

**Question for written answer E-002813/2014
to the Commission**

Rule 117

Bas Eickhout (Verts/ALE)

Subject: Representation in the exchange of information on Best Available Techniques (Seville Process)

According to Article 13 of the Industrial Emissions Directive (IED) (2010/75/EU), an exchange of information must be organised between 'Member States, the industries concerned, non-governmental organisations promoting environmental protection and the Commission'. For the ongoing review of the Large Combustion Plants Best Available Techniques Reference Document (BREF), several Member States (CZ, EE, FN, EL, HU, IT, MT, POL, PT, ES, UK) have nominated 'experts' within their official Member State delegation who directly represent operators in the sector or affiliates.

Commission Implementing Decision 2012/119/EU laying down rules concerning guidance on the collection of data and on the drawing up of BREFs states the following: 'Each TWG consists of technical experts representing Member States, industries, non-governmental organisations (NGOs) promoting environmental protection and the Commission.'

The IED establishes a formal distinction between the following actors: 'Member States', 'competent authorities', 'industry concerned', 'operators', 'public concerned' and 'the Commission'. Article 3(15) of the IED defines the term 'operator', which *de jure* and *de facto* cannot be a Member State.

1. Is the practice whereby stakeholders formally defined as not being Member States (i.e. 'operators' under Article 3(15)) formally represent Member States in compliance with the IED and the BREF implementing rules?
2. Is the Member State delegation entirely free to nominate any particular interest group to 'represent the Member State position'?
3. How does the Commission ensure a balance of interests or prevent a conflict of interests among Member States and the Commission staff involved, and does it see a need to clarify the relevant section of the guidance rules?