.11.2012, p. 12.

² OJ L 334, 17.12.2010, p. 17

the date from which continuous measurements of emissions into the air of heavy metals and dioxins and furans from waste (co-)incineration plants are to be carried out. No European standards currently exist for the long-term sampling of PCDDs/PCDFs and dioxin-like PCBs.

- (4) No European standard exists for the periodic measurement of formaldehyde.
- (5) Although a European Standard exists for the periodic measurement of mercury emissions and for calibrating the continuous monitoring system, no such standard exists for the long-term sampling of total gaseous mercury using sorbent traps, which can be used as an alternative, less costly method, subject to certain conditions being met. As it should enable measurement at low concentrations, the development of such method would benefit from benchmarking against the results of continuous measurement according to the existing standard.
- (6) The development of harmonised methods for monitoring emissions of PCDDs/PCDFs and dioxin-like PCBs, total gaseous mercury and formaldehyde will facilitate the implementation of Article 48 of Directive 2010/75/EU and of Commission Implementing Decisions establishing BAT conclusions for the manufacture of glass³, large combustion plants⁴, large volume organic chemicals⁵, waste incineration⁶ waste treatment⁷ and wood based panels⁸. Monitoring methods are crucial to verify and assure proper compliance with emission limit values. Standardised methods will ensure a high level of protection of the environment, increase transparency and legal certainty for stakeholders and citizens and ensure a single market level playing field in the EU between installations covered by Directive 2010/75/EU. Considering their likely impact on products and processes used to carry out the measurements as well as monitoring services provided to installations, their use will also benefit the internal market of relevant products and services.
- (7) The intention to request European standards in support of Directive 2010/75/EU is stated in point 2.5 of the 2015 Annual Union Work Programme for European Standardisation (COM(2014)500)⁹ and in points 16 and 17 of the 2016 Annual Union Work Programme for European Standardisation¹⁰.
- (8) The European Committee for Standardization (CEN) has indicated that the work covered by the request falls entirely within its area of competence.
- (9) It is therefore appropriate to request CEN to draft new European standards on methods for: (a) long-term sampling of PCDDs/PCDFs and dioxin-like PCBs, (b) long-term sampling of total gaseous mercury, (c) periodic measurements of formaldehyde in support of Directive 2010/75/EU.
- (10) The European standardisation organisations (ESO) have agreed to follow the Guidelines for the execution of standardisation requests¹¹.

³ 2012/134/EU of 8.03.2012
⁴ COM(2017) 5225 of 17.8.2017
⁵ COM(2017) 7469 of 7.12.2017
⁶ COM(2019) 2019) 7987of 3.12.2019
⁷ COM(2018) 5070 of 10 August 2018
⁸ COM (2015) 8062 of 20 November 2015
⁹ COM(2014) 500 final of 30.7.2014
¹⁰ COM(2015) 686 final of 8.1.2016
¹¹ SWD(2015) 205 final of 27 October 2015

- (11) To achieve the objectives set out in Article 1 of Directive 2008/50/EC and Annex X to that Directive, CEN should develop new European standards on methods for: (a) long-term sampling of PCDDs/PCDFs and dioxin-like PCBs, (b) long-term sampling of total gaseous mercury, (c) periodic measurements of formaldehyde by specifying objectives, equipment, material, siting, describing of characteristics and criteria, minimum performance requirements and quality assurance and quality control.
- (12) In order to ensure transparency and facilitate the execution of the requested standardisation activities, CEN should prepare a work programme and submit it to the Commission.
- (13) In order to enable the Commission to better monitor the requested standardisation work, CEN should provide the Commission with access to an overall project plan containing detailed information on the execution of the standardisation request.
- (14) In accordance with Article 10(3) of Regulation (EU) No 1025/2012, a standardisation request is subject to acceptance by the relevant European standardisation organisation. It is therefore necessary to provide for the rules on validity of this request if it is not accepted by CEN.
- (15) The European standardisation organisations, the European stakeholders' organisations receiving Union financing, the Member States through the IED Article 75 Committee and Industrial Emissions Expert Group; as well as the JRC, have been consulted.
- (16) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 22 of Regulation (EU) No 1025/2012.

HAS ADOPTED THIS DECISION:

Article 1

Requested standardisation activities

1. The European Committee for Standardisation (CEN) is requested to draft new European standards listed in Table 1 of Annex I to this Decision in support of Directive 2010/75/EU.
2. The standards shall cover the elements listed in Annex II.
3. The standard methods shall take into account, as appropriate, existing standards and ongoing standardisation work on standard methods for measurement of these pollutant emissions, as well as any equivalent or improved measurement and calculation methods and appliance types to better reflect state of the art methods at European and international level, provided that their application allows for equivalent results in terms of accuracy, adequacy, certainty and reliability.

Article 2

Work programme

CEN shall prepare a draft work programme indicating the standard(s) referred to in the first paragraph of Article 1, the responsible technical bodies and a timetable for the execution of the requested standardisation activities in line with the deadline set out in Article 1.

CEN shall submit the draft work programme to the Commission within two months after the notification of this Decision by the Commission and provide it with access to an overall project plan.

*Article 3
Reporting*

CEN shall report annually to the Commission on the execution of the request referred to in Article 1 indicating the progress made in the implementation of the work programme referred to in Article 2 and include in the reports the titles of adopted European standard(s) in all the official languages of the Union.

It shall submit the first annual report to the Commission within six months after the notification of this Decision by the Commission.

Subsequent annual reports shall be submitted by 31 May each year.

CEN shall provide the Commission with the final report within 70 months after the notification of this Decision by the Commission.

*Article 4
Standards*

The standard(s) developed on the basis of the request referred to in Article 1 of this Decision shall refer to this Decision.

*Article 5
Validity of the standardisation request*

If CEN does not accept the request referred to in Article 1 within a month of receiving it, the request may not constitute a basis for the standardisation activities referred to in that Article.

This Decision shall expire on date **DD MM YYYY**.

*Article 6
Addressees*

This Decision is addressed to the European Committee for Standardisation.

Done at Brussels,

For the Commission

[...]

(PE/PO/PH)

The President (choose the correct position)

Vice-President (choose the correct position)

Member of the Commission (choose the correct)