



Industrial Emissions review package

Part 2 – Legal instruments – IEP Regulation

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WPE, 2 and 3 May 2022

Industrial emissions review package – Part 2

4. Presentation of legal instruments

1. Amendment of Industrial Emissions Directive (IED)
COM(2022) 156 final, 05.04.2022
2. **Industrial Emission Portal Regulation (IEPR) -
COM(2022) 157 final, 05.04.2022**

Content

1. Introduction to the Industrial Emissions Portal (ex-European Pollutant Release and Transfer Register; E-PRTR)
2. Overview of the proposed Regulation

Industrial Emissions Portal (new name)

- **Was** the European Pollutant Release and Transfer Register website (**E-PRTR**)
- Website data on releases of 91 pollutants to air, water and soil; plus waste transfers from the largest industrial/agricultural facilities (~34,000)
- Time series of data since 2007
- Provides public access to information on the environmental performance of industrial facilities – as required by the Kyiv Protocol under the Aarhus Convention
- Access via: <https://industry.eea.europa.eu/#/home>



Example data – Brussels Region

European Industrial

HOMEEXPLOREANALYSEDOWNLOADPOLLUTANTSABOUT

European Environment Agency

Environmental informationRegulatory informationSite FAQs

CORDEN PHARMA BRUSSELS

Environmental overview

Regulatory overview

1. BE.BRU/100010002.FACILITY

1.1. BE.BRU/100010002.INSTALLATION

About the entity ⓘ

Regulated activities

Production of pharmaceutical products including intermediates

Status

functional

seveso

-

Permitting Authority ⓘ

Installation	Operating since	Permit updated	Permitting authority	Permit available	Seveso	Status
1.1	-	-	Bruxelles Environnement	Permit link	-	functional

BAT conclusions ⓘ

1.1. BE.BRU/100010002.INSTALLATION

Production of Large Volume Organic Chemicals

Status

valid

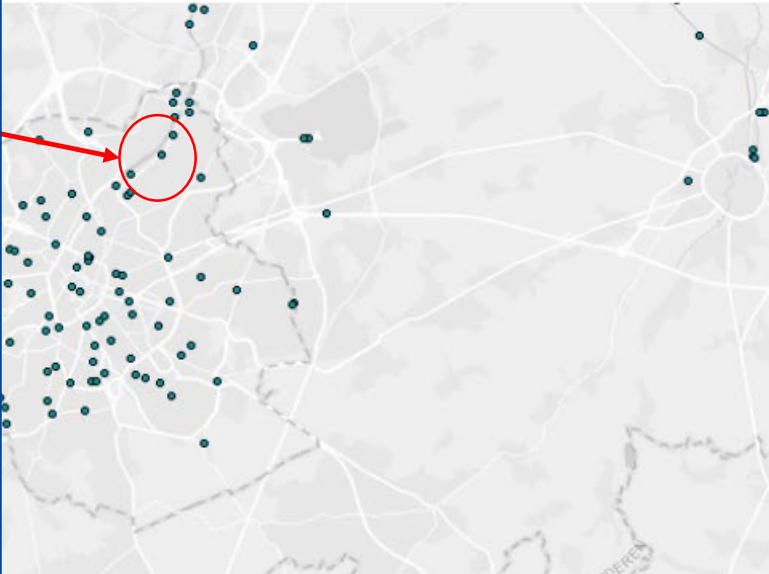
Status modified



2018

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Advanced Filter





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Content

1. Introduction to the Industrial Emissions Portal (ex E-PRTR)

2. Overview of the proposed Regulation

2. Overview of the proposed Portal Regulation

2.1 Basic features

2.2 How it compares, in general terms, with the E-PRTR Regulation?

2.3 How addresses the problem areas identified in the impact assessment?

2.1 Basic features

- a) **Type of Act:** A Regulation of general application, binding in its entirety and directly applicable in Member States (Art. 288 TFEU)
- b) **Replace & Repeal:** It replaces and repeals Regulation (EC) No 166/2006 establishing the E-PRTR as from 1 January 2026: Legal clarity / transitional provisions
- c) **Legal basis:** Art. 192(1) TFEU – Environment protection

2.1 Basic features - Structure of the Proposal

- Explanatory Memorandum (context & content of the proposal)
- Preamble: 35 Recitals regarding the context and rationale of the core provisions
- Articles: 20, including:
 - ✓ Subject-matter (**Art. 1**)
 - ✓ Definitions (**Art. 2**)
 - ✓ Content/design/structure of the Portal (**Art. 3-4**)
 - ✓ Data to be reported by operators to CAs and by MSs to CION + data quality assurance (**Art. 5-8**)
 - ✓ Access to information / confidential information / public participation (**Art. 9-11**)
 - ✓ Implementation support: Guidance & awareness (**Art. 12-13**)
 - ✓ Delegated acts: (**Art. 7(3) & 14 + 15**)
 - ✓ Implementing acts: (**Art. 6(1) + 16**)
 - ✓ Enforcement: (**Art. 17**)
 - ✓ Repeal / transitional provisions / entry into force / applicability: (**Art. 18-20**)
- Annexes: 3, including on material scope (**Annex I**); on list of pollutants and accompanying thresholds (**Annex II**); and table of correlation (**Annex III**).

2.2 How does the Proposal compare in general terms with Regulation (EC) No 166/2006?

- | | |
|---|--|
| a) Type of act, legal basis, structure: | Similar |
| b) Number of provisions: | Quasi similar (22 v. 20 Articles) |
| c) Annex I: | Exhaustive list v. dynamic references to other EU legislation (IED and MCPD) + 5 other entries |
| d) Annex II: | Similar (to be adapted via Delegated Act) |

➤ Portal Regulation Proposal: Not a revolution but it needed adaptations to:

- (i) make the instrument clearer where need be,
- (ii) make current provisions more effective,
- (iii) ensure further synergies and complementarities with other pieces of Union law,
- (iii) ensure reporting of important additional information on resource use and context,
- (v) guarantee the dynamic and adaptability feature of the Portal Regulation.

2.3 How does the proposal address the impact assessment problem areas?

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

Depth
(intensity)
of action

Breadth (range) of action

Issue 1. Effectiveness - Industrial Emissions Portal §3

Create a more useful and powerful source of information on industrial activities by:

1. Complementing release & transfer data with information on:

- use of water resources, energy and raw materials – § 3(1)(c), § 5(1)(d)
- contextual information e.g. production volume, employee numbers, operating hours, accidents causing releases - §3(1)(d) / §5(1)(e)

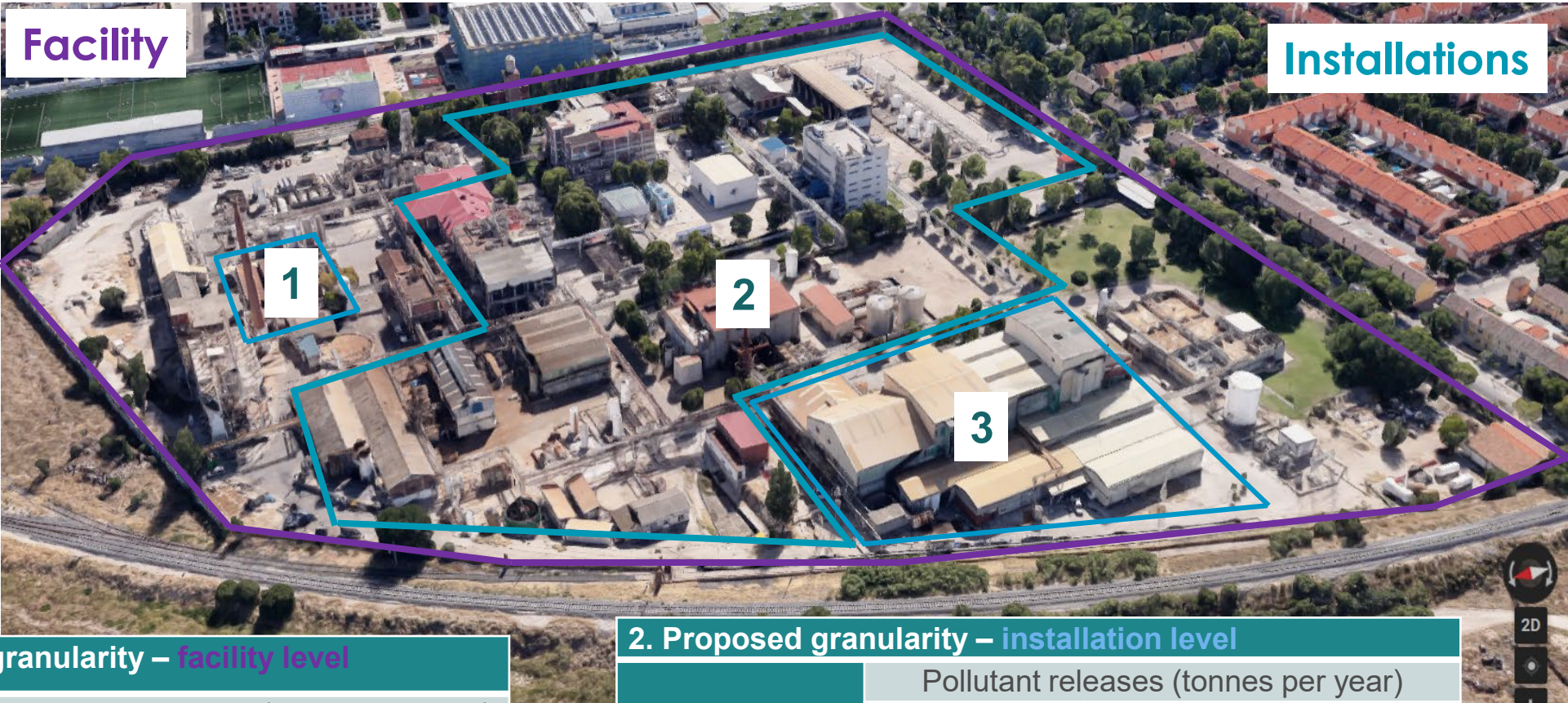
2. Improving coherence with data from related legislation, specifically:

- Industrial Emissions Directive 2010/75/EU
- Medium Combustion Plants Directive (EU) 2015/2193
- Seveso directive 2012/18/EU
- Urban waste water treatment directive 91/271/EEC
- Emissions Trading Scheme 2003/87/EC

3. Regularising the Portal's legal basis

- The Portal has evolved organically via E-PRTR and IED implementing decisions

Issue 1. Effectiveness – more granular reporting; § 5(1)



1. Current granularity – facility level

	Pollutant releases (tonnes per year)		
	SO ₂	NOx	Hg
Facility	500	1000	0.1

2. Proposed granularity – installation level

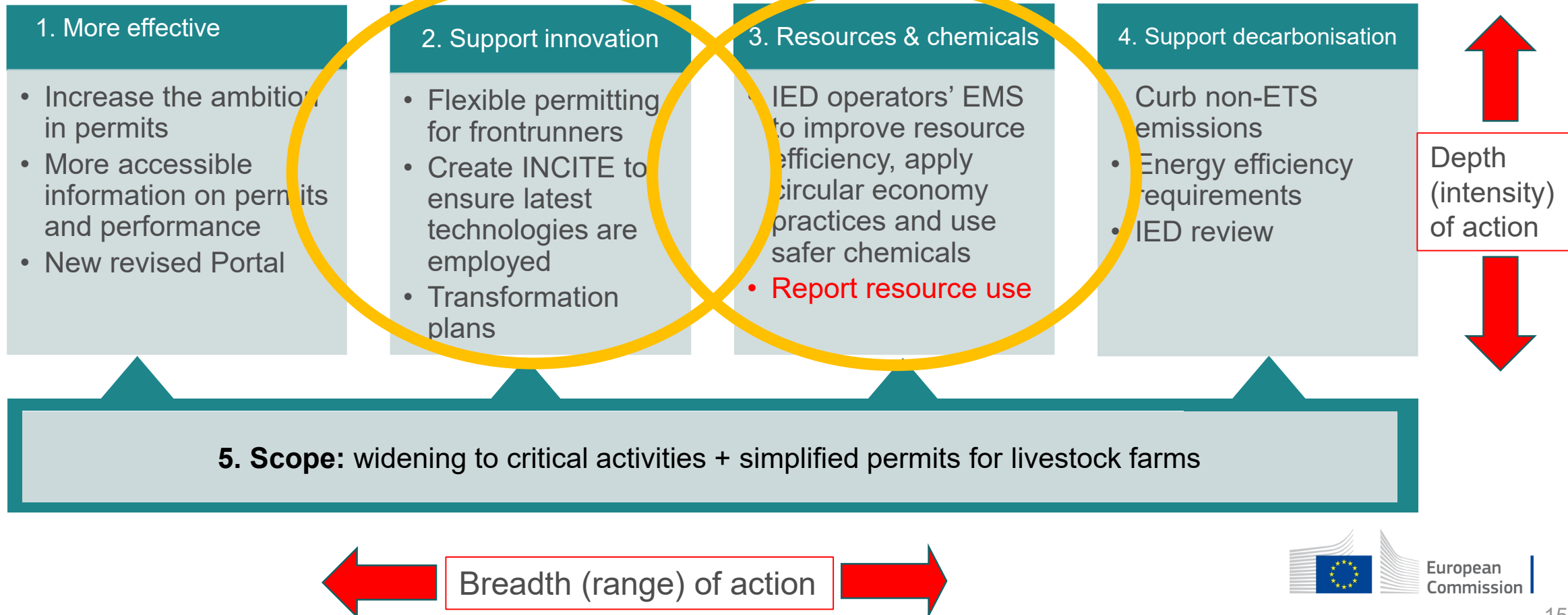
	Pollutant releases (tonnes per year)		
	SO ₂	NOx	Hg
Installation A	300	-	-
Installation B	200	-	-
Installation C	-	1000	0.1
(inferred total)	(500)	(1000)	(0.1)

Issue 1. Effectiveness – data quality

- a) **Active confirmation of nil returns** § 5(2): operator to declare that releases, or off-site transfers, are below the relevant reporting thresholds.
- b) **Mandate the hierarchy of Measure/Calculate/Estimate** § 5(3): Measure releases and transfers where possible. If not, use calculations. Use estimation as a last resort.
- c) **Flexibility for ‘top down’ reporting** § 5(10). On the behalf of operators, Member States may select to quantify deliberate releases from installations. Only for the stated industrial activities i.e. intensive rearing of animals and aquaculture.
- d) **Penalties and compliance assurance measures** § 17.
 - Similar to the equivalent IED provision.
 - Fines proportionate to the turnover of the person who has committed the infringement.
 - Level of fines should deprive the responsible person of the economic benefits from an infringement and should increase with repeated infringements.
 - Penalties give due regard to:
 - (a) the nature, gravity, and extent of the infringement;
 - (b) the intentional or negligent character of the infringement;
 - (c) the population or the environment affected by the infringement.

2.3 How does the proposal address the impact assessment problem areas?

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



Issue 3. Resources & chemicals (Annex II pollutants)

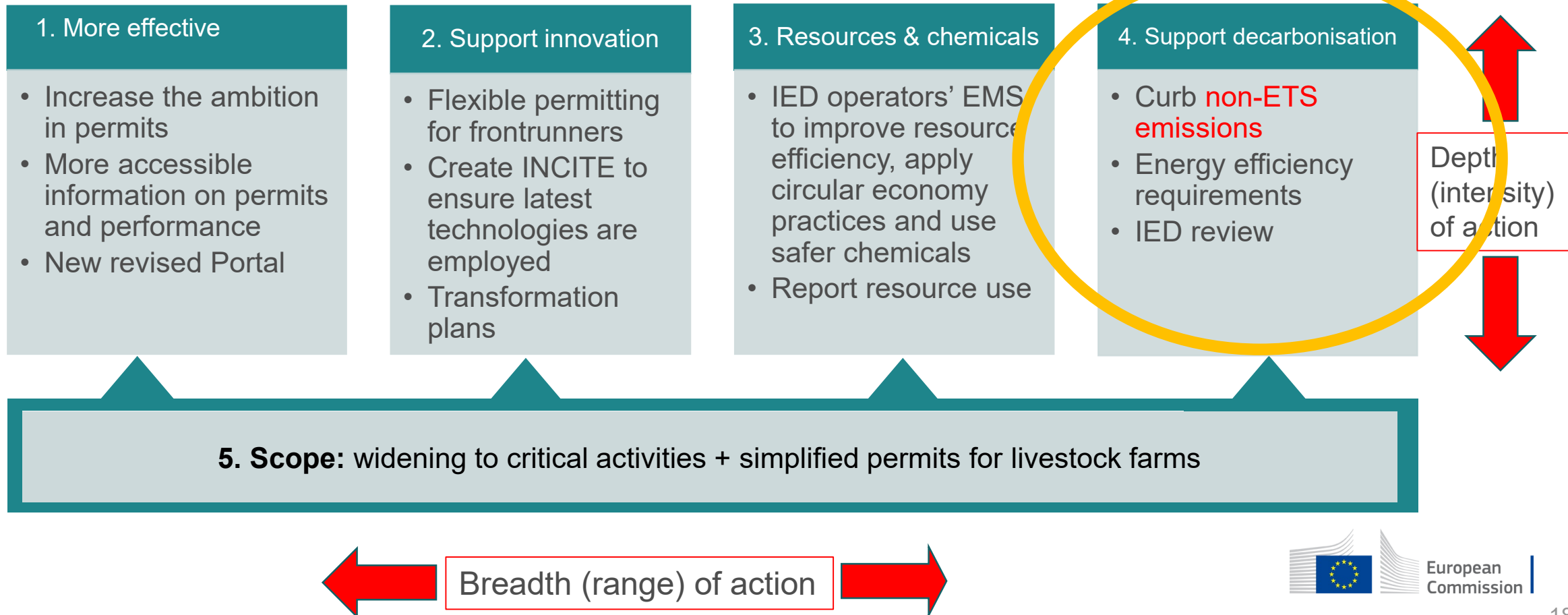
- Impact Assessment identified a need to update the Annex II list of pollutants but this is a highly technical matter.
- No immediate changes to Annex II but a proposal to strengthen Article 14(2) on the Commission's powers to amend Annex II through delegated acts.
 - a) Adapt to scientific or technical progress;
 - b) Add pollutants (air, water or land) that have adverse health/environmental impact i.e.
 - i. SVHC (substances of very high concern) under REACH Regulation
 - ii. Priority substances under Water Framework Directive
 - iii. 'Watch lists' for water directives
 - iv. Covered by air quality legislation – limit values/other restrictions
 - c) Amend reporting thresholds to capture 90% of releases from Annex I activities; with the possibility of setting reporting threshold at zero;
 - d) To align with changes to the Kyiv Protocol on PRTRs.
- Commission will prepare a delegated act, as soon as possible, to update the Annex II list of pollutants.
- Delegated act process involves Member State experts – Article 15

Issue 3. Resources & chemicals - use of water resources, energy and raw materials

- Provision for operators to report of resource use (energy, water, raw materials) so that installations can be benchmarked – Article 3(1)(c).
- Exact content of the reporting obligation to be identified in an implementing act under Article 6

2.3 How does the proposal address the impact assessment problem areas?

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



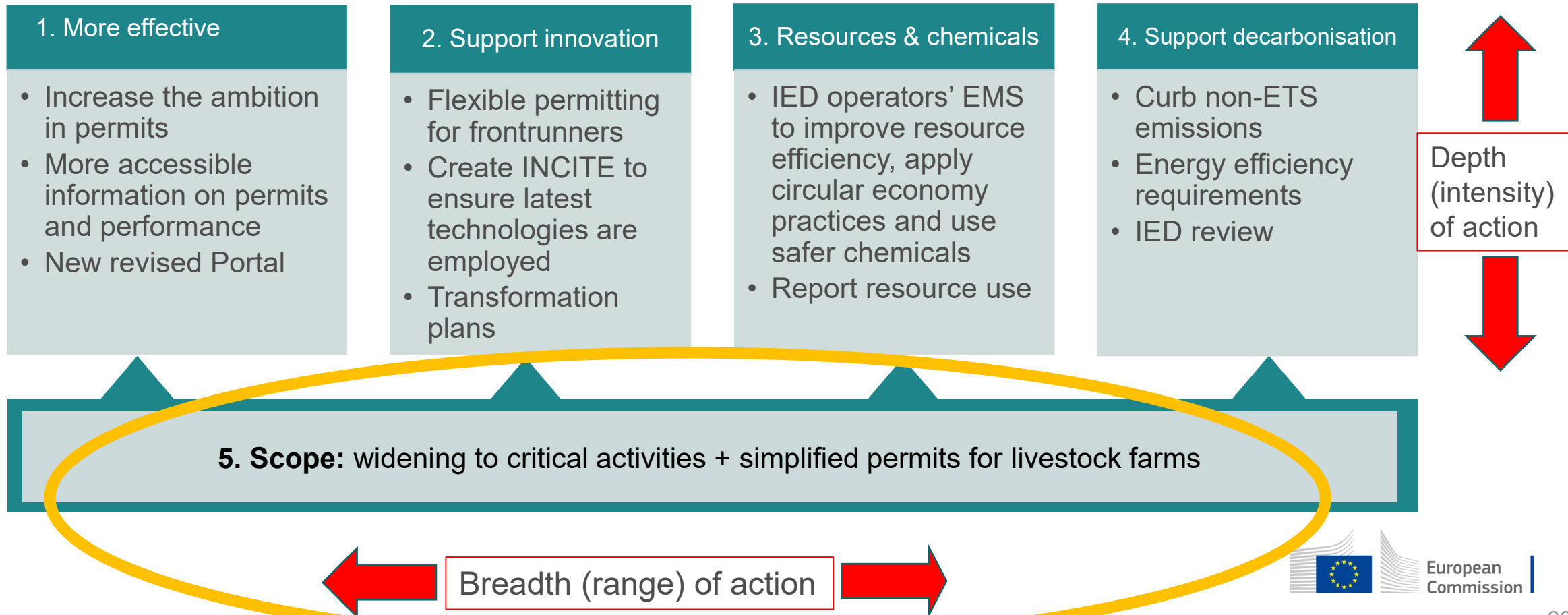
Issue 4. Support decarbonisation

No immediate measures in the proposal, but:

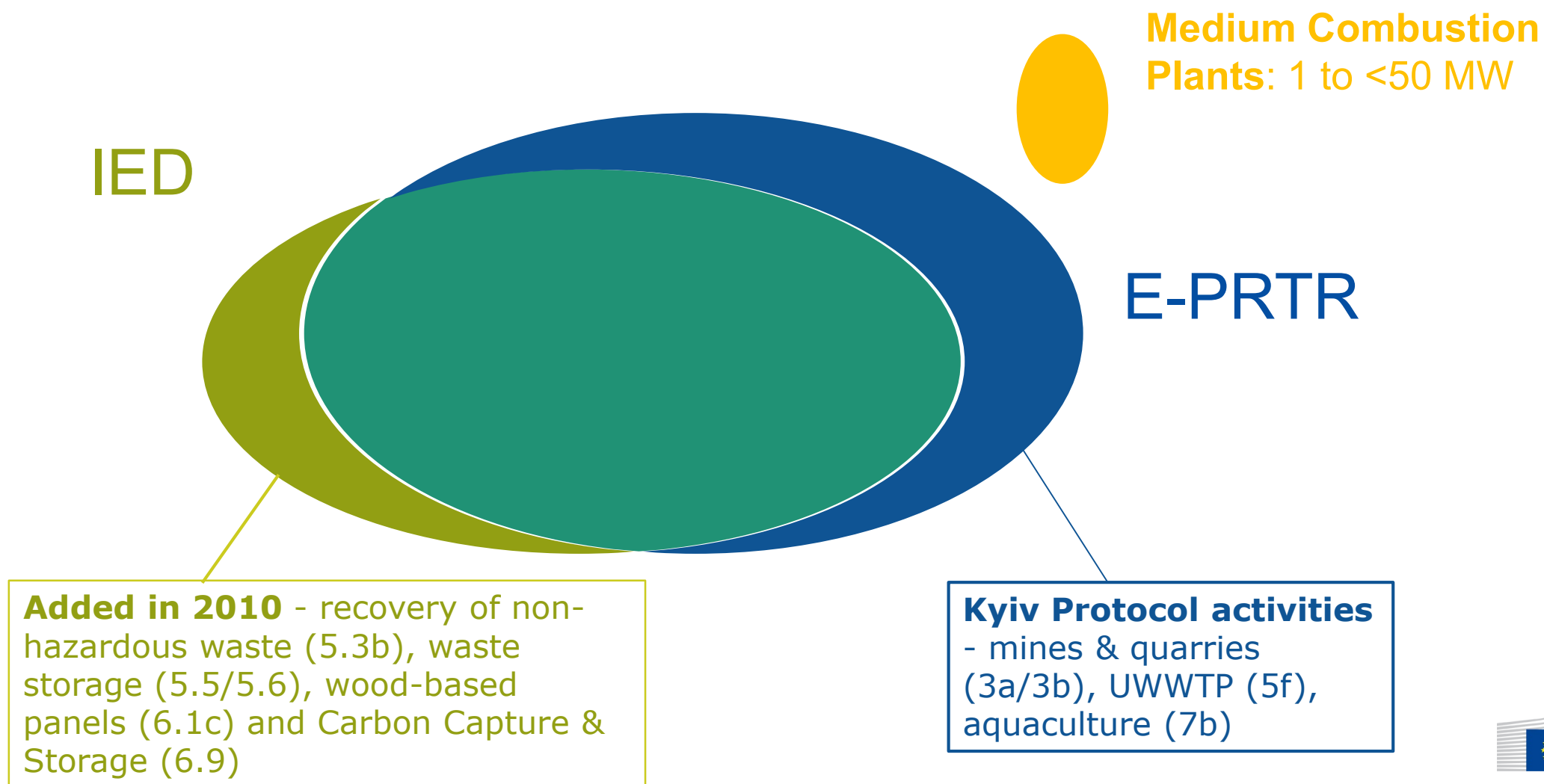
- a) Establishes the framework for reporting energy use (as above) – depends on an implementing act to define the units and metrics to be used by operators for reporting
- b) Use the delegated act provision under §14(2) to consider disaggregation of current GHG reporting – PFCs, HCFCs, CFCs

2.3 How does the proposal address the impact assessment problem areas?

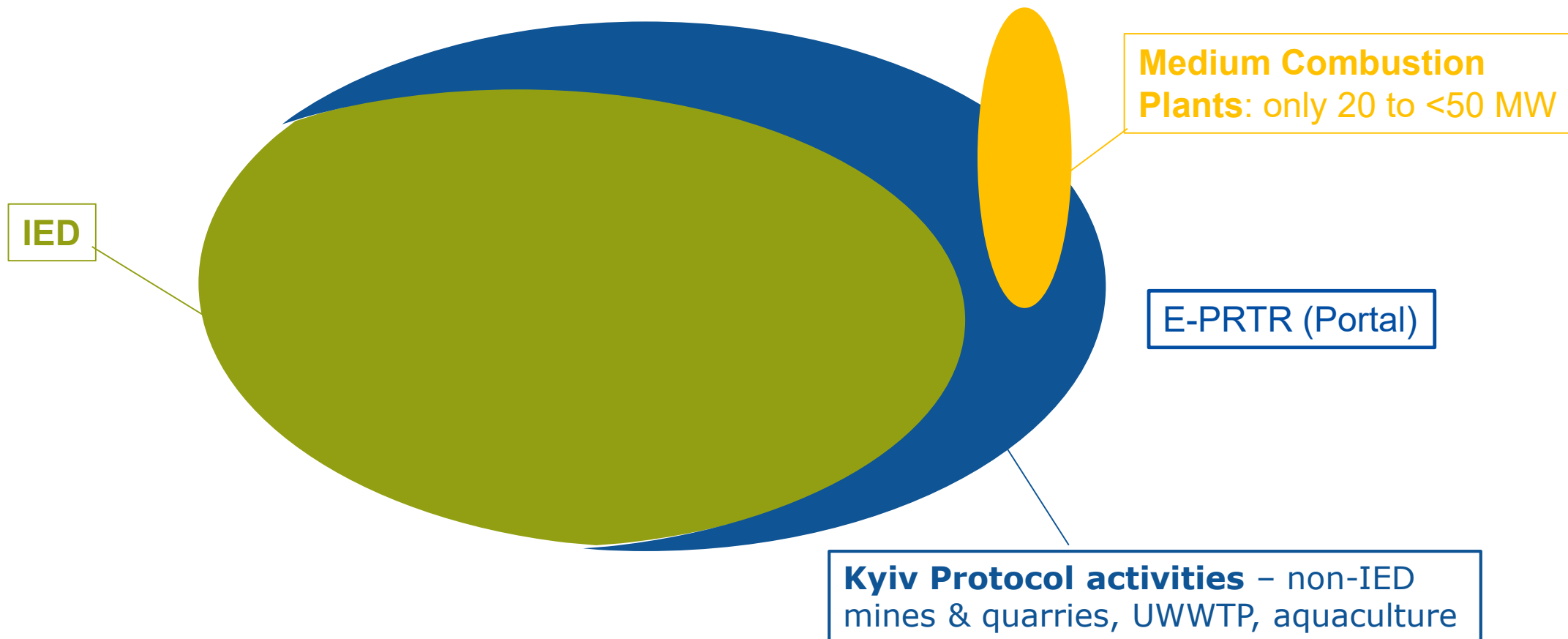
To transform IED and Industrial Emissions Portal into forward-looking legislation to accompany the industrial transformation



Issue 5. Sectoral scope - current legal interfaces



Issue 5. Sectoral scope - proposed legal interfaces



Issue 5. Sectoral scope – Annex I (Activities)

	Activity	Capacity Threshold
IED alignment →	1 Activities listed in Annex I to Directive 2010/75/EU	Above the applicable capacity thresholds set out in Directive 2010/75/EU
	2 Activities listed in Annex Ia to Directive 2010/75/EU	Above the applicable capacity thresholds set out in Directive 2010/75/EU
MCPD alignment →	3 Activities referred to in Article 2 of Directive (EU) 2015/2193 (where not covered by Annex I to Directive 2010/75/EU)	Combustion plants with a rated thermal input of at least 20 MW and below 50 MW
Kyiv Protocol →	4 Underground mining and related operations, including the extraction of crude oil or gas either onshore or offshore (where not covered by Annex I to Directive 2010/75/EU) *	No capacity threshold (all installations are subject to reporting)
	5 Opencast mining and quarrying (where not covered by Annex I to Directive 2010/75/EU) *	Where the surface of the area effectively under extractive operation equals 25 hectares
	6 Urban waste water treatment plants	With a capacity of 100 000 population equivalents or more
	7 Aquaculture	With a production capacity of 100 tonnes of fish or shellfish per year *
	8 Installations for the building and/or dismantling of ships, and for the painting or removal of paint from ships	With a capacity for ships 100 m long

+ Dynamic update mechanism

Article 14(1) empowerment for delegated acts* to amend Annex I where:

- a) Impact on health or environment due to releases, waste transfers or resource use; or
- b) To align with Kyiv Protocol changes.

* Process involves Member State experts

Parallel work to the Ordinary Legislative Procedure (co-decision)

1. Prepare a Delegated Act on Annex II list of pollutants
2. For the reporting of resource use:
 - Update Commission Implementing Decision (EU) 2019/1741 to add new data fields on the use of water, energy and raw materials
 - Prepare a new Implementing Decision to define 'units and metrics' for the new fields on the use of water, energy and raw materials
3. Prepare an EU negotiating position for amendment of the Kyiv Protocol on Pollutant release and Transfer Registers (PRTRs)

Thank you

More info?

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



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