

Urgent call to reconsider SF BREF BAT 48

Dear Mr. Leiner, dear EIPPCB team,

thank you for the draft minutes of the 19th Article 13 forum held on 29-30 April 2023! EUROFORGE has already provided some comments on these minutes.

On page 5 of the minutes you say: “In accordance with IED Article 13, the Commission will take into consideration the opinion of the Forum when drawing up the draft Commission Implementing Decision for the SF BAT conclusions. The Chair reminded that a comment being classified as consensual does not necessarily mean that the Commission will take it up in the draft BAT Conclusions and vice-versa, if there are non-consensual comments that does not mean that, the Commission will definitely not include them in the draft BAT Conclusions. It is always a prerogative of the Commission to reflect carefully on the comments and to decide on the best way forward.”

In the context of this careful reflection we would like to ask the Commission to please reconsider the non-consensual result of the discussion about comment #9 - BAT 48 as the clause without the suggested applicability restriction would have absolutely devastating effects on the affected industry and would at the same time have no relevant effect as indented in the case of counterblow hammers. After communicating the results of the Article 13 forum to my members I received a real uproar on this clause. Many of the affected operators are horrified by the potential consequences of this obligation, should it come into effect without the addition of the applicability clause as suggested by EUROFORGE.

EUROFORGE has repeatedly tried to explain their concerns to the SF BREF TWG, the EIPPCB and to the Article 13 forum but obviously the extend of the consequences of not including an applicability clause like suggested ahead of the Article 13 forum meeting (“Only applicable to new plants and major plant upgrades. Only applicable where vibration is relevant, i.e. where it is posing a nuisance to the neighborhood of the installation”) has not been fully understood or not been made clear enough.

We would like to state that BAT 48 with the original intention of saving the affected environment from the effects of vibration is fully acknowledged and all aspects of sustainability valued by the smitheries industry. In the spirit of the IED it has to be ensured, though, that the effects of BAT on the environment, on the social side and on economic feasibility are balanced. Therefore, based on the direct feedback from affected plants, we would like to demonstrate the applicability restrictions on some important issues:

Applicability to exiting plants

For existing plants, the installation of vibration-reducing and insulating techniques below the hammering equipment is technically difficult to impossible. It will require major changes to the equipment and/or the foundation. For retrofitting, complete dismantling of the installation is needed (hammer, anvil), dismantling of existing concrete fundamentals and complete renewal of fundamentals is required. In some cases an extension of the concrete foundation may be required that could extend over the plant boundary or affect other equipment, or the additional device underneath the hammers may increase the height too much to fit into the existing surrounding equipment, depending on plant opening of roof may be necessary etc..

The size of a hammer foundation can be up to 8x8x8 m (512 m³) and more (this is the size of a one-family house). The process of dismantling and rebuilding of such an installation will easily take 6 months in which the installation cannot produce and will require not only high investment costs but also the need for a significant build-up of stock for this period (if serial products are produced – otherwise it will lead to a loss of turnover and perhaps customers). During this period the flexibility to react on changes of customer orders is not given as most forging lines are constructed according to specific product specifications and cannot be easily substituted by other lines.

So the amount for the financing of such a measure can be up to several million EUR, which will lead to remarkably higher product costs and will not be accepted by the customers.

The European smitheries running hammer installations are mainly SME and do neither have the financial resources to finance such a project nor big enough EBIT margins to cover the additional costs or losses on turnover. Customers will not be willing to accept higher prices from European smitheries in order to refinance such an investment. The closing of their operation will be inevitable for many of the affected plants if they have to implement these measures outside of a major foundation overhaul. The closing of these smitheries can affect whole supply chains in the field of e.g. wind energy, defense and civil engineering, as they are important suppliers to many industries, with negative effects for the European economy and tenability.

In the appendix we added testimonials from five typical hammer operators from Germany, who would be affected by the BAT (all offered to be visited by representatives of the Commission in order to demonstrate the potential effects of the BAT):

- Maschinenfabrik Alfing Kessler GmbH, Aalen / Germany
- SIEPMANN-WERKE GmbH & Co. KG, Warstein / Germany
- Karl Diederichs GmbH & Co. KG, Remscheid / Germany (Dirostahl)
- Hammerwerk Fridingen GmbH, Fridingen / Germany
- Hammerwerk Erft, Bad Münstereifel / Germany

All of these operators are offering to invite you to their plants to demonstrate the extent of the measures as described in BAT 48 on their existing installations.

Applicability to counterblow-hammers

When discussing the issue with the operators two other important issues occurred: in the process of developing the SF BREF we did not differentiate between anvil-hammers and counterblow-hammers. The vibration effect of counterblow hammers is neglectable compared to anvil hammers. An anvil hammer transfers energy through a drop hammer from the top to bottom on the workpiece, with the vibrations being absorbed into the ground. In contrast, a counterblow hammer uses both upper and lower dies that move towards each other simultaneously, directing the force and energy into the workpiece, thereby minimizing vibrations to the surrounding environment. For new installed hammer equipments there is a way for minor improvements in case of counter blow hammers by installing vibration damping. However – to upgrade existing plants in this respect is not feasible.

Also important to know: Counter blow hammers are used for a series type business. And the parts are produced according to the customer drawings. Not seldom the customers have only one supplier due to high investments in the customized tooling. A plant shut down for longer than 6 weeks usually ends up in production line stoppage due to non-delivery of parts, which is expensive for the entire value chain. A one day delay of a mining excavator (with forged parts) delivery at the mining field can be substantial. The downtime of a large excavator can cost the company up to several hundred thousand dollars per day. Just as one example.

We therefore urgently suggest to exclude counterblow hammers from BAT 48.

Applicability to sensitive processes

The second issue is that the installing of vibration dampers can lead to vibrations in the hammering process, resulting in quality issues (higher tolerances) and hindering automation efforts. In some cases spring vibration dampers had to be removed again to enable the installation to produce the required quality.

Therefore an additional applicability clause could be reasonable, like "... only if the specified process is not technically disturbed or interrupted by the effects of the vibration damping".

Applicability to affectedness of recipients

The extent to which vibrations affect third parties depends mainly on the soil properties. Special local conditions may lead to vibrations being an 'issue', e.g. if sensitive receptors are affected. However, in other cases, where no sensitive receptors are in the vicinity or where geological characteristics of the ground avoid or dampen the transmission of vibration, no recipients outside the plant are affected. The information that it may depend on local conditions if third parties are affected by vibration has been acknowledged in the final draft ('The extent to which vibrations affect third parties depends ...'). This aspect should be also acknowledged in the 'Technical considerations relevant to applicability'. There is no need to implement extensive vibration reduction techniques, if there is no negative impact.

We are aware that some of the more detailed reasoning and technical details from this letter and from the testimonials should have been ideally provided much earlier in the process. Unfortunately only with the final result of the Article 13 forum and at the same time the final decision on IED 2.0, which leads to a future extension of the scope for the smitheries sector, the real consequences of BAT 48 became aware to most of the affected operators.

As we believe in the common goal of creating the best and most reasonable BREF, though, we hope that there is still a chance to find your appreciation and your support for this crucial issue. As we understood from your remarks in the minutes of the Article 13 Forum it is not too late to still alter the conclusions to being reasonable and fulfillable by the affected plants. Please make use of your possibility to overrule the Article 13 consensus and include the applicability clauses in the final version. The consequences of the BAT 48 getting effective in the current version will seriously endanger big parts of our industry, which can lead to major disruptions in other critical industries.

Kind regards,

A handwritten signature in black ink, appearing to read 'T. Hain', is positioned to the left of a vertical line.

Tobias Hain
Secretary General EUROFORGE AISBL