

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.