

Industrial Emissions Directive

2022/0104(COD) - 11/07/2023 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted, by 396 votes to 102 with 131 abstentions, **amendments** to the proposal for a Directive of the European Parliament and of the Council amending Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste.

The matter has been referred back to the committee responsible for inter-institutional negotiations.

Purpose and scope

The proposed directive lays down rules designed to prevent or, where that is not practicable, to continuously reduce emissions into air, water and land and to prevent the generation of waste, in order to achieve a high level of protection of human health and the environment taken as a whole. In addition, it lays down rules designed to improve resource efficiency to reduce the use of water, energy, and raw materials.

When undertaking the actions to meet their obligations set out in this Directive, Member States should consider the need to ensure a just and socially fair transition for all.

Confidential business information

The amended text clarifies that only non-confidential information will be made available to the public under the provisions of the Directive. Regardless of who publishes the information, Member States will have to ensure that operators have the opportunity, prior to publication, to request confidential treatment of the relevant material in a proportionate manner and within a reasonable period of time clearly defined by the competent authority.

Environmental management system

With a view to continuously improving the environmental performance and safety of the installation, including by preventing waste generation, optimising resource and water use and reuse, and preventing or reducing risks associated with the use of hazardous substances, the operator should establish and implement an environmental management system (EMS) in accordance with relevant BAT conclusions.

The EMS should be developed in a way that reflects the nature, scale and complexity of the installation, as well as the environmental impacts it may have. The EMS should be audited and made freely available to the public on the internet.

Granting of a permit

By 31 December 2024, the Commission should:

- adopt an implementing act to establish the format to be used for the summary and guidelines on the publication of the permits;
- submit to the Commission an assessment on the measures needed due to the changes of this Directive, including a prognosis and estimations of the accrued workload of the competent authorities to ensure they have proper administrative capacity to provide a timely, efficient and smooth permitting process.

Competent authorities should complete the processing of the permit applications no later than 90 days after receipt.

Within 90 days of the applicant submitting a respective request, the competent authority should issue an opinion on the scope and level of detail of information to be included in the environmental impact assessment.

Incidents and accidents

In the event of pollution affecting drinking water resources, including transboundary resources, or affecting wastewater infrastructure in the case of indirect discharge, the competent authority should inform the drinking water and wastewater operators affected, including transboundary wastewater operators, of the measures taken to prevent or remedy the damage caused by that pollution to human health and the environment.

Less strict emission limit values

In case of exceptional circumstances like the COVID-19 pandemic or the Russian war against Ukraine, where an installation faces a persistent interruption in the supply of raw materials or fuels or a disruption of an abatement technique's elements due to force majeure, the competent authority may establish less strict emission limit values and environmental performance levels, for a maximum of 3 months, which may be extended by 3 months where the extraordinary circumstances persist, subject to a simplified assessment justifying the reasons and period for this temporary adjustment. As soon as the supply or abatement conditions are restored, the Member State should ensure that this derogation ceases to have effect.

Transformation of energy-intensive activities

Operators of energy-intensive installations, for which a derogation is granted or which are among the 200 most polluting installations except for installations with a closure plan for 2035 should produce **transformation plans** by 30 June 2027 at installation level.

All other operators of energy-intensive installations should produce transformation plans by 30 June 2029 at group or corporate level with reference to each installation.

The transformation plan should include specific information on how the company plans to become more energy, water and resource efficient by laying down the measures that will be implemented to reduce the overall consumption and improve the efficiency of its operations.

Provisions applicable to livestock farming

Concerning livestock farms, Members voted to keep the current rules and include pig farms with: (i) more than 2 000 places for production pigs (over 30 kg), (ii) or with more than 750 places for sows and (iii) poultry farms with more than 40 000 places for poultry as well as farms with more than 750 livestock units (LSU). Parliament does not want to extend it to cattle farms as proposed by the Commission.

Members also underlined the importance of ensuring producers outside the EU meet requirements similar to EU rules.