Basic information

2022/0104(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure completed
Industrial Emissions Directive Amending Directive 1999/31 1997/0085(SYN) Amending Directive 2010/75 2007/0286(COD) **Subject** 3.40 Industrial policy 3.70.02 Atmospheric pollution, motor vehicle pollution 3.70.04 Water control and management, pollution of waterways, water pollution 3.70.06 Soil pollution, deterioration 3.70.12 Waste management, domestic waste, packaging, light industrial waste 3.70.20 Sustainable development **Legislative priorities** Joint Declaration 2022 Joint Declaration 2023-24	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ENVI Environment, Public Health and Food Safety	KANEV Radan (EPP)	10/05/2022
	Shadow rapporteur CHAHIM Mohammed (S&D) WIEZIK Michal (Renew) PAULUS Jutta (Greens/EFA) ZALEWSKA Anna (ECR) LANCINI Danilo Oscar (ID) MATIAS Marisa (The Left)	

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, Research and Energy (Associated committee)	TOBÉ Tomas (EPP)	07/06/2022
AGRI Agriculture and Rural Development (Associated committee)	LUTGEN Benoît (EPP)	03/05/2022

	JURI Legal Affairs	The committee decided not to give an opinion.	

Council of the European Union	

European Commission	Commission DG	Commissioner
	Environment	SINKEVIČIUS Virginijus

European Economic and Social Committee
European Committee of the Regions

Key events

Date	Event	Reference	Summary
05/04/2022	Legislative proposal published	COM(2022)0156	Summary
02/05/2022	Committee referral announced in Parliament, 1st reading		
20/10/2022	Referral to associated committees announced in Parliament		
24/05/2023	Vote in committee, 1st reading		
19/06/2023	Committee report tabled for plenary, 1st reading	A9-0216/2023	Summary
10/07/2023	Debate in Parliament		
11/07/2023	Decision by Parliament, 1st reading	T9-0259/2023	Summary
11/07/2023	Results of vote in Parliament		
11/07/2023	Matter referred back to the committee responsible for interinstitutional negotiations		
11/01/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	GEDA/A/(2024)007080 PE758.120	
12/03/2024	Decision by Parliament, 1st reading	T9-0123/2024	Summary
12/03/2024	Results of vote in Parliament		
12/04/2024	Act adopted by Council after Parliament's 1st reading		
24/04/2024	Final act signed		
15/07/2024	Final act published in Official Journal		

Technical information

Procedure reference	2022/0104(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Amending Directive 1999/31 1997/0085(SYN)

	Amending Directive 2010/75 2007/0286(COD)
Legal basis	Rules of Procedure EP 57_o Treaty on the Functioning of the European Union TFEU 192-p1
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/9/08810

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE737.352	14/11/2022	
Amendments tabled in committee		PE739.774	14/12/2022	
Amendments tabled in committee		PE739.776	19/12/2022	
Amendments tabled in committee		PE739.775	20/12/2022	
Amendments tabled in committee		PE739.777	20/12/2022	
Amendments tabled in committee		PE739.778	20/12/2022	
Amendments tabled in committee		PE739.779	21/12/2022	
Committee opinion	ITRE	PE736.732	29/03/2023	
Committee opinion	AGRI	PE736.485	28/04/2023	
Committee report tabled for plenary, 1st reading/single reading		A9-0216/2023	19/06/2023	Summary
Text adopted by Parliament, partial vote at 1st reading /single reading		T9-0259/2023	11/07/2023	Summary
Text agreed during interinstitutional negotiations		PE758.120	15/12/2023	
Text adopted by Parliament, 1st reading/single reading		T9-0123/2024	12/03/2024	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2024)007080	15/12/2023	
Draft final act	00087/2023/LEX	24/04/2024	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2022)0156	05/04/2022	Summary
Document attached to the procedure	SEC(2022)0169	06/04/2022	
Document attached to the procedure	SWD(2022)0110	06/04/2022	

Document attached to the procedure	SWD(2022)0111	06/04/2022	
Document attached to the procedure	SWD(2022)0112	06/04/2022	
Commission response to text adopted in plenary	SP(2024)350	22/07/2024	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Reasoned opinion	CZ_CHAMBER	PE734.415	25/07/2022	
Contribution	DE_BUNDESRAT	COM(2022)0156	13/10/2022	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES2403/2022	13/07/2022	
CofR	Committee of the Regions: opinion	CDR2951/2022	12/10/2022	

Additional information

Source	Document	Date
European Parliament	Briefing	29/06/2022
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency

Name	Role	Committee	Date	Interest representatives
BITEAU Benoît	Shadow rapporteur	AGRI	29/06/2023	European Environmental Bureau Greenpeace European Unit
WIEZIK Michal	Shadow rapporteur	ENVI	27/06/2023	Water Europe
WIEZIK Michal	Shadow rapporteur	ENVI	13/06/2023	European Environmental Bureau
CHAHIM Mohammed	Shadow rapporteur	ENVI	03/06/2023	ClientEarth AISBL
CHAHIM Mohammed	Shadow rapporteur	ENVI	02/05/2023	CETS - European Committee for Surface Treatment aisbl
DE CASTRO Paolo	Shadow rapporteur for opinion	AGRI	27/04/2023	CONSORZIO PARMIGIANO REGGIANO
CHAHIM Mohammed	Shadow rapporteur	ENVI	25/04/2023	ClientEarth AISBL

HAZEKAMP Anja	Shadow rapporteur	ENVI	19/04/2023	Greenpeace European Unit
WIEZIK Michal	Shadow rapporteur	ENVI	18/04/2023	Greenpeace European Unit Greenpeace CEE, Slovakia
CHAHIM Mohammed	Shadow rapporteur	ENVI	21/03/2023	European Environmental Bureau
HAZEKAMP Anja	Shadow rapporteur	ENVI	13/03/2023	FourPaws
LUTGEN Benoît	Rapporteur for opinion	AGRI	03/03/2023	Interbev
DE CASTRO Paolo	Shadow rapporteur for opinion	AGRI	01/03/2023	COPA-COGECA
CHAHIM Mohammed	Shadow rapporteur	ENVI	27/02/2023	Vereniging VNO-NCW
WIEZIK Michal	Shadow rapporteur	ENVI	09/02/2023	Water Europe
WIEZIK Michal	Shadow rapporteur	ENVI	01/02/2023	BUSINESSEUROPE
CHAHIM Mohammed	Shadow rapporteur	ENVI	24/01/2023	ClientEarth AISBL Greenpeace European Unit EEB CAN Europe
CHAHIM Mohammed	Shadow rapporteur	ENVI	19/01/2023	European Environmental Bureau
KANEV Radan	Rapporteur	ENVI	13/12/2022	Confederation of Swedish Enterprise
KANEV Radan	Rapporteur	ENVI	13/12/2022	European Energy Forum NOVE
KANEV Radan	Rapporteur	ENVI	13/12/2022	NOVE TotalEnergies SE
WIEZIK Michal	Shadow rapporteur	ENVI	29/11/2022	SolarPower Europe
KANEV Radan	Rapporteur	ENVI	19/11/2022	Europareferent - Wettbewerb
WIEZIK Michal	Shadow rapporteur	ENVI	16/11/2022	Fertilizers Europe
TOBÉ Tomas	Rapporteur for opinion	ITRE	16/11/2022	Confederation of Swedish Enterprise
WIEZIK Michal	Shadow rapporteur	ENVI	15/11/2022	European Environmental Bureau
DE CASTRO Paolo	Shadow rapporteur for opinion	AGRI	28/10/2022	CONFAGRICOLTURA
WIEZIK Michal	Shadow rapporteur	ENVI	26/10/2022	Glass for Europe
WIEZIK Michal	Shadow rapporteur	ENVI	26/10/2022	ECOLAB
WIEZIK Michal	Shadow rapporteur	ENVI	25/10/2022	Euroheat and Power
DECERLE Jérémy	Shadow rapporteur for opinion	AGRI	24/10/2022	Interbev Pays de La Loire
LUTGEN Benoît	Rapporteur for opinion	AGRI	18/10/2022	FuelsEurope, Eurometaux, Eurofer, Cefic
TOBÉ Tomas	Rapporteur for opinion	ITRE	12/10/2022	Jernkontoret
WIEZIK Michal	Shadow rapporteur	ENVI	12/10/2022	ClientEarth AISBL
WIEZIK Michal	Shadow rapporteur	ENVI	11/10/2022	BUSINESSEUROPE

WIEZIK Michal	Shadow rapporteur	ENVI	11/10/2022	FuelsEurope
WIEZIK Michal	Shadow rapporteur	ENVI	11/10/2022	Cement Europe (legal entity CEMBUREAU) European Ceramic Industry Association Eurogypsum Aggregates Europe European Expanded Clay Association Industrial Minerals Association - Europe EUROROC
DE CASTRO Paolo	Shadow rapporteur for opinion	AGRI	10/10/2022	COPA-COGECA
KANEV Radan	Rapporteur	ENVI	30/09/2022	European Environmental Bureau
KANEV Radan	Rapporteur	ENVI	28/09/2022	Syctom Agence métropolitaine des déchets ménagers
WIEZIK Michal	Shadow rapporteur	ENVI	27/09/2022	Confederation of European Waste-to-Energy Plants
WIEZIK Michal	Shadow rapporteur	ENVI	27/09/2022	Copa-Cogeca
RUISSEN Bert-Jan	Shadow rapporteur	AGRI	27/09/2022	Copa Cogeca
KANEV Radan	Rapporteur	ENVI	27/09/2022	Cement Europe (legal entity CEMBUREAU)
KANEV Radan	Rapporteur	ENVI	22/09/2022	ClientEarth AISBL
WIEZIK Michal	Shadow rapporteur	ENVI	21/09/2022	Climate Action Network Europe
WIEZIK Michal	Shadow rapporteur	ENVI	20/09/2022	European Federation of National Associations of Water Services
KANEV Radan	Rapporteur	ENVI	09/09/2022	European Aluminium AISBL
KANEV Radan	Rapporteur	ENVI	09/09/2022	FuelsEurope
KANEV Radan	Rapporteur	ENVI	08/09/2022	Eurolab
DECERLE Jérémy	Shadow rapporteur for opinion	AGRI	07/09/2022	European Livestock Voice
WIEZIK Michal	Shadow rapporteur	ENVI	07/09/2022	Four Paws
WIEZIK Michal	Shadow rapporteur	ENVI	07/09/2022	The European Steel Association
RUISSEN Bert-Jan	Shadow rapporteur	AGRI	07/09/2022	European Livestock Voice, Fédération Wallonne de l'Agriculture
CHAHIM Mohammed	Shadow rapporteur	ENVI	07/09/2022	ECOLAB
WIEZIK Michal	Shadow rapporteur	ENVI	06/09/2022	RECHARGE aisbl
CHAHIM Mohammed	Shadow rapporteur	ENVI	06/09/2022	Vereniging VNO-NCW
WIEZIK Michal	Shadow rapporteur	ENVI	05/09/2022	ECOLAB
WIEZIK Michal	Shadow rapporteur	ENVI	12/07/2022	Water Europe
WIEZIK Michal	Shadow rapporteur	ENVI	11/07/2022	Confederation of European Paper Industries
WIEZIK Michal	Shadow rapporteur	ENVI	06/07/2022	Industrial Minerals Association - Europe
WIEZIK Michal	Shadow rapporteur	ENVI	05/07/2022	BUSINESSEUROPE
WIEZIK Michal	Shadow rapporteur	ENVI	04/07/2022	European Environmental Bureau

WIEZIK Michal	Shadow rapporteur	ENVI	01/07/2022	ClientEarth AISBL
WIEZIK Michal	Shadow rapporteur	ENVI	28/06/2022	Eurogypsum
WIEZIK Michal	Shadow rapporteur	ENVI	28/06/2022	CEFIC - European Chemical Industry Council Zväz chemického a farmaceutického priemyslu Slovenskej republiky
KANEV Radan	Rapporteur	ENVI	20/06/2022	Eurogypsum
HAZEKAMP Anja	Shadow rapporteur for opinion	AGRI	15/06/2022	Surfrider Europe

Other Members

Transparency		
Name	**Date**	**Interest representatives**
BERNHUBER Alexander	29/02/2024	VÖS
WALLACE Mick	13/02/2024	Irish Farmers' Association
CLUNE Deirdre	13/02/2024	Irish Farmers' Association
KELLEHER Billy	13/02/2024	Irish Farmers' Association
LINS Norbert	24/11/2023	COPA
LINS Norbert	13/11/2023	Arbeitsgemeinschaft Deutscher Tierzüchter e. V.
WÖLKEN Tiemo	12/07/2023	Salzgitter AG
LALUCQ Aurore	04/07/2023	Greenpeace European Unit
FURORE Mario	28/06/2023	Confederazione Nazionale Coldiretti
WÖLKEN Tiemo	20/06/2023	ClientEarth AISBL
WÖLKEN Tiemo	08/05/2023	Ständige Vertretung der Bundesrepublik Deutschland bei der Europäischen Union
WÖLKEN Tiemo	05/05/2023	Deutscher Bauernverband
KELLEHER Billy	27/04/2023	Irish Farmers' Association
CORRAO Ignazio	19/04/2023	Greenpeace European Unit
BERNHUBER Alexander	19/04/2023	Confederazione Nazionale Coldiretti
DEPARNAY-GRUNENBERG Anna	19/04/2023	Greenpeace
ZORRINHO Carlos	30/03/2023	Biond
TOIA Patrizia	29/03/2023	Federazione Nazionale dell'Industria Chimica italiana
FERRANDINO Giuseppe	08/03/2023	ArcelorMittal
SCHNEIDER Christine	01/03/2023	APEP
LUENA César	28/02/2023	Fediol
LUENA César	28/02/2023	Grupo Vall Companys
GUALMINI Elisabetta	06/02/2023	Cerame-Unie
MACMANUS Chris	07/12/2022	Irish Cattle & Sheep Farmers' Association Ltd
HOLMGREN Pär	17/11/2022	Confederation of Swedish Enterprise
ARIMONT Pascal	28/09/2022	Boerenbond vzw
BRGLEZ Milan	19/07/2022	European Environmental Bureau

BRGLEZ Milan	18/07/2022	COPA-COGECA
VANDENKENDELAERE Tom	30/06/2022	Boerenbond vzw

Final act	
Directive 2024/1785 OJ OJ L 15.07.2024	Summary

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.

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.

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.

Industrial Emissions Directive

2022/0104(COD) - 19/06/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on the Environment, Public Health and Food Safety adopted the report by Radan KANEV (EPP, BG) on 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 of 24 November 2010 on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Subject matter and scope

The proposed directive lays down rules on integrated prevention and control of pollution arising from industrial activities. The amended text stipulates that it should also lay down rules designed to improve resource efficiency in order to reduce the use of water, energy, and raw materials.

Members proposed extending the scope of the draft directive to cover agricultural activities, in particular the issue of pollution from large-scale rearing of animals. The scope of the proposed is extended to include intensive livestock farms with higher Live Stock Unit (LSU) numbers than 200 LSU for pigs and poultry, 300 LSU for cattle.

Environmental management system

Member States should require the operator to prepare and implement, for each installation falling within the scope of this proposal, an environmental management system (EMS). The EMS should comply with the provisions included in relevant best available techniques (BAT) conclusions that determine aspects to be covered in the EMS. The level of detail of the EMS should be consistent with the nature, scale and complexity of the installation, and the range of environmental impacts it may have.

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.

Fast-track permitting

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 towards a clean, circular and climate neutral industry

Member States should require that:

- by 30 June 2027, the operator includes in its environmental management system an indicative transformation plan for each installation. The operators of the 200 most polluting installations in the Union, should also include in their environmental management system an indicative transformation plan for each of those installations, unless the installation has a closure plan for 2035.

The transformation plan should include a greenhouse gas emissions reduction pathway and roadmap on how the installations plan to become more resource-efficient, in particular as regards energy and water.

Enabling and promoting innovation

Members proposed to give more support to breakthrough technologies and other innovative approaches.

Permits and registrations

The report stated that Member States should take the necessary measures to ensure that no installation is operated without a permit or without being registered. Member States should use any similar pre-existing procedure for the registration in order to avoid creating an administrative burden. In any case, Member States should apply a permitting procedure to the intensive rearing of poultry and pigs:

- with more than 40 000 places for poultry,

- with more than 2 000 places for production pigs (over 30 kg), or

- with more than 750 places for sows.

Industrial Emissions Directive

2022/0104(COD) - 12/03/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 393 votes to 173, with 49 abstentions, a legislative resolution on 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 of 24 November 2010 on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste.

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Subject matter and scope

The amending Directive concerns **industrial and livestock rearing emissions**. It is stated that the Directive lays down rules designed to prevent or, where that is not practicable, to continuously reduce emissions into air, water and land, to prevent the generation of **waste**, improve resource efficiency, and to **promote the circular economy and decarbonisation**, in order to achieve a high level of protection of human health and the environment taken as a whole.

The Industrial Emissions Directive will support industry in the Union in developing projects and facilitate sustainable and consensual growth of the **mining activities** in the Union.

Furthermore, 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.

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.

Member States should develop **systems for the electronic permitting of installations** and implement electronic permitting procedures by 31 December 2035.

Incidents and accidents

In the event of any incident or accident significantly affecting human health or the environment, Member States should take the necessary measures to ensure that the operator immediately takes the measures to **limit the consequences for human health or the environment** and to prevent further possible incidents or accidents. In the event of pollution affecting drinking water resources, including transboundary resources, or affecting waste water infrastructure in the case of indirect discharge, the competent authority should inform the drinking water and waste water operators affected of the measures taken to prevent damage being caused, or remedy the damage caused, by that pollution to human health and the environment.

Emission limit values, environmental performance limit values, equivalent parameters and technical measures

The amended text 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, leading to a severe disruption or shortage of:

- energy supplies, provided that there is an overriding public interest in security of energy supply,

- resources, materials or equipment essential for the operator to perform activities of public interest, in compliance with the applicable emission limit values or environmental performance limit values, or

- essential resources, materials or equipment where the production output compensates for such shortage or disruption, for reasons of public health or public safety or for other imperative reasons of overriding public interest.

The derogation should not be granted for more than three months.

Competent authorities should be allowed to grant industrial operators sufficient time to implement **deep industrial transformation** requiring substantial investment via best available techniques or emerging techniques which involve a major change in design or technology, or to replace an existing installation.

Member States may, until 31 December 2029, exempt **combustion plants that are part of a small isolated system** on the date of entry into force of this directive from compliance with the emission limit values set out in the Directive for sulphur dioxide, nitrogen oxides and dust or, where applicable, with the rates of desulphurisation.

Special provisions for poultry and pigs

Member States should 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. The Commission should ensure that the European Environment Agency participates in the exchange of information, where the exchange of information would benefit from the expertise of the Agency.

Penalties

Member States should establish effective, proportionate and dissuasive penalties applicable to infringements of national provisions adopted pursuant to this Directive. The penalties should include administrative financial penalties and for the most serious infringements committed by a legal person, the maximum amount of the administrative financial penalties should be at least **3% of the annual Union turnover** of the operator in the financial year preceding the year in which the fine is imposed.

Under the new rules, Member States would also have to ensure that people are entitled to claim **compensation** where damage to their health has occurred as a result of a violation of the national rules transposing the directive.

Review

The Commission should assess, and report to the European Parliament and the Council on the need for Union action to comprehensively address the emissions from the rearing of livestock, in particular cattle, taking into account the range of instruments available and the specificities of the sector.