

## ENVIRONMENT PROTECTION ACT

(CAP. 549)

### Industrial Emissions (Limitation of Emissions of Volatile Organic Compounds) (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.549.79.**

1. The title of these regulations is the Industrial Emissions (Limitation of Emissions of Volatile Organic Compounds) (Amendment) Regulations, 2026 and these regulations shall be read and construed as one with the Industrial Emissions (Limitation of Emissions of Volatile Organic Compounds) 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 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 8 of the principal regulations.**

3. Regulation 8 of the principal regulations shall be amended as follows:

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

“(3) The competent authority shall ensure that compliance with the provisions of regulation 6(7) and (8) shall be verified on the basis of the sum of the mass concentrations of the individual volatile organic compounds concerned:

Provided that for all other cases, compliance shall be verified on the bases of the total mass of organic carbon emitted unless otherwise specified in Schedule II.”

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

“(4) Gas volumes may be added to the waste gas for cooling or dilution purposes where technically justified but shall not be considered when determining the mass concentration of the pollutant in the waste gas.”

**Amends regulation 10 of the principal regulations.**

4. Sub-regulation (2) of regulation 10 of the principal regulations shall be substituted by the following new sub-regulation:

“(2) Where an existing installation undergoes a substantial change, or falls within the scope of these Regulations for the first time following a substantial change, that part of the installation which undergoes the substantial change shall be treated as a new installation.”

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

5. Regulation 13 of the principal regulations shall be substituted by the following new regulation:

**Penalties.**

“13. Any person who commits an offence under these regulations shall, on conviction, be liable:

“(a) on a first conviction to a fine (*multa*) of not less than one thousand and five hundred euro (€1,500.00), and not greater than twenty-three thousand euro (€23,000.00);

(b) on a second or subsequent convictions, to a fine (*multa*) of not less than five thousand euro (€5,000.00), and not greater than forty-six thousand euro (€46,000.00), or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment:

Provided that whenever any person is found guilty of committing an offence under these regulations by means of a vehicle, the owner of the said vehicle, where applicable, is held liable in the same manner and degree:

Provided further that the court shall order any person who has been found guilty of committing an offence against these regulations to pay for the expenses incurred by the competent authority as a result of the said offence, the revocation of the permit issued by the competent authority and the confiscation of the *corpus delicti*, including the vehicle, if applicable.”

**Adds new regulation 14A and 14B to the principal regulations.**

6. Immediately after regulation 14 of the principal regulations, there shall be added the following two new regulations:

**Administrative penalties.**

“14A. 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.**

“14B. (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).”

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