

Industrial Emissions Directive

2022/0104(COD) - 15/07/2024 - Final act

PURPOSE: to adopt new rules to reduce harmful emissions from industry.

LEGISLATIVE ACT: Directive (EU) 2024/1785 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 on the landfill of waste.

CONTENT: the amending directive will offer better protection of human health and the environment by **reducing harmful emissions from industrial installations**, including livestock rearing emissions, into air, water and land, to prevent the generation of waste, improve resource efficiency, and to promote the **circular economy and decarbonisation**.

Scope of the directive

Furthermore, the following installations fall within the scope of this Directive: (i) rearing of **pigs** representing 350 livestock unit or more; (ii) rearing of only **laying hens** representing 300 livestock unit or more, or rearing of only other poultry categories representing 280 livestock unit or more; (iii) rearing of any mix of pigs or poultry representing 380 livestock unit or more. Extensive farms and livestock rearing for domestic use are excluded from the scope of the directive. The new rules will be applied gradually, starting with the largest farms in 2030.

Mining activities and large-scale manufacturing of **batteries** are also added into the scope of the directive: subject to a review by the Commission, the scope may be extended to industrial minerals as well.

Transparency requirements linked to permits

Industrial-scale installations and operations should be operated in accordance with a permit issued by the national authorities, using **Best Available Techniques** (BAT) as the standard.

To make the issuance of permitting more efficient, Member States should develop **systems for the electronic permitting of installations** and implement electronic permitting procedures by 31 December 2035.

Emission limit values

The directive introduced the concept of **environmental performance limit values** (EPLVs), to be set by the competent authorities in the permit to authorise the establishment and operating of installations. EPLV ranges **binding** for all energy resources, except for water, for which competent authorities must set binding targets. EPLVs will be indicative for emerging techniques.

By way of derogation, and provided that no significant pollution is caused and all measures resulting in less pollution have been exhausted, the competent authority may set **less strict** emission limit values or environmental performance limit values in the event of a crisis due to extraordinary circumstances beyond the control of the operator and Member States.

Special provisions for poultry and pigs

Member States will adopt measures to ensure that if two or more installations engaged in livestock rearing activities are located close to each other and if their operator is the same or if the installations are under the control of operators who are engaged in an economic or legal relationship, the competent authority may consider those installations to be a single unit for the purpose of calculating the capacity threshold.

Member States may apply a **permitting procedure** to the intensive rearing of poultry and pigs: (a) with more than 40 000 places for poultry, (b) with more than 2 000 places for production pigs over 30 kg, or (c) with more than 750 places for sows.

Exchange of information

The Commission should encourage participation in the forum for exchange of information by stakeholders and representatives of civil society including NGOs involved in promotion of the protection of human health or the environment.

Penalties

Member States will introduce effective, proportionate and dissuasive penalties for non-compliance with the Directive. In the case of serious infringements, operators may be required to pay fines of up to 3% of their annual EU turnover.

The directive also introduces the right for people whose health has been affected to claim **compensation** from those who breach the directive.

Review

In 2028 (and every five years thereafter), the Commission will review and evaluate the implementation of the Directive, taking into account emerging techniques. In addition, the Commission will have to assess how best to tackle emissions from cattle farming and from agricultural products placed on the EU market.

ENTRY INTO FORCE: 4.8.2024.

TRANSPOSITION: no later than 1.7.2026.