Commission Implementing Decision (EU) 2019/2031 of 12 November 2019 establishing best available techniques (BAT) conclusions for the food, drink and milk industries, under Directive 2010/75/EU of the European Parliament and of the Council (notified under document C(2019) 7989) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/2031

of 12 November 2019

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(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)[(1)], and in particular Article 13(5) thereof,

Whereas:

(1) Best available techniques (BAT) conclusions are the reference for setting permit conditions for installations covered by Chapter II of Directive 2010/75/EU and competent authorities should set emission limit values which ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques as laid down in the BAT conclusions.

(2) The forum composed of representatives of Member States, the industries concerned and non-governmental organisations promoting environmental protection, established by Commission Decision of 16 May 2011[(2)], provided the Commission on 27 November 2018 with its opinion on the proposed content of the BAT reference document for the food, drink and milk industries. That opinion is publicly available[(3)].

(3) The BAT conclusions set out in the Annex to this Decision are the key element of that BAT reference document.

(4) The measures provided for in this Decision are in accordance with the opinion of the Committee established by Article 75(1) of Directive 2010/75/EU,

HAS ADOPTED THIS DECISION:

Article 1

The best available techniques (BAT) conclusions for the food drink and milk industries, as set out in the Annex, are adopted.

Changes to legislation: *There are outstanding changes not yet made to Commission Implementing Decision (EU) 2019/2031. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 2

This Decision is addressed to the Member States.

Done at Brussels, 12 November 2019.

For the Commission

Karmenu VELLA

Member of the Commission

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ANNEX

BEST AVAILABLE TECHNIQUES (BAT) CONCLUSIONS FOR THE FOOD, DRINK AND MILK INDUSTRIES

SCOPE

These BAT conclusions concern the following activities specified in Annex I to Directive 2010/75/EU:

6.4 (b) Treatment and processing, other than exclusively packaging, of the following raw materials, whether previously processed or unprocessed, intended for the production of food or feed from:

(i) only animal raw materials (other than exclusively milk) with a finished product production capacity greater than 75 tonnes per day;

(ii) only vegetable raw materials with a finished product production capacity greater than 300 tonnes per day or 600 tonnes per day where the installation operates for a period of no more than 90 consecutive days in any year;

(iii) animal and vegetable raw materials, both in combined and separate products, with a finished product production capacity in tonnes per day greater than:

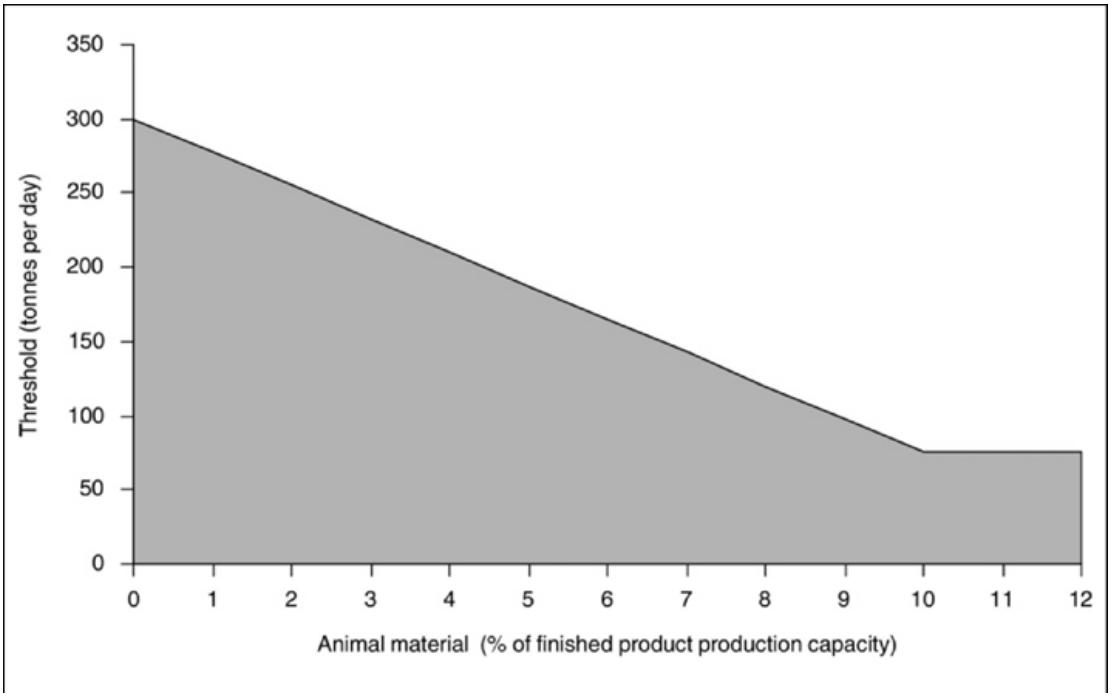
— 75 if A is equal to 10 or more; or,

— [300 – (22,5 × A)] in any other case,

where 'A' is the portion of animal material (in percent of weight) of the finished product production capacity.

Packaging shall not be included in the final weight of the product.

This subsection shall not apply where the raw material is milk only.



6.4 (c) Treatment and processing of milk only, the quantity of milk received being greater than 200 tonnes per day (average value on an annual basis).

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6.11 Independently operated treatment of waste water not covered by Council Directive 91/271/EEC[4] provided that the main pollutant load originates from activities specified in points 6.4 (b) or (c) of Annex I to Directive 2010/75/EU.

These BAT conclusions also cover:

— the combined treatment of waste water from different origins provided that the main pollutant load originates from the activities specified in point 6.4 (b) or 6.4 (c) of Annex I to Directive 2010/75/EU and that the waste water treatment is not covered by Council Directive 91/271/EEC;

— the production of ethanol taking place on an installation covered by the activity description in point 6.4 (b) (ii) of Annex I to Directive 2010/75/EU or as a directly associated activity to such an installation.

These BAT conclusions do not address the following:

— On-site combustion plants generating hot gases that are not used for direct contact heating, drying or any other treatment of objects or materials. This may be covered by the BAT conclusions for Large Combustion Plants (LCP) or by Directive (EU) 2015/2193 of the European Parliament and of the Council[5].

— Production of primary products from animal by-products, such as rendering and fat melting, fish-meal and fish oil production, blood processing and gelatine manufacturing. This may be covered by the BAT conclusions for Slaughterhouses and Animal By-products Industries (SA).

— The making of standard cuts for large animals and cuts for poultry. This may be covered by the BAT conclusions for Slaughterhouses and Animal By-products Industries (SA).

Other BAT conclusions and reference documents which could be relevant for the activities covered by these BAT conclusions include the following:

— Large Combustion Plants (LCP);

— Slaughterhouses and Animal By-products Industries (SA);

— Common Waste Water and Waste Gas Treatment/Management Systems in the Chemical Sector (CWW);

— Large Volume Organic Chemical Industry (LVOC);

— Waste Treatment (WT);

— Production of Cement, Lime and Magnesium Oxide (CLM);

— Monitoring of Emissions to Air and Water from IED Installations (ROM);

— Economics and Cross-Media Effects (ECM);

— Emissions from Storage (EFS);

— Energy Efficiency (ENE);

— Industrial Cooling Systems (ICS).

These BAT conclusions apply without prejudice to other relevant legislation, e.g. on hygiene or food/feed safety.

DEFINITIONS

For the purposes of these BAT conclusions, the following definitions apply:

Term used	Definition
Biochemical oxygen demand (BOD_n)	Amount of oxygen needed for the biochemical oxidation of the organic matter to carbon dioxide in *n* days (*n* is typically

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	5 or 7). BOD is an indicator for the mass concentration of biodegradable organic compounds.
Channelled emissions	Emissions of pollutants into the environment through any kind of duct, pipe, stack, etc.
Chemical oxygen demand (COD)	Amount of oxygen needed for the total chemical oxidation of the organic matter to carbon dioxide using dichromate. COD is an indicator for the mass concentration of organic compounds.
Dust	Total particulate matter (in air).
Existing plant	A plant that is not a new plant.
Hexane	Alkane of six carbon atoms, with the chemical formula C_6H_{14}.
hl	Hectolitre (equal to 100 litres).
New plant	A plant first permitted at the site of the installation following the publication of these BAT conclusions or a complete replacement of a plant following the publication of these BAT conclusions.
NO_X	The sum of nitrogen monoxide (NO) and nitrogen dioxide (NO_2), expressed as NO_2.
Residue	Substance or object generated by the activities covered by the scope of this document, as waste or by-product.
SO_X	The sum of sulphur dioxide (SO_2), sulphur trioxide (SO_3), and sulphuric acid aerosols, expressed as SO_2.
Sensitive receptor	Areas which need special protection, such as: — residential areas; — areas where human activities are carried out (e.g. neighbouring workplaces, schools, day-care centres, recreational areas, hospitals or nursing homes).
Total nitrogen (TN)	Total nitrogen, expressed as N, includes free ammonia and ammonium nitrogen (NH_4-N), nitrite nitrogen (NO_2-N), nitrate nitrogen (NO_3-N) and organically bound nitrogen.
Total organic carbon (TOC)	Total organic carbon, expressed as C (in water), includes all organic compounds.
Total phosphorus (TP)	Total phosphorus, expressed as P, includes all inorganic and organic phosphorus compounds, dissolved or bound to particles.