

ENVIRONMENT PROTECTION ACT

(CAP. 549)

Industrial Emissions (Titanium Dioxide) (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.549.80.

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

Amends regulation 2 of the principal regulations.

2. Sub-regulation (1) of regulation 2 of the principal regulations 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.”

Amends regulation 6 of the principal regulations.

3. Sub-regulation (3) of regulation 6 of the principal regulations shall be substituted by the following new sub-regulation:

“(3) Monitoring shall be carried out, and the quality assurance system of the laboratory performing the monitoring shall be, in accordance with 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.”

Adds new regulations 9A and 9B to the principal regulations.

4. Immediately after regulation 9 of the principal regulations, there shall be added the following two new regulations:

Administrative penalties.

9A. “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.

9B. (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).”