



# The IED Forum

**Membership  
issues**

## **IED Forum – legal basis Article 13**

*3. The Commission shall establish and regularly convene a forum composed of representatives of Member States, the industries concerned and non-governmental organisations promoting environmental protection.*

*The Commission shall obtain the opinion of the forum on the practical arrangements for the exchange of information and, in particular, on the following:*

*(a) the rules of procedure of the forum;*

*(b) the work programme for the exchange of information;*

*(c) guidance on the collection of data;*

*(d) guidance on the drawing up of BAT reference documents and on their quality assurance including the suitability of their content and format.*

*The guidance referred to in points (c) and (d) of the second subparagraph shall take account of the opinion of the forum and shall be adopted in accordance with the regulatory procedure referred to in Article 75(2).*

*4. The Commission shall obtain and make publicly available the opinion of the forum on the proposed content of the BAT reference documents and shall take into account this opinion for the procedures laid down in paragraph 5*

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*4. The Commission shall obtain and make publicly available the opinion of the forum on the proposed content of the BAT reference documents and shall take into account this opinion for the procedures laid down in paragraph 5*

# Commission decision establishing the Forum

*The main text on membership is contained in Article 4 of this Decision (2011/C 146/03) which reads:*

- 1. Members shall be Member States, international organisations representing industries concerned by the activities covered by Annex I of the Directive and non-governmental organisations promoting environmental protection. Those organisations shall have an acceptable degree of European representation.*
- 2. Members of the Commission Expert Group 'Information Exchange Forum on Best Available Techniques under legislation on industrial emissions' (E00466) shall automatically be considered as members of the forum.*
- 3. New members who are not Member States shall be appointed by the Director General of DG Environment.*
- 4. Members who are no longer capable of contributing effectively to the forum's deliberations, who resign or who do not comply with Article 339 of the Treaty, may be replaced.*
- 5. The names of member organisations shall be published in the Register. The names of Member States' representatives may be published in the Register.*
- 6. Personal data shall be collected, processed and published in accordance with Regulation (EC) No 45/2001*

# Horizontal rules on expert groups

In 2016, the Commission adopted rules on expert groups:

[http://ec.europa.eu/transparency/regexpert/PDF/C\\_2016\\_3301\\_F1\\_COMMISSION\\_DECISION\\_EN.pdf](http://ec.europa.eu/transparency/regexpert/PDF/C_2016_3301_F1_COMMISSION_DECISION_EN.pdf)

Industry associations are type C members according to this document.

Article 10 on the selection process states in its fifth paragraph that:

*"When selecting the members of groups, Commission departments shall aim at ensuring, as far as possible, a high level of expertise, a geographical balance, as well as **a balanced representation of relevant know how and areas of interest**, taking into account the specific tasks of the expert group, the type of expertise required and the response received to calls for applications."*

# Continuously open call for IED Forum membership

*A continuously open call for membership of the IED Forum is published at: [http://ec.europa.eu/transparency/regexpert/index.cfm?do=news.open\\_doc&id=721](http://ec.europa.eu/transparency/regexpert/index.cfm?do=news.open_doc&id=721) It contains the following:*

## *3.2 SELECTION CRITERIA*

*The Commission will take the following criteria into account when assessing applications:*

- proven and relevant competence and experience, including at European and / or international level, in areas relevant to industrial emissions;*
- list of countries in which the organisation is present/active;*
- **proof/declaration of absence of direct relation (e.g. membership) with existing Forum members;***
- activities operated that fall under IED and estimate of number of IED installations represented by the organisation;*
- competence, experience and hierarchical level of the proposed representatives;*
- good knowledge of the English language allowing active participation in the discussions.*

# Current situation

## Forum membership:

*The IED Forum currently has 80 type C members in addition to the 28 Member States and 9 type E members*

*Of the 80 Type C members:*

- 4 are environmental NGOs;*
- 76 are industry associations;*
  - of which a few are technology suppliers.**

*Does this represent: "a balanced representation of relevant know how and areas of interest"*





# Attendance – the first 12 meetings (2)

22 attended no meetings

14 attended one meeting

7 attended two meetings

10 attended three meetings

10 attended four meetings

13 attended five to nine meetings

9 attended eleven or twelve meetings

*"Members who are no longer capable of contributing effectively to the forum's deliberations .... may be replaced."*

About a third of Forum members have attended very few meetings

About a quarter of Forum members attended more than half of the meetings.

Few Forum members have attended nearly all meetings

# Issues for reflection

*Does the Forum "as it is" represent: "a balanced representation of relevant know how and areas of interest" ?*

*To assist the Commission with the BREF process, is it necessary for Forum members to attend a certain proportion of meetings?*

*Does the variation in frequency of attendance to Forum meetings reflect different interests, i.e. contributing to the work of the Forum as a whole or to only specific BREFs?*

*How should we ensure that: "Members who are no longer capable of contributing effectively to the forum's deliberations .... may be replaced."*

*Since absence of a direct relation with another Forum member is a ground for rejecting new applications, shouldn't this also apply for existing members?*

# Proposal

*To address the issues identified, and improve the functioning of the Forum and assist in fulfilling its mandate, could it make sense to have two categories of Forum member?*

*One category could be those that intend to attend the majority of meetings and are thus able to give their opinion to the Commission on the practical arrangements – the BREF process. This could help make the forum more effective and improve its balance.*

*The other category would be occasional members who have an interest in specific BREFs, in particular to ensure they can nominate participants in the relevant TWG.*

# Thank you

## More information here:

*Decision establishing the Forum (2011/C 146/03):*

[https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011D0517\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32011D0517(01))

*Forum rules of procedure:*

[https://circabc.europa.eu/sd/a/06c5c704-706a-4e5a-ab85-de67762665fd/Article%2013%20Forum%20RoP%20\(adopted\).pdf](https://circabc.europa.eu/sd/a/06c5c704-706a-4e5a-ab85-de67762665fd/Article%2013%20Forum%20RoP%20(adopted).pdf)

*Expert group site for the Forum:*

<http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2611>