

## ENVIRONMENT PROTECTION ACT

(CAP. 549)

### Industrial Emissions (Integrated Pollution Prevention and Control) (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. 549.77.**

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

**Amends regulation 2 of the principal regulations.**

2. Regulation 2 of the principal regulations shall be substituted by the following new regulation:  
"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."

**S.L. 549.XX.**

(2) These regulations also provide for the implementation of the Industrial Emissions (Special Provisions for Rearing Poultry and Pigs) Regulations.

(3) 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, and 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."

**Amends regulation 4 of the principal regulations.**

3. Regulation 4 of the principal regulations shall be amended as follows:
  - (a) paragraph (f) shall be substituted by the following new paragraph:  
"(f) energy is used efficiently and the use and, where possible, the production of renewable energy is promoted;"
  - (b) in paragraph (h) the words "regulation 16." shall be substituted by the words "regulation 16;" and immediately thereafter there shall be added the following two new paragraphs (i) and (j):

“(i) material resources and water are used efficiently, including through re-use;

(j) an environmental management system is implemented as provided for in regulation 7A.”

**Amends regulation 5 of the principal regulations.**

**4. Sub-regulation (1) of regulation 5 of the principal regulations shall be amended as follows:**

(i) paragraph (b) thereof shall be substituted by the following new paragraph:

“(b) the raw and auxiliary materials, other substances and the energy and water used in or generated by the installation”

(ii) paragraph (c) thereof shall be substituted by the following new paragraph:

“(c) the sources of emissions from the installation, including odours;”

(iii) paragraph (f) thereof shall be substituted by the following new paragraph:

“(f) the nature and quantities of foreseeable emissions, including odours, from the installation into each medium, as well as the identification of significant effects of the emissions on the environment;”

**Amends regulation 7 of the principal regulations.**

**5. Regulation 7 of the principal regulations shall be amended as follows:**

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

“(1) The competent authority shall ensure that the permit includes all measures necessary to comply with the requirements of regulations 4 and 11. Permits shall be granted after consultation with all relevant authorities responsible for compliance with Union environmental legislation, including with environmental quality standards, as applicable. The measures shall include at least the following:”

(b) Paragraph (a) of sub-regulation (1) shall be substituted by the following new paragraph:

“(a) emission limit values for polluting substances listed in Annex II to Regulation (EC) No 166/2006, and for other polluting substances, which are likely to be emitted from the installation concerned in significant quantities, having regard to their nature, their hazardousness and their potential to transfer pollution from one medium to another, taking into account the variation of water flow dynamics in receiving water bodies:

Provided that the competent authority may set emission limit values for substances of emerging concern, which may be emitted from the concerned installation and may have a significant impact on the environment or human health;”;

(c) Immediately after paragraph (a) thereof, the following two new paragraphs (aa) and (ab) shall be added:

“(aa) environmental performance limit values in accordance with regulation 8(4);

(ab) appropriate requirements ensuring the assessment of the need to prevent or reduce the emissions of substances fulfilling the criteria of Article 57 or substances addressed in restrictions in Annex XVII to Regulation (EC) No 1907/2006;”

(d) Paragraph (b) thereof is substituted by the following new paragraph:

“appropriate requirements ensuring protection of the soil, groundwater, surface water and catchment areas for abstraction points of water intended for human consumption as referred to in Regulation 8 of the Water Intended for Human Consumption Regulations (S.L. 449.63), and measures concerning the monitoring and management of waste generated by the installation;”

(e) Immediately after paragraph (b) thereof, there shall be added the following two new paragraphs (ba) and (bb) shall be added:

“(ba) appropriate requirements laying down the characteristics of an environmental management system in accordance with paragraph (a) of this regulation

(bb) suitable monitoring requirements for the consumption and reuse of resources such as energy, water and raw materials;”

(f) In paragraph (d) thereof, immediately before the proviso to paragraph (ii) there shall be added the following new paragraph (iii):

“(iii) information on progress towards fulfilment of the environmental policy objectives referred to in paragraph (a) of this regulation;”

(g) paragraph (e) thereof shall be substituted by the following new paragraph:

“(e) appropriate requirements for the regular maintenance and surveillance of measures taken to prevent emissions to soil, surface and groundwater pursuant to paragraph (b), and appropriate requirements concerning the periodic monitoring of soil, surface and groundwater in relation to relevant hazardous substances likely to be found on site and having regard to the possibility of soil, surface and groundwater contamination at the site of the installation.;”

(h) paragraph (h) thereof shall be substituted by the following new paragraph:

“(h) conditions for assessing compliance with the emission limit values and environmental performance limit values or a reference to the applicable requirements specified elsewhere.”;

(i) sub-regulation (7) thereof shall be deleted.

**Adds new regulation 7A to the principal regulations.**

6. Immediately after regulation 7 of the principal regulations, there shall be added the following new regulation 7A:

**Environmental Management System.**

**7A** “(1) The operator shall prepare and implement, for each installation falling within the scope of these regulations, an Environmental Management System (EMS). The EMS shall include the elements listed in sub-regulation (2) and shall comply with relevant BAT conclusions that determine aspects to be covered in the EMS.

(2) The EMS shall include at least the following:

(a) environmental policy objectives for the continuous improvement of the environmental performance and safety of the installation, which shall include measures to:

- (i) prevent the generation of waste;
- (ii) optimise resource and energy use and water reuse;
- (iii) prevent or reduce the use or emissions of hazardous substances.

(b) objectives and performance indicators in relation to significant environmental aspects, which shall take into account benchmarks set out in the relevant BAT conclusions;

**S.L. 623.07**

(c) for installations covered by the obligation to conduct an energy audit or implement an energy management system pursuant to regulation 10 of the Energy Efficiency Regulations, inclusion of the results of that audit or implementation of the energy management system pursuant to regulation 10 of and the Sixth Schedule of the Energy Efficiency Regulations and of the measures to implement their recommendations;

(d) a chemicals inventory of the hazardous substances present in or emitted from the installation as such, as constituents of other substances or as part of mixtures, with special regard given to the substances fulfilling the criteria referred to in Article 57 of Regulation (EC) No 1907/2006 and substances addressed in restrictions referred to in Annex XVII to Regulation (EC) No 1907/2006, and a risk assessment of the impact of such substances on human health and the environment, as well as an analysis of the possibilities for substituting them with safer alternatives or reducing their use or emissions;

(e) measures taken to achieve the environmental objectives and avoid risks for human health or the environment, including corrective and preventive measures where needed;

(f) a transformation plan as referred to in regulation 22A.

(3) The level of detail of the EMS shall be consistent with the nature, scale and complexity of the installation, and the range of environmental impacts it could have:

Provided that, where elements required to be included in the EMS, including objectives,

performance indicators or measures, have already been developed in accordance with other relevant Union and national legislation and comply with this regulation, a reference in the EMS to the relevant documents shall be sufficient.

(4) The competent authority shall ensure that the relevant information set out in the EMS and listed in sub-regulation (2) is made available on the internet, free of charge and without restricting access to registered users:

**S.L. 549.39.**

Provided that information may be redacted or, if that is not possible, excluded when made available on the internet, if the disclosure of the information would adversely affect any of the interests listed in regulation 7(2) of the Freedom of Access to Information on the Environment Regulations:

Provided further that in applying this sub-regulation the competent authority shall take into account any guidance published by the European Commission determining which information is relevant for publication.

(5) The operator shall, by not later than 1<sup>st</sup> July 2027, prepare and implement the EMS in accordance with the relevant BAT conclusions for the sector:

Provided that this obligation shall not apply to installations referred to in regulation 28C(4) .

(6) The operator shall review the EMS periodically to ensure that it continues to be suitable, adequate and effective.

(7) The EMS shall be audited for the first time by not later than 1st July 2027:

Provided that this obligation shall not apply to installations referred to in regulation 28C(4).

(8) Subsequent audits of the EMS shall be carried out at intervals not exceeding three (3) years by:

(a) a conformity assessment body accredited in accordance with Regulation (EC) No 765/2008; or

(b) an accredited or licensed environmental verifier as defined in Article 2, point 20 of Regulation (EC) No 1221/2009;

who shall verify the conformity of the environmental management system, and its implementation, with the requirements of this regulation.”

**Substitutes regulation 8 of the principal regulations.**

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

**Emission limit values, environmental performance limit values, equivalent parameters and technical measures.**

“(1) The emission limit values for polluting substances shall apply at the point where the emissions leave the installation, and any dilution prior to that point shall be disregarded when determining those values.

**S.L. 549.22.**

(2) With regard to indirect releases of polluting substances into water, the effect of a waste water treatment plant outside the installation may be taken into account when determining the emission limit values of the installation concerned, provided that this does not lead to higher levels of pollution in the environment, an equivalent level of protection of the environment as a whole is guaranteed, and the operator ensures, in consultation with the operator of the waste water treatment plant, that the indirect releases do not jeopardise compliance with the provisions of the permit of the waste water treatment plant under these regulations or the specific authorisation under the Urban Waste Water Treatment Regulations and that all of the following requirements are fulfilled:

- a) the released polluting substances do not impede the operation of the waste water treatment plant or the capacity to recover resources from the waste water treatment stream;
- b) the released polluting substances do not harm the health of the staff working in collecting systems and waste water treatment plants;
- c) the waste water treatment plant is designed and equipped to abate the released polluting substances; and
- d) the overall load of the concerned polluting substances eventually released into the water is not increased compared to the situation where the emissions from the installation concerned remained compliant with emission limit values set for direct releases in accordance with sub-regulation (3), without prejudice to stricter measures required under regulation 11A.

(3) The competent authority shall set out in an annex to the permit conditions the reasons for the application of sub-regulation (2), including the result of the assessment by the operator of the fulfilment of the required conditions:

Provided that the operator shall provide an updated assessment in cases where the permit conditions should be changed to ensure that requirements set out in sub-regulation (2), points (a) to (d) are fulfilled.

(4) Without prejudice to regulation 11, the emission limit values and the equivalent parameters and technical measures referred to in regulation 7 (1) and (2) shall be based on BAT without prescribing the use of any technique or specific technology.

(5) The competent authority shall set the strictest achievable emission limit values by applying BAT in the installation, considering the entire range of the emission levels associated with the best available techniques ('BAT-AELs') to ensure that, under normal operating conditions, emissions do not exceed those levels. The emission limit values shall be based on an assessment by the operator of the entire BAT-AEL range, analysing the feasibility of meeting the strictest end of the BAT-AEL range and demonstrating the best overall performance that the installation can achieve by applying BAT as described in BAT conclusions, having regard to possible cross-media effects. The emission limit values shall be set through either of the following:

- a) setting emission limit values expressed for the same or shorter periods of time and under the same reference conditions as the BAT-AELs; or
- b) setting different emission limit values than those referred to under paragraph (a) in

terms of values, periods of time and reference conditions:

Provided that where paragraph (b) is applied, the competent authority shall, at least annually, assess the results of emission monitoring in order to ensure that emissions under normal operating conditions have not exceeded the BAT-AELs.

**S.L. 549.76.**

(6) The general binding rules referred to in regulation 8 of the Industrial and Livestock Rearing Emissions (Framework) Regulations may be applied while setting relevant emission limit values in accordance with this regulation:

Provided that if general binding rules are adopted, the strictest achievable emission limit values by applying BAT shall be set for categories of installations having similar characteristics that are relevant in determining the lowest emission levels achievable, considering the entire range of the BAT-AELs:

Provided further that the general binding rules shall be established by the competent authority, based on the information in the BAT conclusions, analysing the feasibility of meeting the strictest end of the BAT-AEL range and demonstrating the best performance that those categories of installations can achieve by applying BAT as described in the BAT conclusions.

**S.L. 549.76.**

(7) Without prejudice to regulation 12 of the Industrial Emissions (Framework) Regulations, the competent authority shall set, for normal operating conditions, binding ranges for environmental performance that are not to be exceeded during one or more periods, as laid down in the BAT conclusions:

Provided that, in addition, for normal operating conditions, the competent authority shall set:

- a) Environmental performance limit values concerning water, having regard to possible cross-media effects, that are not to be exceeded during one or more periods, and which are not less strict than the binding ranges referred to in sub-regulation (1);
- b) Indicative environmental performance levels concerning waste and resources other than water, which are not less strict than the binding ranges referred to in sub-regulation (1).

(8) By way of derogation from sub-regulation (5), and without prejudice to regulation 11, the competent authority may, in specific cases, set emission limit values higher than the BAT-AELs:

Provided that such a derogation may apply only where an assessment shows that the achievement of BAT-AELs as described in BAT conclusions would lead to disproportionately higher costs compared to the environmental benefits due to:

- a) the geographical location or the local environmental conditions of the installation concerned; or
- b) the technical characteristics of the installation concerned:

Provided further that the competent authority shall document in an annex to the permit conditions the reasons for derogating from sub-regulation (5), and the result of the assessment referred to in this sub-regulation and the justification for the conditions imposed:

Provided further that the emission limit values set in accordance with sub-regulation (4) shall, however, not exceed the emission limit values set out in the relevant Schedules of the following regulations, where applicable:

S.L.549.78

- i. Schedules I to X of the Industrial Emissions (Large Combustion Plants) Regulations;

S.L.549.79

- ii. Schedule II and Schedule III of the Industrial Emissions (Limitation of Emissions of Volatile Organic Compounds) Regulations

S.L.549.80

- iii. Schedule 1 and Schedule 2 of the Industrial Emissions (Titanium Dioxide) Regulations;

S.L.549.81

- iv. Schedule 2 to Schedule 4 of the Industrial Emissions (Waste Incineration) Regulations;

S.L.549.XX

- v. Industrial Emissions (Special Provisions For Rearing Poultry and Pigs) Regulations. ”

Provided further that derogations granted in accordance with this sub-regulation shall respect the principles set out in Schedule 2. The competent authority shall ensure that the operator provides an assessment of the impact of the derogation on the concentration of the pollutants concerned in the receiving environment and in any case ensure that no significant pollution is caused and that a high level of protection of the environment as a whole is achieved. Derogations shall not be granted where they could put at risk compliance with environmental quality standards referred to in regulation 11:

Provided further that, the competent authority shall re-assess whether derogations granted in accordance with this paragraph are justified, every four years or as part of each reconsideration of the permit conditions pursuant to regulation 15, where such reconsideration occurs earlier than four years after the derogation was granted.

(9) By way of derogation from sub-regulation (7), the competent authority may, in specific cases, set less strict binding ranges for environmental performance or environmental performance limit values:

Provided that such a derogation may apply only where an assessment shows that the achievement of performance levels associated with the best available techniques as described in BAT conclusions will lead to a significant negative environmental impact, including cross media effects, or a significant economic impact due to:

- a) the geographical location or the local environmental conditions of the installation concerned; or
- b) the technical characteristics of the installation concerned:

Provided further that the competent authority shall document in an annex to the permit conditions the reasons for derogating from sub-regulation (7) and the result of the assessment referred to in this sub-regulation and the justification for the conditions imposed:

Provided further that the competent authority shall ensure that operating under less strict binding ranges for environmental performance or environmental performance limit values does not cause any significant environmental impact, including depletion of water resources, and achieves a high level of protection of the environment as a whole.

(10) By way of derogation from sub-regulations (5) and (7), and provided that no significant

pollution is caused and all measures resulting in less pollution have been exhausted, the competent authority may set less strict emission limit values or environmental performance limit values in the event of a crisis due to extraordinary circumstances beyond the control of the operator and national jurisdiction, leading to a severe disruption or shortage of:

- a) energy supplies, provided that there is an overriding public interest in security of energy supply;
- b) resources, materials or equipment essential for the operator to perform activities of public interest, in compliance with the applicable emission limit values or environmental performance limit values; or
- c) essential resources, materials or equipment where the production output compensates for such shortage or disruption, for reasons of public health or public safety or for other imperative reasons of overriding public interest:

Provided that the derogation shall not be granted for more than three months. If the reasons justifying the granting of a derogation persist, the derogation may be prolonged for a further maximum period of three months:

Provided further that as soon as the supply conditions are restored or where there is an alternative to the energy supplies, resources, materials or equipment, the competent authority shall ensure that the decision to set less strict emission limit values and environmental performance limit values ceases to have effect, and the installation shall comply with permit conditions set in accordance with sub-regulations (5) and (7):

Provided further that the competent authority shall take measures to ensure that emissions resulting from the derogation are monitored:

Provided further that the competent authority shall make information on the derogation and the conditions imposed publicly available in accordance with regulation 18 (2):

Provided further that in the application of this sub-regulation, the competent authority shall take into account any guidance on the criteria to be taken into account for derogations published by the European Commission.

(11) The competent authority shall notify the European Commission of any derogation granted under sub-regulation (10), including the reasons justifying the granting of the derogation and the conditions imposed. If the Commission objects within two months, the derogation shall be revised without delay.”

**Adds new regulation 8A to the principal regulations.**

8. Immediately after regulation 8 of the principal regulations, there shall be added the following new regulation 8A:

**Compliance assessment.**

**8A.** “(1) For the purpose of assessing compliance under normal operating conditions with emission limit values in accordance with regulation 7(1)(h), the correction made to measurements to determine the validated average emission values shall not exceed the measurement uncertainty of the measuring method:

Provided that in the application of this sub-regulation, the competent authority shall take into

account any methodology published by the European Commission for assessing compliance under normal operating conditions with emission limit values set out in the permit with regard to emissions to air and water.

**S.L. 549.78.**

**S.L. 549.81.**

(2) Where an installation falling within the scope of these Regulations also falls within the scope of the Industrial Emissions (Large Combustion Plants) Regulations or Industrial Emissions (Waste Incineration) Regulations and compliance with the emission limit values set in accordance with these Regulations has been demonstrated pursuant to sub-regulation (1) the installation shall be deemed to also comply with the emission limit values set in accordance with the Industrial Emissions (Large Combustion Plants) Regulations or the Industrial Emissions (Waste Incineration) Regulations for the pollutants concerned under normal operating conditions.”

**Amends regulation 9 of the principal regulations.**

**9.** Regulation 9 of the principal regulations shall be amended as follows:

(a) Sub-regulation (3) thereof shall be substituted by the following new sub-regulation:

“(3) Without prejudice to sub-regulation (2), periodic monitoring shall be carried out as set out in the BAT conclusions, where applicable, and at least once every four years for groundwater and nine years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination.”

(b) Immediately after sub-regulation (3) thereof, there shall be added the following two new sub-regulations:

“(4) The quality control of laboratories performing the monitoring shall be based on CEN standards or, if CEN standards are not available, ISO, national or other international standards which ensure the provision of data of an equivalent scientific quality.

(5) Where the assessment referred to in sub-regulation 8 of regulation 8 demonstrates that the derogation will have a quantifiable or measurable effect on the environment, the competent authority shall ensure that the concentration of the pollutants concerned is monitored in the receiving environment:

Provided that where relevant, monitoring and measuring methods for each pollutant concerned which are set out in other relevant Union legislation shall be used for the purpose of the monitoring referred to in sub-regulation (1).”

**Substitutes regulation 11 of the principal regulations.**

**10.** Regulation 11 of the principal regulations shall be substituted by the following new regulation:

**Environmental quality standards.**

“(1) Where an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, the competent authority shall include additional measures in the permit, with a view to reducing the specific contribution of the

installation to the pollution occurring in the relevant area, without prejudice to other measures which may be taken to comply with environmental quality standards.

(2) Where stricter conditions have been included in the permit in accordance with sub-regulation (1), the competent authority shall assess the impact of the stricter conditions on the concentration of the pollutants concerned in the receiving environment.

(3) Where the load of pollutants emitted by the installation has a quantifiable or measurable effect on the environment, the competent authority shall ensure that the concentration of the pollutants concerned in the receiving environment is monitored. The results of such monitoring shall be transmitted to the competent authority:

Provided that where monitoring and measurement methods for the pollutants concerned are set out in other relevant Union legislation, such methods, including effect-based methods as appropriate, shall be used for the purpose of the monitoring.”

**Amends regulation 13 of the principal regulations.**

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

“(1) The operator shall inform the competent authority of any planned change in the nature or functioning, or an extension of the installation which may have consequences for the environment, in due time and in any event prior to the implementation of any such change or extension or as otherwise prescribed by the Authority. Where appropriate, the competent authority shall update the permit. The competent authority shall react in due time to the information provided by the operator.”

**Amends regulation 15 of the principal regulations.**

**12.** Regulation 15 of the principal regulations shall be amended as follows:

(a) In paragraph (a) of sub-regulation (4) thereof, the words “with regulation 8(3) and (4),” shall be substituted by the words “with regulation 8(5), (7) and (8),”;

(b) In sub-regulation (4) thereof, the words “since the permit was granted or last reconsidered.” shall be substituted by the words “since the permit was granted or last reconsidered:” and immediately thereafter there shall be added the following new proviso:

“Provided that, in the application of this sub-regulation, the competent authority shall communicate any such decision to the concerned operators immediately upon its publication, and the operator shall submit the information requested in sub-regulation (3) within the timeframe prescribed by the Authority with respect to this decision, in order to assist the authority in determining whether the permit needs to be updated.”

(b) Paragraph (c) of sub-regulation (6) thereof shall be substituted by the following new paragraph:

“(c) where it is necessary to comply with an environmental quality standard referred to in regulation 11, including in the case of a new or revised quality standard or where the status of the receiving environment requires a revision of the permit in order to achieve compliance with plans and programmes set under Union legislation;”;

(c) In paragraph (d) of sub-regulation (6) thereof, the words “has elapsed.” shall be substituted with the words “has elapsed;” and immediately after paragraph (d), there shall be added the following new paragraph (e):

“(e) in the case of a request from the operator to extend the duration of the operation of an installation undertaking the activity referred to point 5.4 of Schedule 1.”

**Amends regulation 18 of the principal regulations.**

**13.** Regulation 18 of the principal regulations shall be amended as follows:

(a) Paragraph (d) of sub-regulation (1) thereof shall be substituted by the following new paragraph:

“(d) the updating of a permit or permit conditions for an installation in accordance with regulation 15(6);”;

(b) Paragraph (e) of sub-regulation (1) thereof shall be substituted by the following new paragraph:

“(e) the updating of a permit in accordance with regulations 15 (3), 15 (4) and 15 (5);”;

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

“(2) When a decision on granting or the reconsideration or updating of a permit has been taken, the competent authority shall make available to the public, including systematically via the internet, on a webpage which is easy to find, free of charge and without restricting access to registered users, in relation to points (a), (b) and (f), the following information:

- (a) the content of the decision, including a copy of the permit and any subsequent updates, including consolidated permit conditions where relevant;
- (b) the reasons on which the decision is based;
- (c) the results of the consultations held before the decision was taken, including consultations held pursuant to regulation 21, and an explanation of how those consultations were taken into account in that decision;
- (d) the title of the BAT reference documents relevant to the installation or activity concerned;
- (e) how the permit conditions referred to in regulation 7, including the emission limit values, environmental performance levels and environmental performance limit values, have been determined in relation to the best available techniques and emission levels and environmental performance levels associated with the best available techniques;
- (f) where a derogation is granted in accordance with regulation 8, the specific reasons for that derogation based on the criteria laid down in that sub-regulation and the conditions imposed.”

(d) Sub-regulation (3) thereof shall be substituted by the following new sub-regulation:

“(3) The competent authority shall also make available to the public, including systematically via the internet, on a webpage which is easy to find, free of charge and without restricting access to registered users, the following:

- (a) relevant information on the measures taken by the operator upon definitive cessation of activities in accordance with regulation 16;
- (b) the results of emission monitoring as required under the permit conditions and held by the competent authority;
- (c) the results of the monitoring referred to in regulation 9(5) and in regulation 11.”

**Amends regulation 19 of the principal regulations.**

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

“(2) The following shall be considered as also having competence with regard to the application of sub-regulation (1):

- (a) the entity responsible for energy and energy efficiency in relation to all activities in Schedule 1;
- (b) the entity responsible for agriculture, veterinary services and fisheries in relation to activities 6.4 and 6.5 in Schedule 1, and any activity concerning the disposal or recovery of animal by-products;
- (c) the entity responsible for the regulation of competition, consumer affairs, product technical requirements, standardisation and legal metrology in relation to activities 1.2, 1.3, 2.1, 2.5, 2.6, 3.1, 3.2, 3.3, 3.4, 4, 6.7 and 6.10 in Schedule 1;
- (d) the entity responsible for civil protection in relation to all activities in Schedule 1;
- (e) the entity responsible for environmental health in relation to all activities in Schedule 1;
- (f) the entity responsible for transport in relation to activities involving the release of trade effluent into ports;
- (g) the entity responsible for occupational health and safety in relation to activities concerning occupational health and safety, and activities covered by the Control of Major Accident Hazards Regulations;
- (h) the entity responsible for the protection of groundwater in relation to activities involving groundwater use and aquifer recharge;
- (i) the entity responsible for development planning in relation to all activities in Schedule 1;
- (j) the entity responsible for climate change in relation to activities 1, 4 and 5 in Schedule 1.
- (k) the entity responsible for water resources in relation to all activities in Schedule 1.”

**Amends regulation 20 of the principal regulations.**

**15.** Regulation 20 of the principal regulations shall be amended as follows:

(a) Sub-regulation (3) thereof shall be substituted by the following new sub-regulation:

“(3) For the purposes of sub-regulation (1), standing in the review procedure shall not be conditional on the role that the member of the public concerned played during a participatory phase of the decision-making procedures.”

(b) Sub-regulation (4) thereof shall be deleted.

**Amends regulation 21 of the principal regulations.**

**16.** Regulation 21 of the principal regulations shall be amended as follows:

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

“(1) Where the competent authority is aware that the operation of an installation could have significant negative effects on the environment of another Member State, or where a Member State that could be significantly affected so requests, the competent authority shall forward to the other Member State any information required to be given or made available pursuant to Schedule 4 at the same time as it makes it available to the public:

Provided that on the basis of that information, consultations shall be carried out between the two Member States, while ensuring that the comments from the Member State that could be significantly affected are provided before the competent authority of the Member State in whose territory the application for a permit was submitted reaches its decision:

Provided further that should no comments be provided by the Member State that could be significantly affected within the period for consultation of the public concerned, the competent authority shall proceed with the permitting procedure.”

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

“(2) The competent authority shall ensure that in the cases referred to in sub-regulation (1), the application for a permit is also made available for comments to the public of the Member State that could be significantly affected and that it remains available for the same period of time it is available to the public concerned in Malta.”

**Amends regulation 22 of the principal regulations.**

**17.** Regulation 22 of the principal regulations shall be amended as follows:

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

“(1) The competent authority shall, where appropriate, encourage the development and application of emerging techniques, in particular where such techniques have been identified in the BAT conclusions, the BAT reference documents or the findings of the innovation centre for industrial transformation and emissions as established in Directive 2024/1785.”

(b) Immediately after sub-regulation (2) thereof, there shall be added the following two new sub-regulations (3) and (4) as follows:

**Testing of emerging techniques.**

“(3) Without prejudice to regulation 11, the competent authority may grant temporary derogations from the requirements set out in sub-regulations 8 (3), (4) and (5) and from the principles set out in paragraphs (a) and (b) of regulation 4 , for the testing of emerging

techniques for a total period of time not exceeding 30 months, provided that after the period specified in the permit, either the testing of the technique is stopped or the activity achieves at least the BAT-AELs.

**Emission levels and indicative environmental performance values associated with emerging techniques**

(4) By way of derogation from regulation 15 (4), the competent authority may set:

(a) emission limit values that ensure that, within six years of publication of a decision on BAT conclusions in accordance with Article 13(5) 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) relating to the main activity of an installation, emissions do not, under normal operating conditions, exceed emission levels associated with emerging techniques as laid down in the decisions on BAT conclusions;

(b) indicative environmental performance values consistent with the decisions on BAT conclusions.”

**Adds new regulations 22A and 22B to the principal regulations.**

**18.** Immediately after regulation 22 of the principal regulations, there shall be added the following two new regulations 22A and 22B:

**Transformation towards a clean, circular and climate-neutral industry.**

**22A.** “(1) The competent authority shall require that operators by 30 June 2030 include in their EMS an indicative transformation plan covering their activities as listed in paragraphs 1, 2, 3, 4, 6.1 (a), and 6.1(b) of Schedule 1. The transformation plan shall contain information on how the operator will transform the installation during the 2030-2050 period to contribute to the emergence of a sustainable, clean, circular, resource-efficient and climate-neutral economy by 2050, including where relevant deep industrial transformation as referred to in regulation 22B:

Provided that the competent authority shall take the necessary measures to ensure that, no later than 30 June 2031, the audit organisation referred to in regulation 7A(4), assesses the conformity of the transformation plans with the requirements set out in the delegated act referred to in sub-regulation (5).

(2) The competent authority shall require that, as part of the review of the permit conditions pursuant to regulation 15(4) following the publication of decisions on BAT conclusions after 1 January 2030, the operator includes in its EMS a transformation plan for each installation carrying out any activity listed in Schedule 1 that is not referred to in sub-regulation (1). The transformation plan shall contain information on how the operator will transform the installation during the 2030-2050 period in order to contribute to the emergence of a sustainable, clean, circular and climate-neutral economy by 2050, in accordance with the requirements set out in sub-regulation (5):

Provided that the competent authority shall take the necessary measures to ensure that, no later than a year after completion of the review referred to in regulation 15(4), the audit organisation referred to in regulation 7A(4), assesses the conformity of the transformation plans referred to in this sub-regulation with the requirements set out in the delegated act referred to in sub-regulation (5).

(3) Where two or more installations are under the control of the same operator, or if the installations are under the control of different operators that are part of the same company, those installations may be covered by one transformation plan.

(4) Where elements of the transformation plans have already been developed in accordance with other Union legislation and are compliant with this regulation, a reference may be made in the transformation plan to the relevant documents.

(5) The operator shall make its transformation plan, updates of the transformation plan, as well as the results of the assessment referred to in sub-regulations (1) and (2) public, as part of the publication of relevant information set out in the EMS as referred to in regulation 7A(4).

(6) The competent authority shall take into account any guidance published by the European Commission on the content of the transformation plan.

**Deep Industrial Transformation.**

**22B.** (1) Without prejudice to regulation 11, in the event of deep industrial transformation of the installation set out in the relevant transformation plan covering the installation, the competent authority may extend the period for the installation to comply with the updated permit conditions referred to in sub-regulation 15(4) up to a total of eight years maximum, provided that:

(a) the permit for the installation contains a description of the deep industrial transformation, the emission levels and the resource efficiency that will be achieved, and the implementation timeline and milestones;

(b) the operator reports annually to the competent authority on the progress in the implementation of the deep industrial transformation; and

(c) during the period granted for the transformation of the installation, the competent authority ensures that no significant pollution is caused and that a high level of protection of the environment as a whole is achieved.

(2) Without prejudice to regulation 11 and 16, in the event of deep industrial transformation consisting of the closure of an installation and its replacement by a new installation set out in the relevant transformation plan covering the installation and to be completed within 8 years of publication of decisions on BAT conclusions, in accordance with Article 13(5) of Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions, relating to the main activity of the existing installation, the competent authority may waive the obligation of updating the permit in accordance with regulation 15 (4), provided that all the following conditions are met:

(a) the permit for the existing installation contains a description of the closure plan and the associated timeline and milestones;

(b) the operator reports annually to the competent authority on the progress in relation to the closure plan for the existing installation and to its replacement by a new installation;

(c) during the period preceding the closure of the installation, the competent authority ensures that no significant pollution is caused and that a high level of protection of the environment as a whole is achieved.

(3) The competent authority shall inform the European Commission at least annually of derogations granted in accordance with this regulation as part of the reports submitted to the Commission.”

**Amends regulation 24 of the principal regulations.**

**19.** Regulation 24 of the principal regulations shall be amended as follows:

- (a) In sub-regulation (3) thereof, immediately after the words “requested by the operator”, there shall be added the following new proviso:

“Provided further that in the case of variations which do not qualify as a substantial change, the competent authority may waive the fee.”

**Adds new regulations 28A, 28B, 28C to the principal regulations.**

- 20.** Immediately after regulation 28 there shall be added the following three new regulations 28A, 28B and 28C as follows:

**Administrative penalties.**

**28A.** “(1) The competent 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.**

**28B.** (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 manner that the exercise of the right to compensation for damage pursuant to sub-regulation (1) is not rendered impossible or excessively difficult.

(3) Actions for compensation referred to in sub-regulation (1) shall be prescribed by the lapse of two years. Such periods shall not begin to run before the infringement has ceased and the person claiming compensation knows, or can reasonably be expected to know, that damage has been suffered from such infringement.

**Transitory provisions.**

**28C.** (1) In relation to installations carrying out activities referred to in Schedule 1, the competent authority shall apply regulation 7(1), paragraphs (aa), (bb), and (h), and regulation 8(7) and (9) within four years of the publication of decisions on BAT conclusions that have been published after 1st July 2026 relating to the main activity of an installation in accordance with Article 13(5) of Directive 2010/75/EU:

Provided that installations first permitted after the publications of such BAT conclusions published after 1 July 2026 shall apply the provisions referred to in this sub-regulation from the date of such publication.

(2) In relation to installations carrying out activities referred to in Schedule 1 which fall within the scope of these regulations before 4th August 2024 and that are in operation and hold a permit before 1st July 2026, regulation 7(1), paragraphs (a), (b), (ba), and (d), and regulations 8(1), 8(2), 8(3), 8(8), 8A and 9(5) shall apply when the permit is granted or updated pursuant to regulations 13(2) or 15(6), or updated within 4 years of publication of decisions on BAT conclusions that have been published after 1st July 2026 in accordance with Article 13(5) of Directive 2010/75/EU relating to the main activity of an installation, or by 1st September 2036, whichever is the earlier:

Provided that in relation to installations for which operators have submitted a complete application for a permit before 1st July 2026, and which are put into operation by not later than 1st July 2027, the same provisions shall apply when the permit is granted or updated under regulations 13(2) or 15(6), or updated within four years of such BAT conclusions, or by 1st September 2036, whichever is the earlier:

Provided further that in relation to installations referred to in this sub-regulation, regulation 8(4) shall apply when the permit is updated within four years of the publication of, or granted after, such BAT conclusions, or when the permit is updated pursuant to regulation 15, or by 1st September 2036, whichever is the earlier:

Provided further that until the dates of application referred to above, the said installations shall comply with Directive 2010/75/EU in the version in force on 3rd August 2024.

(3) In relation to installations which do not fall within the scope of the Regulations before 4th August 2024 and carry out activities referred to in Schedule 1, paragraph 2.3 (aa) and finishing of textile fibres or textiles under paragraph 6.2 of that Schedule which are in operation before 1st July 2026 the competent authority shall, with the exception of regulation 7(1), paragraphs, points (aa), (bb) and (h), regulations 8(7) and 8(9), apply the regulations and administrative provisions adopted in accordance with these Regulations within four years of 1 July 2026.

(4) In relation to installations which do not fall within the scope of Directive 2010/75/EU before 4th August 2024 and carrying out activities referred to in Schedule I, paragraphs 1.4, 2.3(b), 2.3(ba), 2.7 and 3.6, the competent authority shall, with the exception of regulations 7(1), paragraphs (aa), (bb), and (h), 8(7) and 8(9), apply the regulations and administrative provisions adopted in accordance with these Regulations within 4 years of publication of decisions on BAT conclusions in accordance with Article 13(5) of Directive 2010/75/EU relating to the main activity of an installation or by 1st September 2034, whichever is the earlier:

Provided that until the relevant date of application the said installations shall comply with Directive 2010/75/EU in the version in force on the day before this Directive enters into force:

Provided further that installations first permitted after the publication of BAT conclusions published after 1st July 2026 shall apply the said regulations and provisions from the date of publication.

(5) Derogations granted by the competent authority in accordance with regulation 8(8) before 1st July 2026 shall remain valid until the competent authority reassesses whether the derogation is justified under regulation 8(8). The reassessment shall be carried out 4 years from 1st July 2026 or as part of the reconsideration of the permit conditions pursuant to regulation 15, whichever is the earlier.

(6) Derogations for the testing and use of emerging techniques granted by the competent authority in accordance with Regulation 8(10) in the version in force on 3rd August 2024, before 1st July 2026 shall remain valid until the end of the period specified in the decision granting the derogation. After the period specified, the testing of the technique shall be stopped or the activity shall achieve at least the BAT-AELs.”

**Amends Schedule 1 to the principal regulations.**

**21.** Schedule 1 to the principal regulations is amended as follows:

(a) point 1.4 thereof shall be substituted by the following new point:

“1.4. Gasification, liquefaction or pyrolysis of:

(a) coal;

(b) other fuels in installations with a total rated thermal input of 20 MW or more.”;

(b) point 2.3 thereof shall be substituted by the following new point:

“2.3. Processing of ferrous metals:

(a) operation of hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour;

(aa) operation of cold-rolling mills with a capacity exceeding 10 tonnes of crude steel per hour;

(b) operation of smitheries with hammers the energy of which exceeds 50 kilojoule per hammer;

(ba) operation of smitheries with forging presses the force of which exceeds 30 meganewton (MN) per press;

(c) application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour.”;

(c) Immediately after point 2.6 thereof, there shall be added the following new point:

“2.7. Manufacture of batteries, other than exclusively assembling, with a production capacity of 15 000 tonnes of battery cells (cathode, anode, electrolyte, separator, capsule) or more per year.”;

(d) Point 3.5 thereof shall be substituted by the following new point:

“3.5. Manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain with:

(a) a production capacity exceeding 75 tonnes per day; and/or

(b) a kiln capacity exceeding 4 m<sup>3</sup> and a setting density per kiln exceeding 300 kg/m<sup>3</sup>.”;

(e) Immediately after point 3.5 thereof, there shall be added the following new point:

“3.6. Extraction including on-site treatment operations, such as comminution, size control, beneficiation and upgrading, of the following ores on an industrial scale:

bauxite, chromium, cobalt, copper, gold, iron, lead, lithium, manganese, nickel, palladium, platinum, tin, tungsten and zinc.”;

(f) Point 4.2(a) thereof shall be substituted by the following new point:

“(a) gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen except when produced by electrolysis of water, sulphur dioxide, carbonyl chloride;”;

(g) Point 5.3 thereof shall be replaced by the following new point:

“5.3. (a) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving one or more of the following activities, and excluding activities covered by the Urban Waste Water Treatment Regulations (S.L. 549.22):

(i) biological treatment, such as anaerobic digestion or co-digestion;

(ii) physico-chemical treatment;

(iii) pre-treatment of waste for incineration or co-incineration;

(iv) treatment of slags and ashes;

(v) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.

(b) Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, and excluding activities covered by the Urban Waste Water Treatment Regulations (S.L. 549.22):

(i) biological treatment, such as anaerobic digestion;

(ii) pre-treatment of waste for incineration or co-incineration;

(iii) treatment of slags and ashes;

(iv) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.

Provided that when the only waste treatment activity carried out is anaerobic digestion, the capacity threshold for this activity shall be 100 tonnes per day.”

(h) Point 6.2 thereof shall be substituted by the following new point:

“6.2. Pre-treatment (operations such as washing, bleaching, mercerisation), dyeing or finishing of textile fibres or textiles where the treatment capacity exceeds 10 tonnes per day.”;

(i) Point 6.5 thereof shall be substituted by the following new point:

“6.5. Disposal or recycling of animal carcasses or animal by-products with a treatment capacity exceeding 10 tonnes per day.”.

(j) Point 6.6 thereof shall be substituted by the following new point:

“6.6. Electrolysis of water for production of hydrogen where the production capacity exceeds 50 tonnes per day.”.

22. Schedule 2 to the principal regulations shall be substituted by the following new Schedule:

## **SCHEDULE 2**

### **“Principles to be complied with when granting a derogation referred to in Regulation 8(8)**

Derogations provided in accordance with regulation 8(8) shall respect the following principles:

#### **1. Costs**

- 1.1. Costs referred to in regulation 8(8) shall be the costs of complying with the emission levels associated with best available techniques and include both capital costs and operating costs. Wider social or economic costs shall not be included.
- 1.2. The evaluation of the costs shall be quantitative, and supported by a qualitative assessment.
- 1.3. Costs taken into account in the evaluation shall:
  - (a) represent net value costs, after deduction of any financial benefits from applying best available techniques;
  - (b) include the cost of accessing financial capital required to finance the best available techniques;
  - (c) be calculated using a discount rate to take account of differences in monetary value over time.
- 1.4. The application for a derogation shall clearly identify the source of the costs and the methods used to calculate them, including the discount rate mentioned in point 1.3(c) and the estimation of uncertainties associated with the costs evaluation.
- 1.5. Costs evaluated by the operator shall be assessed by the competent authority, based on information from other sources such as technology providers, peer-reviewed research, expert judgements or data from other installations where best available techniques were recently installed.

#### **2. Environmental benefits**

- 2.1. Environmental benefits referred to in regulation (7) shall be environmental benefits of complying with the emission levels associated with best available techniques.
- 2.2. The evaluation of environmental benefits shall be quantitative (in monetary terms) and supported by a qualitative assessment. Established pollutant damage costs shall be used where available.
- 2.3. The evaluation of environmental benefits shall consider a discount rate applied to any monetised benefits which addresses differences in value to society over time.
- 2.4. The application for a derogation shall clearly identify the source of the environmental benefits information and the methods used to calculate the environmental benefits, including the discount rate mentioned in point 1.3(c) and the estimate of uncertainties associated with the evaluation of the environmental benefits.

2.5. Environmental benefits evaluated by the operator shall be assessed by the competent authority, based on expert judgement or data from other installations where the best available techniques were recently installed.

**3. Disproportionality of costs compared to environmental benefits**

3.1. For the purpose of determining if there is a disproportionality, the costs of complying with the emission levels associated with best available techniques, and the benefits of such compliance, shall be compared.

3.2. The comparison mechanism shall include the following elements:

- (a) a method to address uncertainties in evaluating costs and environmental benefits;
- (b) a specification of the margin by which the costs should exceed the environmental benefits.”

**Amends Schedule 3 to the principal regulations.**

**23.** Schedule 3 to the principal regulations shall be amended as follows:

(a) Point 2 thereof shall be substituted by the following new point:

“2. The use of less hazardous substances, including less use of substances of very high concern;”;

(b) Point 5 thereof shall be substituted by the following new point:

“5. Technological advances, including digital tools, and changes in scientific knowledge and understanding;”;

(c) Point 9 thereof shall be substituted by the following new point:

“9. The consumption and nature of raw materials, including water, used in the process and resource efficiency and reuse and decarbonisation;”;

(d) Point 10 thereof shall be substituted by the following new point:

“10. The need to prevent or reduce to a minimum the overall impact of the emissions on the environment, including biodiversity, and the risks to it;”;

(e) Point 11 thereof shall be substituted by the following new point:

“11. The need to prevent accidents and to minimise the consequences for the environment and human health;”.

**Amends Schedule 4 to the principal regulations.**

**24.** Schedule 4 to the principal regulations shall be amended as follows:

(a) In paragraph 1 thereof the word “The public shall be informed (by public notices or other appropriate means such as electronic media where available)” shall be substituted with the words “The public shall be informed through public notices and on a webpage”;

(b) Paragraph 3 thereof shall be substituted by the following new paragraph:

“3. Once the application has been validated the timeframe for public consultation shall be thirty (30) days for the procedures described in regulation 18(1)(a) to (d), but may be shortened to fifteen (15) days in urgent cases of national importance and other cases where the competent authority deems necessary.”;

(c) Paragraph 5(a) thereof shall be substituted by the following new paragraph:

“(a) The public consultation process shall be initiated through a notice on the competent authority’s website.”

(d) Paragraph 5(b) thereof shall be substituted by the following new paragraph:

“(b) Reasonable timeframes for the different phases shall be provided, allowing sufficient time to inform the public and for the members of the public concerned to prepare and participate effectively in environmental decision-making subject to this Schedule.”

**Amends Schedule 5 to the principal regulations.**

**25.** Schedule 5 to the principal regulations shall be amended as follows:

- a) In Category 6 thereof the words “, excluding intensive rearing of poultry or pigs (6.6 below)” shall be deleted.
- b) Category 6.6 thereof shall be deleted.

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