



Industrial Emissions Directive EC Proposal COM(2022) 156, 5.4.2022 ([Link](#)) Position Paper

**Austrian Federal Economic Chamber (WKO)
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WKO Position on the EC Proposal Industry Emissions Directive „IED“ COM(2022) 156 from 5.4.2022 ([Link](#))

Initial Situation

On 5.4.2022, the European Commission presented a proposal to update and modernize the Industrial Emissions Directive (IED). The update of the IED includes stricter permitting procedures for installations, increased support for innovative EU frontrunners, increased promotion of the circular economy by industry, and better exploitation of the synergies between pollution reduction and decarbonization. Furthermore, the scope of application of the Directive will be extended to further sectors and installations / companies (especially large-scale companies with intensive animal husbandry as well as companies for the extraction of industrial minerals and metals) and the transparency and involvement of the public in the adoption process will be strengthened.

Position & Wording

The IED regulations in force and the BREF process have been effective tools for reducing emissions from industrial activities from 2010 until today. We see a need for adaptation in certain areas of the regulatory framework, but we are convinced that the basic structure of the IED, in particular the integrated approach and the use of the best available techniques, has proven its worth for large industrial installations, and that maintaining this structure is crucial for further improving the environmental performance of industrial installations in Europe. The expert-based Sevilla process should therefore remain in place. A balance between increasing environmental ambitions and maintaining competitiveness should be targeted. Global competitiveness must be more strongly anchored in the future process of the IED.

Art. 3:

- We continue to have concerns about cross-referencing human health.
- We are clearly in favour of indicative and against binding environmental performance limits (AEPLs). It is still to be feared that a strict interpretation of Art. 15(3) (□ application of the strictest limit value) - despite the weakening of this regulation by both institutions, which we welcome - may lead to technically un-workable specifications in the plant permit. This is because if the AEPLs are binding, the lowest limit value would then also be prescribed for these values. However, since they are partly interdependent (e.g. if a measure that increases overall resource efficiency simultaneously consumes more water), compliance with the lowest limit value would be practically impossible.

Art.13:

- The Council leaves the EC proposal unchanged, according to which NGOs are granted access to confidential business information on the basis of confidentiality agreements. The EP position here at least refers to anonymization of data and also "relevant industrial sectors" as relevant stakeholders. The EP position is therefore more preferable.

Art. 15 (5):

- We support the Council's proposal for an emergency mechanism including exceptions for material and equipment shortages and urge retention of the Presidency here.

Art. 14a (new):

- We oppose the mandatory implementation of an environmental management system (EMS). These are established and implemented according to a completely different system than the approval and monitoring of facilities. Moreover, there are already BREF documents with mandatory EMSs. Thus, when deemed necessary by technical experts, EMSs are already applied.

Art. 27d:

- With regard to transformation plans, the parliamentary position (indicative transformation plan at company level, taking into account reports already made under existing legislation) is preferable to the Council position (binding transformation plans at plant level)

Art. 79:

- We prefer the Council's position to that of the Parliament. The Council deletes the reference to turnover-based fines and to the maximum level of fines. According to the text, fines should be proportionate to the nature, gravity and extent of the infringement, to the population or environment affected by the infringement and to the character of the infringement (singular or repeated). The EP calls for a minimum fine of 4% of last year's annual turnover in the case of infringements.

We further welcome new/strengthened provisions for more protection of confidential information and trade secrets and continue to reject an extension of the scope, in particular to industrial minerals and lithium battery production, from the point of view of the green deal (rapid, cost-effective availability of raw materials) and the competitiveness of the sectors concerned (some of which are still in their infancy in the EU).



Contact WKO:

Juergen Streitner, WKO, Director of Environment and Energy Policy Department, +43 590 900-4195, juergen.streitner@wko.at

Barbara Lehmann, WKO EUREP Brussels, EU Representation of Austrian Federal Economic Chamber (WKO), +32 2 286 58 80, barbara.lehmann@eu.austria.be

Experts:

Markus Oyrer, WKO, Environment and Energy Policy Department +43 590 900-3581, thomas.fischer@wko.at

Richard Guhsl, WKO, Industry Division, +43 664 817 9872, richard.guhsl@wko.at
Clemens Rosenmayr, WKO Brussels, Industry Division +32 2 286 58 80, clemens.rosenmayr@wko.at

