Revision of the Industrial Emissions Directive

Aarhus-related provisions

Stakeholders meeting - draft EU Plan of action for Decision VII/8f - 25 April 2022
DG ENV UNIT C4
European Green Deal: Commission committed to review EU measures to address pollution from large agro-industrial installations and to consider how to make them fully consistent with climate, energy and circular economy policies.

- This involves proposing a revision of the Industrial Emissions Directive (IED)

- As part of this revision, Commission committed to exploring options to enhance legislative framework on public access to information, public participation in decision-making and access to justice with a view to ensuring compliance with the Aarhus Convention, in particular its Article 6(2)-(9) (‘Public participation in Decisions on specific activities’).
IED – Covers EU largest industrial plants & farms

Around **30 broad industrial sectors**, many covered as well by EU ETS

- **> 30 000 industrial installations**
  - Energy intensive - large combustion plant (eg electricity generating plant using fossil fuels), iron & steel, cement, glass, paper production, waste incineration
  - Other - food industry, slaughterhouses, surface treatment using organic solvents, waste industry, tanning, textiles, wood-based panels, wastewater treatment

- **> 20 000 livestock farms** - currently pigs & poultry rearing
Objectives of proposed revised EU industrial emissions framework

- Make the legislation fit to accompany the transformation of EU industry
- Fulfill the European Green Deal and Zero Pollution ambition by:
  - Ensuring full and consistent implementation across Member States – levelling the field at high health and environmental protection
  - Incentivising investment in emerging more efficient pollution prevention techniques – advances in energy use, resource efficiency & water reuse
  - Enhancing public rights to be informed and participate in permitting process & access to justice and redress measures
  - Increasing transparency and accountability
General overview of proposals

To transform IED and Industrial Emissions Portal into forward-looking legislation to accompany the industrial transformation

1. More effective
   - Increase the ambition in permits
   - More accessible information on permits and performance
   - New revised Portal

2. Support innovation
   - Flexible permitting for frontrunners
   - Create INCITE to ensure latest technologies are employed
   - Transformation plans

3. Resources & chemicals
   - IED operators’ EMS to improve resource efficiency, apply circular economy practices and use safer chemicals
   - Report resource use

4. Support decarbonisation
   - Curb non-ETS emissions
   - Energy efficiency requirements
   - IED review

5. Scope: widening to critical activities + simplified permits for livestock farms
MoP recommends that the Party concerned (i.e. EU):

- puts in a place a legally binding framework
- to ensure that, when a public authority in a Member State of the Party concerned reconsiders or updates permit conditions pursuant to national laws implementing Article 21 (3), (4) and (5) (b) and (c) of the IED,
- the provisions of Article 6 (2)-(9) of the Convention will be applied, mutatis mutandis and where appropriate, bearing in mind the objectives of the Convention
Article 21 IED: Reconsideration and updating of permit conditions by the competent authority

Art 21(3), (4), (5)(b) & (c) IED:

- Reconsideration and, if necessary, update of permit conditions within 4 years of publication of Commission Implementing Decisions on BATC (21(3))

- Where no BATC covering a given installation, permit conditions to be reconsidered and, if necessary, updated where developments in BAT allow for significant reduction of emissions (21(4))

- Reconsideration and, if necessary, update of permit conditions where operational safety requires other techniques to be used; or where necessary to comply with a new or revised environmental quality standard 21(5)(b) & (c))
Article 24(1) IED is amended as follows:

• point (d) is replaced by the following: ‘(d) the updating of a permit or permit conditions for an installation in accordance with Article 21(5), points (a), (b) and (c);

• the following point (e) is added: (e) the updating of a permit in accordance with Article 21(3) or Article 21(4).

➢ Broadening of situations where the public should be consulted
Other Aarhus-related proposals

• Broader definition of ‘the public concerned’

• **Enhanced public information**, e.g. systematic permit summary publicly available, using standard format

• Enhance **monitoring and reporting**

• Enhanced **access to Justice and redress mechanisms (injunctive relief, compensation for damages)**

• **Industrial Emissions Portal** will replace E-PRTR. will report more substances, with greater consistency between IED and data from related legislation (Seveso directive, urban waste water treatment) [https://industry.eea.europa.eu/#/home](https://industry.eea.europa.eu/#/home)

• New harmonised cost-benefit assessment required for any IED permit emissions limit derogations, with regular reviews, and increased transparency and accountability
Thank you

More info?

https://ec.europa.eu/environment/industry/stationary/index.htm

#EUGreenDeal