

ENVIRONMENT PROTECTION ACT

(CAP. 549)

Industrial Emissions (Framework) (Amendment) Regulations, 2026

IN EXERCISE of the powers conferred by Articles 54 and 55 of the Environment Protection Act, the Minister responsible for the environment, after consultation with the Environment and Resources Authority, has made the following regulations:-

Citation.

S.L. 549.76.

1. The title of these regulations is the Industrial Emissions (Framework) (Amendment) Regulations, 2026 and these regulations shall be read and construed as one with the Industrial Emissions (Framework) Regulations, hereinafter referred to as the "principal regulations".

Amends regulation 1 of the principal regulations.

2. In regulation 1 of the principal regulations immediately after the words "Industrial Emissions" there shall be added the words "and Livestock Rearing Emissions".

Amends regulation 2 of the principal regulations.

3. Regulation 2 of the principal regulations shall be amended as follows:

(a) Sub-regulation (1) thereof shall be substituted by the following new sub-regulation:

"(1) These regulations provide for the implementation in part of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on Industrial Emissions (Integrated Pollution Prevention and Control) and Council Directive 1999/31/EC on the landfill of waste as amended by Directive 2024/1785/EU of the European Parliament and of the Council of 24 April 2024."

(b) Sub-regulation (2) thereof shall be substituted by the following new sub-regulation:

"(2) These regulations lay down rules for the integrated prevention and control of pollution arising from certain industrial activities. They also lay down rules designed to prevent or, where that is not practicable, to continuously reduce emissions into air, water and land, to prevent the generation of waste, improve resource efficiency, and to promote the circular economy and decarbonisation, in order to achieve a high level of protection of human health and the environment taken as a whole."

(c) Immediately after sub-regulation (2) thereof there shall be added the following new sub-regulation:

"(3) These regulations provide for the implementation of:

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- a) Industrial Emissions (Integrated Pollution Prevention and Control) Regulations;

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- b) Industrial Emissions (Large Combustion Plants) Regulations;
S.L.549.79
- c) Industrial Emissions (Limitation of Emissions of Volatile Organic Compounds) Regulations;
S.L.549.80
- d) Industrial Emissions (Titanium Dioxide) Regulations;
S.L.549.81
- e) Industrial Emissions (Waste Incineration) Regulations;
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- f) Industrial Emissions (Special Provisions For Rearing Poultry and Pigs) Regulations. ”

Amends regulation 5 of the principal regulations.

4. Regulation 5 of the principal regulations shall be amended as follows:

(a) The definition of "BAT conclusions" thereof shall be substituted by the following new definition:

“ “BAT conclusions” means a document containing the parts of a BAT reference document laying down the conclusions on best available techniques and emerging techniques, their description, information to assess their applicability, the emission levels associated with those techniques, the environmental performance levels associated with those techniques, the content of an environmental management system including benchmarks, associated monitoring, associated consumption levels and, where appropriate, relevant site remediation measures;”;

b) immediately after the definition “BAT reference document” and before the definition “best available techniques” thereof there shall be added the following new definition:

“ “benchmarks” means the indicative range of environmental performance levels associated with best available techniques, which is to be used as a reference in the EMS;”;

(c) The definition of "best available techniques" thereof shall be substituted by the following new definition:

“ "best available techniques" or "BAT" means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing the basis for emission limit values and other permit conditions designed to prevent and, where that is not practicable, to reduce emissions and the impact on the environment as a whole:

(a) "techniques" includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;

(b) "available techniques" means techniques those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced in the Union, as long as they are reasonably accessible to the operator;

(c) "best" means most effective in achieving a high general level of protection of the environment as a whole, including human health and climate protection;”;

(d) immediately after the definition "biomass" and before the definition "CEN" thereof there shall be added the following two new definitions:

" "CEN" means the European Committee for Standardization (Comité Européen de Normalisation), the European standards body which publishes European Standards (ENs) and related technical documents, recognized under EU law for harmonisation and standardisation purposes;";

(e) immediately after the definition "competent authority" and before the definition "diesel engine" thereof there shall be added the following two new definitions:

" "compliance assurance" means mechanisms for securing compliance using three categories of intervention: compliance promotion; compliance monitoring; follow-up and enforcement;

"deep industrial transformation" means the implementation by industrial operators of emerging techniques or best available techniques involving a major change in the design or technology of all or part of an installation or the replacement of an existing installation by a new installation, which allows an extremely substantial reduction of emissions of greenhouse gases in line with the objective of climate neutrality and optimises environmental co-benefits, at least to the levels that can be achieved by techniques identified in the applicable BAT conclusions, taking into account cross-media effects;";

(f) The definition of "emerging technique" thereof shall be substituted by the following new definition:

" "emerging technique" means a novel technique for an industrial activity that, if commercially developed, could provide either a higher general level of protection of human health and the environment or at least the same level of protection of human health and the environment and higher cost savings than existing best available techniques;";

(g) immediately after the definition "emission" and before the definition "emission levels associated with the best available techniques" thereof there shall be added the following new definition:

" "emission levels associated with emerging techniques" means the range of emission levels obtained under normal operating conditions using an emerging technique or a combination of emerging techniques, as described in BAT conclusions, expressed as an average over a given period of time, under specified reference conditions;";

(h) immediately after the definition "environmental inspection" and before the definition "environmental quality standard" thereof there shall be added the following four new definitions:"

" "environmental performance" means the performance with regard to consumption levels, resource efficiency concerning materials, water and energy resources, the reuse of materials and water, and to waste generation;

"environmental performance limit value" means a performance value included in a permit, expressed for specified conditions in terms of certain specific parameters;

“environmental performance levels associated with emerging techniques” means the range of environmental performance levels, obtained under normal operating conditions, using an emerging technique or a combination of emerging techniques as described in BAT conclusions;

“environmental performance levels associated with the best available techniques” means the range of environmental performance levels, obtained under normal operating conditions using a BAT or a combination of BATs; as described in BAT conclusions;”;

(i) The definition of "installation" thereof shall be substituted by the following new definition:

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“ “installation” means a stationary technical unit within which one or more activities listed in Schedule 1 of the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations, Schedule 1 of the Industrial Emissions (Special Provisions For Rearing Poultry and Pigs) Regulations or Schedule 1 of the Industrial Emissions (Limitation of Emissions of Volatile Organic Compounds) Regulations are carried out, and any other directly associated activities on the same site which have a technical connection with the activities listed in those Annexes and which could have an effect on emissions and pollution;”;

(j) immediately after the definition “installation” and before the definition “mixed municipal waste” thereof there shall be added the following two new definitions:

“ “ISO” means the International Organization for Standardization, the international standards body established as a nongovernmental organisation with members from national standards bodies worldwide, which develops and publishes International Standards (ISOs) and related technical documents applicable to products, materials, services and processes.”

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“livestock unit” means a standard measurement unit that allows for the aggregation of the various categories of livestock in order for them to be compared, and is calculated by using the coefficients for individual livestock categories listed in Schedule 1 of the Industrial Emissions (Special Provisions For Rearing Poultry and Pigs) Regulations;”;

(k) immediately after the definition “operating hours” and before the definition “operator” thereof there shall be added the following new definition:

“ “operating rules” means the rules included in permits or general binding rules for the operation of activities referred to in Industrial Emissions (Special Provisions For Rearing Poultry and Pigs), setting out the emission limit values, the environmental performance limit values, associated monitoring requirements, and, where relevant, land spreading practices, pollution prevention and mitigation practices, nutritional management, feed preparation, housing, manure management, including collection, storage, processing and land spreading of manure, and storage of dead animals, and which are consistent with the use of best available techniques;”;

(l) immediately after the definition “permit” and before the definition "pollution" thereof there shall be added the following new definition:"

“pigs” means pigs as defined in Article 2 of Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs;”;

(m) The definition of "pollution" thereof shall be substituted by the following new definition:

“ “pollution” means the direct or indirect introduction, as a result of human activity, of substances, vibrations, heat, noise or odours into air, water or land, which can be harmful to human health or the quality of the environment, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment;”;

(n) The definition of "poultry" thereof shall be substituted by the following new definition:

“ “poultry” means poultry as defined in Article 4, point 9, of Regulation (EU) 2016/429 of the Parliament and of the Council of 9 March 2016 on transmissible animal diseases and amending and repealing certain acts in the area of animal health (“Animal Health Law”);”;

(o) The definition of "the public concerned" thereof shall be substituted by the following new definition:

“ “the public concerned” means the public affected or likely to be affected by, or having an interest in, the taking of a decision on the granting or the updating of a permit or of permit conditions. For the purposes of this definition, non-governmental organisations promoting the protection of human health or the environment and meeting the requirements under national law shall be deemed to have an interest;”;

Amends regulation 6 of the principal regulations.

5. In the proviso to sub-regulation (1) of regulation 6 of the principal regulations, immediately after the words “regulations relating to the limitation of emissions of volatile organic compounds” there shall be inserted the words “or the rearing for poultry and pigs”.

Amends regulation 7 of the principal regulations.

6. In sub-regulation (3) of regulation 7 of the principal regulations the marginal note “S.L. 549.71” shall be substituted by “S.L. 549.46”.

Substitutes regulation 9 of the principal regulations.

7. Regulation 9 of the principal regulations shall be substituted by the following new regulation:

“9. Without prejudice to Prevention and Remedying of Environmental Damage Regulations, in the event of any incident or accident significantly affecting human health or the environment:

(a) the operator shall inform the competent authority immediately;

(b) the operator shall immediately take measures to limit the consequences for human health or the environment and to prevent further possible incidents or accidents; and

(c) the competent authority alongside other relevant authorities including but not limited to Environmental Health Authority shall require the operator to take any appropriate complementary measures that the competent authority considers necessary to limit the consequences for human health or the environment and to prevent further possible incidents or accidents.

Provided that, in the event of pollution affecting drinking water resources, including transboundary resources, or affecting waste water infrastructure in the case of indirect discharge, the competent authority shall inform the drinking water and waste water operators affected of the measures taken to prevent damage being caused, or remedy the damage caused, by that pollution to human health and the environment:

Provided further that, in the event of any incident or accident significantly affecting human health or the environment in another Member State, the Member State in whose territory the accident or incident has occurred shall ensure that the competent authority of the other Member State is immediately informed. Transboundary and multidisciplinary cooperation between the affected Member States shall be aimed at limiting the consequences for the environment and human health and to prevent further possible incidents or accidents.”

Amends regulation 10 of the principal regulations.

8. Regulation 10 of the principal regulations shall be substituted by the following new regulation:

“**10.** (1) The operator shall take the necessary measures to ensure that the permit conditions are complied with.

(2) The competent authority shall adopt compliance assurance measures to promote, monitor and enforce compliance with obligations placed on natural or legal persons under these Regulations.

(3) In the event of a breach of the permit conditions:

(a) the operator shall immediately inform the competent authority;

(b) the operator shall immediately take the measures necessary to ensure that compliance is restored within the shortest possible time;

(c) the competent authority shall require the operator to take any appropriate complementary measures that the competent authority considers necessary to restore compliance:

Provided that if the operator fails to comply, the competent authority may itself take the appropriate complementary measures, at the operator’s expense and may recover the expenses incurred from the financial guarantee:

Provided further that the competent authority may bring into effect any punitive measures deemed necessary, including drawing of all or part of the financial guarantee:

Provided further that if the cost of these measures exceeds the financial guarantee, the operator shall bear the additional costs. Such action by the competent authority shall be without prejudice to regulations 17, 18 and 19.

(4) Where the breach of the permit conditions poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon the environment, and until compliance is restored in accordance with sub-regulation (3)(b) and (c), the operation of the installation, combustion plant, waste incineration plant or waste co-incineration plant or relevant part thereof shall be suspended without any delay:

Provided that where such a breach threatens human health or the environment in another Member State, the competent authority shall ensure that the other Member State is informed.

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(5) In situations not covered by sub-regulation (4), where a persistent breach of the permit conditions poses a danger to human health or causes a significant adverse effect upon the environment, and where the necessary action for restoring compliance identified in the inspection report referred to in Regulation 17 (6) of the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations has not been implemented, the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof may be suspended by the competent authority until compliance with the permit conditions is restored.

(6) The competent authority shall ensure that suspension measures referred to in sub-regulation (4) and (5) and adopted by other authorities in relation to an operator which infringes national provisions adopted pursuant to these Regulations are enforced in an effective manner.

(7) In the event of a breach of compliance affecting drinking water resources, including transboundary resources, or affecting waste water infrastructure in the case of an indirect discharge, the competent authority shall inform the drinking water and waste water operators, and all relevant authorities with a responsibility regarding compliance with the environmental legislation concerned, of the breach and the measures taken to prevent damage being caused, or remedy the damage caused, to human health and the environment.”

Amends regulation 12 of the principal regulations.

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9. In sub-regulation (2) of regulation 12 of the principal regulations, immediately after the words “may choose not to impose requirements” there shall be inserted the words “laid down in regulation 7(1)(aa) and regulation 8 (7) of the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations.”

Adds new regulations 20 and 21 to the principal regulations.

10. Immediately after regulation 19 there shall be added the following two new regulations:

“Administrative penalties.

20. The Authority may alternatively impose administrative penalties in line with Articles 80 and 81 of the Act:

Provided that for the most serious infringements committed by a legal person, the maximum amount of the administrative financial penalties shall be at least 3 % of the annual turnover of the operator in the financial year preceding the year in which the fine is imposed.

Compensation.

21. (1) Where damage to human health has occurred as a result of an infringement of national measures that were adopted pursuant to these regulations, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons.

(2) National rules and procedures relating to claims for compensation shall be designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage caused by an infringement pursuant to sub-regulation (1).

(3) Actions for compensation referred to in sub-regulation (1) shall be barred by a period of two years. Such period shall not begin to run before the infringement has ceased and the person claiming the compensation knows or can reasonably be expected to know that he or she suffered damage from an infringement pursuant to sub-regulation (1).”

Consequential amendments.

549.46.

11. In sub-regulation (1) of regulation 8 of the Environmental Impact Assessment Regulations, the words “Industrial Emissions (Framework) Regulations” shall be substituted by the words “Industrial Emissions and Livestock Rearing Emissions (Framework) Regulations.

Consequential amendment.

549.63.

12. In regulation 4 of the Waste Regulations, in the definition of “best available techniques”, the words “Industrial Emissions (Framework) Regulations” shall be substituted by the words “Industrial Emissions and Livestock Rearing Emissions (Framework) Regulations.

Consequential amendment.

549.77.

13. In the Industrial Emissions (Integrated Pollution Prevention and Control) Regulations, the words “Industrial Emissions (Framework) Regulations” shall be substituted by the words “Industrial Emissions and Livestock Rearing Emissions (Framework) Regulations wherever they occur.

Consequential amendment.

549.78.

14. In the Industrial Emissions (Large Combustion Plants) Regulations, the words “Industrial Emissions (Framework) Regulations” shall be substituted by the words “Industrial Emissions and Livestock Rearing Emissions (Framework) Regulations wherever they occur.

Consequential amendment.

S.L. 549.79.

15. In sub-regulation (2) of regulation 2 of the Industrial Emissions (Limitation of Emissions of Volatile Organic Compounds) Regulations, the words “Industrial Emissions (Framework) Regulations” shall be substituted by the words “Industrial Emissions and Livestock Rearing Emissions (Framework) Regulations.

Consequential amendment.

S.L. 549.80.

16. In sub-regulation (2) of regulation 2 of the Industrial Emissions (Titanium Dioxide) Regulations, the words “Industrial Emissions (Framework) Regulations” shall be substituted by the words “Industrial Emissions and Livestock Rearing Emissions (Framework) Regulations.

Consequential amendment.

S.L. 549.81.

17. In the Industrial Emissions (Waste Incineration) Regulations, the words “Industrial Emissions (Framework) Regulations” shall be substituted by the words “Industrial Emissions and Livestock Rearing Emissions (Framework) Regulations wherever they occur.

Consequential amendment.

S.L. 549.97.

18. In paragraph 1 of Schedule III to the Prevention and Remedying of Environmental Damage Regulations, the words “Industrial Emissions (Framework) Regulations” shall be substituted by the words “Industrial Emissions and Livestock Rearing Emissions (Framework) Regulations.

Consequential amendment.

S.L. 549.100.

19. In Schedule VI of the Water Policy Framework Regulations, the words “Industrial Emissions (Framework) Regulations” shall be substituted by the words “Industrial Emissions and Livestock Rearing Emissions (Framework) Regulations.

Consequential amendment.

S.L. 549.172.

20. In category 1.42 of the First Schedule to the Environmental Permitting (Procedure for Applications and their Determination) Regulations, the words “Industrial Emissions (Framework) Regulations” shall be substituted by the words “Industrial Emissions and Livestock Rearing Emissions (Framework) Regulations.