

**To: Environment Ministers of EU Member States**  
**Cc: Commission President, Executive Vice-President for the European Green Deal and Commissioner for the Environment**

**Re: Weakening of EU's pollution prevention Directive 2010/75/EU (2022/0104/COD)**

Brussels, 13 February 2023

Dear Minister,

On behalf of a coalition of civil society organizations, I am writing to share with you our deepest concerns in relation to the on-going Council discussions on the review of the Industrial Emissions Directive<sup>1</sup>. The Directive aims to protect citizens and the environment from harmful pollution, from the EU's largest industrial installations.

The current debate in Council suggests that the revision of the IE could end up with a much weaker text than the one proposed by the Commission and translate into significant backtracking from current requirements. Reaching a political compromise is a process that should not be rushed through at the expense of quality and concrete improvement of health and environmental protection levels. The Swedish Presidency plan to adopt a Council's General Approach by mid-March does not allow for a sound assessment of the European Commission's highly technical proposal and hinders its potential to significantly contribute to many of the European Green Deal's overarching objectives.

In case the Council fails to consider the three following key aspects, we call on you to instruct your services to block the adoption of a Council general agreement, and allow for further assessment and exchange, taking into consideration that the earliest moment in which the European Parliament could adopt its proposal will be during the Plenary of May 2023 at the earliest.

We call on you to put public interests before short-term interests of CEOs notably by:

**1) Rejecting any “transition periods” delaying the implementation of Best Available Techniques associated performance levels**

The proposal of delaying permit updates by up to 20 years for the sake of “administrative burden” is disrespectful to people expecting progress on industrial pollution reduction and is to be firmly rejected. Awaiting lengthy BREF reviews following the entry into force of the revised Directive is negating the “legal certainty” / administrative burden argument put forward by proponents of transition periods, and in effect asking for a business-as-usual pollution performance standstill for the next decade(s). Instead, more objective and proportionate prioritization criteria may be considered. *See alternative proposals [here](#).*

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<sup>1</sup>[https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2022/0104\(COD\)&l=en](https://oeil.secure.europarl.europa.eu/oeil/popups/ficheprocedure.do?reference=2022/0104(COD)&l=en)

If your country wishes to continue using General Binding Rules (GBR) for practical reasons, further permit review time may be granted provided that the GBR provides an equivalent level of environmental and human health protection e.g. reflects best 10% / mid-point levels (see [Option F](#)).

## **2) Providing for meaningful compensation rights to citizens and sanctions**

We are appalled by the stance of many Member States' governments, who are resisting meaningful compensation rights for citizens exposed to unlawful pollution, even in the case of obvious breaches of the IED as proposed by the European Commission. Legal competence pretext arguments seem more important compared to finding real solutions, ensuring people that suffer will be effectively compensated by the actors liable for having caused harm. This attitude is not acceptable.

Legal requirements will only be enforced if it is more costly to breach them. The clear enforcement deficit due to non-dissuasive penalties has to be remediated. The amount of the fines should be set to a minimum of 10% of the operator's annual global turnover. Weakening the Commission proposal is counter-productive. Otherwise one may question if public servants still serve public interests or that of polluters breaching EU laws. See *alternative proposals* [here](#).

## **3) Applying IED obligations to livestock installations with more than 150 LSU, including cattle. Requiring a full permitting regime for as from 300 LSU.**

The facts are clear: intensive livestock rearing, and the steady increase of its production volumes, has serious adverse impacts on climate, water and air. The 150 Livestock units (LSU) threshold proposed by the Commission will only cover a fraction (7,5%) of EU livestock farms, yet such tiny minority is responsible for 60% of the ammonia and 43% of methane emissions. Adopting a 150 LSU threshold is estimated to provide 5.5 billion euro annually in health and environmental benefits. Lowering such threshold to 100 LSU would drastically increase those benefits to 7.5 billion. Due to problems related to livestock operations, related in particular to high ammonia emissions, the European Commission has already issued letter of formal notice to 14 Member States for non-compliance with the National Emissions Ceiling Directive, and non-compliance fines will be paid with public (taxpayers) money. The concrete requirements, or lack thereof, that livestock operators will have to respect will depend on the ambition of the operating rules that will be defined in cooperation with the intensive livestock industry. It is however a prerequisite that the scope of the IED is as comprehensive as possible for operating rules to have any beneficial effect. See *alternative proposals* [here](#).

The above-mentioned key points should be reflected in the final Council text. Civil society and the public should be reassured that its government cares about common human health and environmental protection objectives and is serious in its declared ambition to deliver on the EU Green Deal goals.

Best regards,



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Secretary General, European Environmental Bureau (EEB)

### **European Environmental Bureau**

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