

12 points for pollution prevention that protects people and the environment

The Industrial Emissions Directive (IED) – Integrated Pollution Prevention and Control (IPPC) Recast is the most important European Union (EU) instrument aimed at preventing pollution at source and achieve a high level of protection of environmental and human health. The revised IED proposal is not yet fit for purpose to clean up industrial production and generate transformative change towards circular, decarbonised and zero-pollution industry. EU decision makers have the chance to demonstrate their commitment to the EU Green Deal ambitions by supporting this 12-point plan for a pollution prevention framework that works for human and environmental protection.

Catching up with state-of-the-art pollution prevention standards

Designing a new approach to the strictest environmental performance limit values

The new IED should reject vague wordings that allow operators and permit writers to dodge state-of-the-art pollution performance standards. The new text proposal on Art. 15(3) is unclear as to whether technical or economic feasibility or a mix of both is meant when operators will argue against tighter limits. There should be a clearer reference point to technical achievable performance levels of the most effective BAT(s) or other relevant benchmarks. As a complement, it should set supplementary pollution load caps for pollutants of concern and ensure other than emissions performance levels (BAT-AE(P)Ls) are binding. The derogation provision (Art. 15(4)) should be deleted or significantly tightened. Where maintained, it should ensure timely public participation in the decision making, limited to cases where a substantiated cross-media effect is established, with a zero-tolerance approach on pollutants subject to EQS, and with a maximum 4-year validity period.

Uphold a zero-tolerance approach for compliance with Environmental Quality Standards

Compliance with Environmental Quality Standards (EQS) should be reinforced by explicitly referring to the revised WHO air quality guidelines, National Emissions Ceilings and climate protection objectives, as the maximum 1.5°C Paris goal. Where a Member State is not on track to comply with the achievement of a given EQS, withdrawals of derogations, reduced operation or other measures should be required. Art. 15(4), 18 and 3(6) are to be adapted accordingly.

Provide an honest picture of internalisation of external costs

Methods for cost-benefit assessments should be harmonised. Each Member State uses its own method for accounting costs and benefits when granting derogations, which creates an unlevel playing field for industry. Competent authorities should use the Value of Statistical Life Method and consider the climate debt externalised to society and scale of added public interest value provided by deeper process transformation. A clear ratio of costs v. benefits should be set in the legal framework, e.g., >3:1 (considering the full lifetime of the activity including site remediation).

Reword Article 17 on General Binding Rules to align with the spirit of the IED

A part of Member States implements the Best Available Techniques (BAT) conclusions through General Binding Rules (Art. 17), which apply across the sector but do not take the effort to move towards the technical feasibility levels of most effective BATs on a case-by-case installation level, as is the case when rigorously applying Art. 15(3). This approach does not conform with the spirit of the IED (see suggestions made under point 1).

Close loopholes in the EU Safety Net

Fair efforts should be required from Europe's largest polluters by accelerating coal combustion phase out by 2030 by aligning Annex V Emission Limit Values (ELVs) to the strictest 2017 Large Combustion Plants (LCP) Best Available Technique Reference Document (BREF) BAT conclusions and accelerate fossil gas phase out by 2035 at the latest, notably through the setting of mandatory greenhouse gases (GHG) performance limits set to 100gCO₂eq/kWh by 2035. Art. 73 should be amended to ensure an automatic EU Safety Net review. More information on NGO joint position on [using IED policy instruments to address the climate crisis](#) and [LCP BREF](#)

Achieving the potential of a combined approach for climate action

Ensure a combined approach of carbon pricing with the EU Emissions Trading System (ETS)

Climate action should be guided by climate science and the need for bold action. Art. 9 of the IED prevents permit writers to set GHG limits if the installation is included under the EU ETS, but most activities benefit from free allocations and hence are freed from the carbon price. Art. 9(1) should be replaced to require the setting of dedicated decarbonisation measures - at minimum installations should not exceed the GHG performance levels of the best products class EU ETS benchmarks. "Climate neutrality and phase out of substances with global warming potential" should be added as supplementary BAT criteria on Annex III.

Set a 100g CO₂eq/kWh GHG performance standard to kick in by latest 2035

The EU needs to phase out fossil gas not only for environmental and climate reasons but also to gain strategic independence. The Taxonomy aligned GHG performance standard would support that goal consistently and effectively. [More information](#)

Enhancing Best Available Techniques and industrial transformation

Build a forward-looking approach to BAT determination process

It is not acceptable, nor economically sound, to promote improvements at installation level when a deeper transition of production methods is required. The IED scope should be amended to enable setting BAT as the lowest ratio between environmental impact of industrial activities and good or service provided by listing energy production and conservation, water quality and supply services, transformation of plant or animal protein production, resource management, substitution of chemicals of concern, and soil remediation and fertility. [More information](#)

Provide effective Transformation Plans, BAT derivation methods and Environmental Management Plans (EMS)

The proposed Transformation Plans (Art. 27(d)) do not provide intermediate milestones and key performance indicators at sector level and should concern (1) climate neutral economy, (2) zero adverse impact to health and the environment from anthropogenic emissions, and deposition and exposure below critical loads and levels, (3) transition towards a circular economy for a resource-saving EU economy operating within planetary boundaries, (4) phase out and substitution of chemicals of concern and (5) restoration of good ecological and chemical status of water.

The development of further sector specific indicators and concrete measures should be based on an inclusive multi-stakeholder process. The BAT derivation should be based on what is technically feasible to achieve and oriented towards a fully integrated high protection level for human health and the environment. The proposed approach based on Technology Readiness Level (TRL) should clarify what type of innovation is needed or desired to achieve the zero-pollution ambition.

The requirements on the Environmental Management Systems (EMS) of Art. 14(a) are already implemented by the Community's Eco-Management and Audit Scheme (EMAS), but efforts sharing on best practices should be made more specific and at installation level so to enable comparability. A corporate approach, allowing aggregation on reporting at company level, is disconnected from the aims of the IED. [More information](#)

Promote a science-based, transparent process liberated from conflict-of-interest

To not share best performers information on consumption within the Sevilla Process (BREF reviews) under the guise of claimed confidential business (CBI) concerns is an attempt to make performance-based standards BAT-AEPLs diluted and unverifiable. The revised Art. 13(2) proposal goes in the right direction but should remove the need to sign a confidentiality agreement and clarify that CBI validated as such should preferably only be shared with representatives that do not have a conflicting interest with the industry concerned, such as representatives of non-governmental organisations promoting the protection of human health or the environment. It should be made clear that any information that relates to environmental performance of an installation, including impacts to the environment due to consumption of resources, shall be regarded as non-confidential. Art. 13(1) should be amended to refer to an inclusive and balanced exchange between an equal share of the industries concerned (notably technique providers and frontrunners), non-governmental organisations promoting the protection of human health or the environment, the European Environment Agency, the European Chemicals Agency and the Commission. It should rule out conflict of interest cases. More information on [balanced representation of interests in the Sevilla Process](#) and [how Europe's biggest polluters became their own regulators](#).

Leaving no impacting activity behind on the regulatory framework

Extend the scope to capture additional major pollution sources and issues

Addressing intensive livestock activities is needed to prevent or reduce the impacts of the top methane and ammonia emissions sources in Europe. The new IED should reject any regulatory backtracking on intensive livestock, by ensuring Chapter II provisions apply for the most intensive farms (Section 6.6 of Annex I to be reinstated) as well as large cattle farms above 300 Livestock Unit and delete a registration type regime proposed in Art. 4. It should provide substance to operating rules for all other livestock operations covered by the Directive, notably by strengthening the basic obligations (including on inspection monitoring) and permitting rules; ensuring public participation in the development of the operating rules; defining minimal pollution prevention measures in the Directive fully consistent to Best Environmental Management Practice (that apply by a given date); ensuring full compliance with environmental quality standards and respect of carrying capacity of receiving environment and impacted areas (e.g., nutrients surplus); and lowering the administrative burden for enforcement and permitting authorities by requiring operators to make key information (e.g., permit conditions and compliance report) directly accessible through the Portal through electronic reporting in a timely manner. [More information](#)

The inclusion of mining activities and batteries production should be maintained. As a massive electrification and digitalization of the EU economy is expected, associated environmental impacts from mining (e.g., water, energy and dust emission) are not yet addressed. The scope inclusion is the necessary first step prior to development of BAT standards within a multi-stakeholder process, hence no immediate impact is expected on operators

Standing for enforcement, access to justice and rights for citizens

Deliver timely public participation, enforcement provisions and compensation regime

In order to fully implement the findings of the Aarhus Compliance Committee, Art. 25(1) should not refer to “Article 24” but to “this Directive” so to not restrict access to justice. The compensation right proposed in Art. 79(a) does not sufficiently lift difficulties for establishing a causality link for victims of pollution. It should be further strengthened to enable compensation claims against any damage to human health and the environment occurring due to failure of the competent authorities to perform their duties under the IED, notably to prevent pollution at source. The need for meaningful sanctions is overdue. It is not understandable why decision makers would accept to apply 10% of the annual turnover including mother companies when a breach of competition law is at stake whilst sanctions should be capped to 8% (or even 4% as suggested by the rapporteur draft report) when the biggest EU polluters blatantly breach pollutant limits causing irreversible harm to health and environment. Liability should be extended at corporate level, as it is irrelevant if the turnover is generated by an installation in a Member State or has a headquarter registered abroad. Evasion of public accountability should not be promoted.

For more details, see [NGO assessment](#), [joint NGO position](#) and [thematic briefings](#).