

Industrial Emissions Directive

2022/0104(COD) - 05/04/2022 - Legislative proposal

PURPOSE: to update the industrial emissions directive (integrated pollutant prevention and control) in line with the European Green Deal objectives.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: industrial emissions are pollutants (such as sulphur oxides, nitrogen oxides, ammonium, particulates, methane, mercury and other heavy metals) discharged into air, water and soil from industrial plants, that harm human health and the environment. Industrial emissions come from activities like electricity and cement production, waste management and incineration, and the intensive rearing of livestock.

Directive 2010/75/EU on industrial emissions (the IED) regulates the environmental impacts of around 52 000 of Europe's large-scale, high-pollution-risk industrial installations and livestock farms (agro-industrial installations) in an integrated manner, on a sector-by-sector basis. It covers all relevant pollutants potentially emitted by agro-industrial installations that affect human health and the environment. Installations regulated by the IED account for about 20% of the EU's overall pollutant emissions by mass into the air, around 20% of pollutant emissions into water and approximately 40% of greenhouse gas (GHG) emissions.

The Directive is generally effective in preventing and controlling pollution into air, water and soil from industrial activities, and in promoting the use of best available techniques (BAT). The IED has substantially reduced emissions of pollutants into the air and, to a lesser degree, water emissions.

However, following years of experience in implementing this directive, it became necessary to modernise it, streamlining some aspects and updating it in line with the European Green Deal objectives.

CONTENT: the main changes to the IED concern, *inter alia*, the following issues:

New sectors covered by the revision

Extractive industry installations (mines), covering metals, rare earth metals and industrial minerals should be covered by the revision.

Larger-scale cattle farming and additional pig and poultry farms

Extending livestock farms coverage would result in methane and ammonia emission reductions, with related health benefits of over EUR 5.5 billion per year. All cattle, pig and poultry farms with over 150 livestock units (LSU) will fall under the scope of the directive. This will result in an increase in the coverage of intensive cattle, pig and poultry farms to reach a new total of 13% of the EU's largest livestock farms overall, of which cattle farms are included for the first time. These farms, at 185.000 in total, are together responsible for 60% of the EU's livestock emissions of ammonia and 43% of methane.

The relevant Best Available Techniques requirements will take into consideration the nature, size, density and complexity of these livestock installations, including the specificities of pasture-based cattle rearing

systems, where animals are only seasonally reared in indoor installations, and the range of environmental impacts they may have.

More effective permits for installations

Instead of settling for the least demanding limits of the best available techniques, as some 80% of installations do currently, permitting will have to assess the feasibility of reaching the best performance. It will also tighten the rules on granting derogations by harmonising the assessments required and securing a regular review of derogations granted.

Higher uptake of Best Available Techniques

The new rules will provide incentives for a higher uptake of Best Available Techniques. This will allow installations to reach emission levels towards the most ambitious end of the allowed pollutant ranges. Under the new rules, operators and Member States' permitting authorities will be required to:

- assess the feasibility of applying the most ambitious level of emission reduction within allowed ranges as starting point when revising permits, and when setting emission limits in new permits;
- create a common methodology for allowing derogations in IED permits for industrial operators and set a 4-year maximum time period for any allowed derogations.

Synergies between depollution and decarbonisation

The proposal seeks to ensure that depollution and decarbonisation techniques occur together, where possible, to achieve the best health and environmental outcomes and harness technological and investment synergies. This will contribute to fulfilling the EU's 2030 zero pollution and net zero carbon objectives and the long-term EU's 2050 objectives for climate neutrality.

Promoting innovation

The proposal aims to foster innovation, facilitate the testing and deployment of emerging techniques with improved environmental performance, as well as to set up a dedicated centre (the Innovation Centre for Industrial Transformation and Emissions (INCITE)) to support innovation by collecting and analysing information on innovative techniques and characterise their state of development from research to deployment. The centre will allow BAT to develop a forward-looking approach and help industries identifying solutions to decarbonise and reduce pollution. It will over time become a hub to foster innovation dynamics for the industrial transition on all European Green Deal policies.

Industrial Emissions Portal

Information including overall emissions of pollutants reported by operators to the European Pollutant Release and Transfer Register (E-PRTR) will provide key indicators to track progress against the objectives of this initiative. Those indicators are produced on a regular basis, are comparable and easily accessible via the Industrial Emission Portal managed by the EEA.

In addition, the increased granularity of reporting of pollutant emission at installation level will allow monitoring of the main processes within sectors whose environmental performance is improving or is lagging behind. The inclusion of reporting of resource use will allow defining new indicators on use of materials, water and energy that will enable tracking of resource efficiency improvements.

Improving access to information and justice and increase public participation in decision-making

The proposal seeks to ensure access by private individuals and civil society to information, participation in decision-making, and access to justice (including effective redress) in relation to permitting, operation and control of the regulated installations, resulting in increased civil society action.

Moreover, greater data transparency and availability will increase public participation in the permitting process, giving the public greater insights into polluting activities in their immediate surroundings and access to justice in cases of environmental non-compliance with permits or contravention of judicial or procedural issues, including access to compensation for damage.

Granting of permits

With a view to further strengthening public access to environmental information, the proposal clarifies that IED permits should be made available to the public on the Internet, **free of charge** and without restricting access to registered users. A uniform summary of permits should also be made available to the public under the same conditions.