

ENVIRONMENT PROTECTION ACT

(CAP. 549)

Industrial Emissions (Waste Incineration) (Amendment) Regulations, 2026

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

Citation.

S.L.549.81.

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

Amends regulation 2 of the principal regulations.

2. 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) In sub-regulation (2) thereof, immediately after the words “Industrial Emissions” there shall be added the words “and Livestock Rearing Emissions.”
 - (c) Sub-regulation (4) thereof shall be substituted by the following new sub-regulation:

“(4) These regulations shall not apply to gasification or pyrolysis plants, if the gases or liquids resulting from this thermal treatment of waste are treated prior to their incineration to such an extent that:
 - (a) the incineration causes emissions lower than the combustion of the least polluting fuels available on the market that could be combusted in the installation;
 - (b) for emissions other than nitrogen oxides, sulphur oxides and dust, the incineration does not cause emissions higher than those from incineration or co-incineration of waste.”

Amends regulation 9 of the principal regulations.

3. Immediately after sub-regulation (4) thereof there shall be added the following new sub-regulation:

“(5) Emissions to air from waste incineration and co-incineration plants shall also be monitored during other than normal operating conditions. Emissions during start-up and shutdown while no waste is being incinerated, including emissions of PCDD/F and dioxin-like PCBs, shall be

estimated based on measurement campaigns, carried out at regular intervals, such as every three years, carried out during planned start-up or shutdown operations. Emissions of PCDD/F and dioxin-like PCBs shall as far as possible be prevented or minimised.”

Adds new regulations 19A and 19B to the principal regulations.

4. Immediately after regulation 19 of the principal regulations, there shall be added the following two new regulations:

Administrative penalties.

“**19A.** 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.

“**19B.** 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).”

Amends Schedule 5 to the principal regulations.

5. In Paragraph 1.2 of Schedule 5 to the principal regulations the sentence “Automated measuring systems shall be subject to control by means of parallel measurements with the reference methods at least once per year.” shall be substituted by the following:

“This applies also to the quality assurance system of the laboratory performing the sampling and analysis. Automated measuring systems shall be subject to control by means of parallel measurements with the reference methods at least once per year.”