

## ENVIRONMENT PROTECTION ACT

(CAP. 549)

### Industrial Emissions (Large Combustion Plants) (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.549.78.**

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

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

2. Sub-regulation (2) of Regulation 1 of the principal regulations shall be substituted by the following new sub-regulation:

“(2) 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.”

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

3. Regulation 13 of the principal regulations shall be amended as follows:
  - (a) in the English language only, in sub-regulations (4), (5) and (6) thereof, the words “the Director of Environment Protection and any officials to whom this role is delegated” shall be substituted by “the competent authority”, wherever they occur;
  - (b) In sub-regulation (7) thereof, the words “the Director of Enviroment Protection” shall be substituted by “the competent authority”
  - (b) Immediately after sub-regulation (7) thereof, the following new sub-regulation (8) shall be added:

“(8) The competent authority shall immediately inform the Commission of any derogation granted under sub-regulation (7), including the reasons justifying the derogation and the conditions imposed.”

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

4. Sub-regulation (2) of regulation 15 of the principal regulations shall be substituted by the following:

“(2) Concentrations of sulphur dioxide, nitrogen oxides, dust and carbon monoxide shall be monitored continuously:

Provided that the competent authority may decide not to require the continuous measurements in the following cases:

- (a) for combustion plants with a life span of less than 10,000 operational hours;
- (b) for sulphur dioxide and dust from combustion plants firing natural gas;
- (c) for sulphur dioxide from combustion plants firing oil with known sulphur content in cases where there is no waste gas desulphurisation equipment;
- (d) for sulphur dioxide from combustion plants firing biomass if the operator can prove that the sulphur dioxide emissions can under no circumstances be higher than the prescribed emission limit values.”

**Amends regulation 16 of the principal regulations.**

5. Regulation 16 of the principal regulations shall be substituted by the following new regulation:

“16. The operator shall inform the competent authority about the results of the checking of the automated measuring systems without undue delay.”

**Adds new regulations 21A and 21B to the principal regulations.**

6. Immediately after regulation 21 of the principal regulations, there shall be added the following two new regulations:

**Administrative penalties.**

“21A. 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**

“21B. (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 periods 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).”

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

7. In Schedule XIII of the principal regulations, paragraph 5 shall be replaced by the following new paragraph:

“5. Any day in which more than three hourly average values are invalid due to a malfunction or the maintenance of the automated measuring system shall be invalidated. If more than 10 days in a year are invalidated for such situations, the competent authority shall require the operator to take adequate measures to improve the reliability of the automated measuring system without undue delay.”

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

8. Schedule XII to the principal regulations shall be deleted and substituted by the following new schedule:

**“SCHEDULE XII**

**DEROGATIONS AS PER REGULATION 13**

**Notification of a temporary derogation from compliance with Large Combustion Plants Emission Limit Values.**

In view of the written request submitted by [person submitting the request] on behalf of [operator], dated [date], the competent authority, having examined all the information handed by [operator] together with the above-mentioned request, hereby allows for a derogation from [type of derogation to be applied to the plant] for the [name of plant] operated by [name of operator], having its registered address at [registered address of the operator], and subject to the IPPC Permit [IPPC permit number] issued on [date of issue of the permit], for a period not exceeding [time].

This derogation is subject to the following conditions:

For and on behalf of the competent authority,

[Signature]

[Name, SURNAME]

[Official title/position]

Date: [insert date]

Attached a copy of the request for derogation and technical information related to the case.”