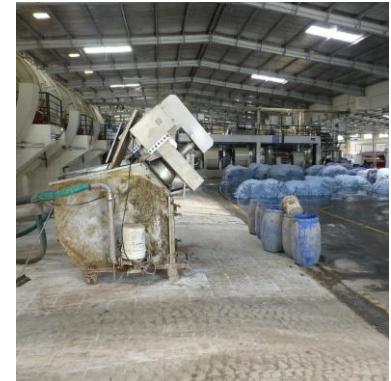


Transposition of EU Directive 2024/1785 (IED 2.0)



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- 4 LEGAL NOTICE AMENDMENTS & NEW LEGAL NOTICE
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THE INDUSTRIAL EMISSIONS DIRECTIVE (IED)

- The Industrial Emissions Directive (IED) EU 2010/75 regulates the environmental impacts of large industrial installations and the intensive rearing of poultry and pigs.
- Key instrument for minimising emissions and consumptions from most industrial activities of a certain scale.
- General framework:
 - The purpose is to prevent (minimise) pollution from industrial activities.
 - **Achieve a high level of protection of the environment as a whole.**
 - Installations must be operated according to an **integrated permit issued** by competent authorities, containing emission limit values based on Best Available Techniques (BAT).

BACKGROUND: CURRENT LEGISLATION

- Malta transposed the Industrial Emissions Directive (IED) (2010/75/EU) through a set of **Legal Notices** in 2013.
- **Specific regulations cover:**
 - Framework Regulations (S.L. 549.76)
 - Integrated pollution prevention and control (IPPC) (S.L. 549.77)
 - Large combustion plants (S.L. 549.78)
 - Volatile organic compound (VOC) solvents (S.L. 549.79)
 - Titanium dioxide production (S.L. 549.80)
 - Waste Incineration (S.L. 549.81)

KEY IED SECTORS

1 ENERGY INDUSTRIES

2 PRODUCTION &
PROCESSING OF
METALS

3 MINERAL INDUSTRY

4 CHEMICAL INDUSTRY

5 WASTE MANAGEMENT

6 OTHER ACTIVITIES

- PULP INDUSTRY
- TANNERIES
- DISPOSAL OR RECYCLING OF ANIMAL CARCASSES

IPPC PERMITS IN MALTA

12 WASTE INDUSTRY

Landfills
Non-Hazardous &
Hazardous waste
Waste incineration

4 CHEMICAL SECTOR

Pharmaceutical
Biodiesel Production
Acetylene production

2 OTHER INDUSTRY

Rendering plants

2 ENERGY SECTOR



IED 2.0 OBJECTIVES

- The EU Directive 2024/1785 (Industrial and Livestock Rearing Emissions Directive).
- **Amends and expands on the earlier Industrial Emissions Directive (IED) 2010/75/EU and Directive 1999/31/EC on the landfill of waste.**

Key Challenges Addressed by the Initiative:

- **Inconsistent Enforcement & Uneven Playing Field:**
 - Emission limits for air and water pollutants are poorly implemented. Inconsistent application of compliance rules across Member States and sectors
- **Innovation Barriers:**
 - Over-reliance on BAT hinders adoption of new technologies.
- **Limited Environmental Impact:**
 - Weak contribution to resource efficiency, circular economy, and safer chemical use.
- **GHG Emissions:**
 - Efforts to reduce greenhouse gases are fragmented and insufficient. The original IED (2010) no longer reflects the urgency of our climate and pollution crises.
- **Outdated Scope:**
 - Legislation covers too few sectors and lacks modern relevance.

MAIN CHANGES: WIDENED SCOPE

- Amendments and new activities within scope

Annex	Point	Old Version	New Version	Comment
Annex I	1.4	Gasification/liquefaction of coal ≥ 20 MW	Gasification, liquefaction or pyrolysis of coal or other fuels ≥ 20 MW	Addition of pyrolysis
Annex I	2.3	Ferrous metal processing (cold-rolling > 20 t/h, hammer > 125 kJ, press > 50 MN)	Ferrous metal processing (cold-rolling > 10 t/h, hammer > 50 kJ, press > 30 MN)	Thresholds reduced, new subcategories (2.3aa, 2.3ba)
Annex I	2.7 (new)	—	Manufacture of batteries ($\geq 15,000$ tonnes battery cells/year)	New sector added – battery production
Annex I	3.6 (new)	—	Extraction and on-site treatment of ores (bauxite, gold, cobalt, lithium, nickel, etc.)	New sector added
Annex I	4.2(a)	Production of gases (various chemicals)	Updated gases list including hydrogen (except by electrolysis)	Clarified/expanded chemical scope

MAIN CHANGES: WIDENED SCOPE

Annex	Point	Old Version	New Version	Comment
Annex I	5.3	Waste treatment (non-hazardous)	5.3(a)(i) biological treatment, such as anaerobic digestion or co-digestion & 5.3(b)(i) biological treatment, such as anaerobic digestion;	Clarifying that biological treatment also includes anaerobic digestion/co-digestion
Annex I	6.2	Textile pre-treatment ≥ 10 t/day	Textile finishing/pre-treatment ≥ 10 t/day (confirmed)	Addition of finishing processes to the definition
Annex I	6.5	Animal carcass disposal ≥ 10 t/day	Disposal or recycling of animal carcasses or animal by-products waste with a treatment capacity exceeding 10 tonnes per day.	Minor amendment from animal waste to animal by-products
Annex I	6.6 (replaced)	Intensive rearing of poultry or pigs: (a) with more than 40 000 places for poultry; (b) with more than 2 000 places for production pigs (over 30 kg), or (c) with more than 750 places for sows.	Hydrogen production by electrolysis ≥ 50 t/day	New sector added – hydrogen production
Annex Ia	—	—	Rearing of pigs ≥ 350 LSU; laying hens ≥ 300 LSU; other poultry ≥ 280 LSU	New Schedule for livestock rearing activities

MAIN CHANGES: ELVs

- **Emission Limit Values (ELVs): The principle of 'lowest achievable emissions' becomes the default.**
 - The burden of proof is shifted to the operator who must provide a compelling **technical – economic assessment** as to why the strictest standard cannot be met.
- Based on an assessment by the operator who must:
 - Analyses the feasibility of **meeting the strictest end of the BAT- AEL range.**
 - demonstrate the best overall performance the installation can achieve.
 - **factor cross-media effects.**
- This means that the approach to permit-writing needs to be more rigorous and evidence-based, including:
 - Detailed dialogue with operators
 - Deep understanding of each installation's technical potential.

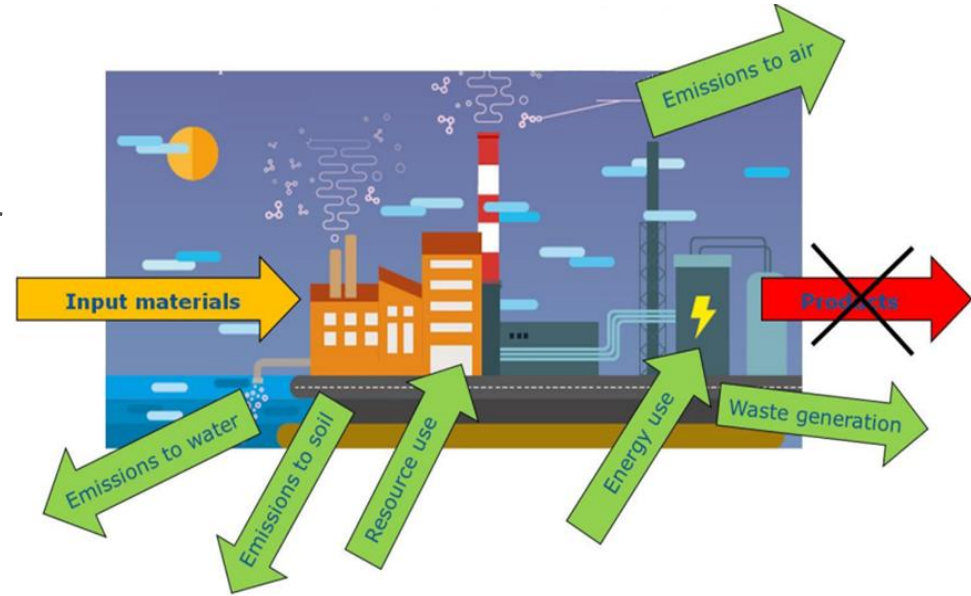
MAIN CHANGES: ELVs

Widened scope of parameters in permits:

- ERA must still establish ELVs for all relevant pollutants, even where no BAT-AELs are set in BAT conclusions.
- These includes:
 - Substances listed in Annex II of the Industrial Emissions Portal Regulation
 - Any other pollutants **likely to be emitted in significant quantities**, taking into account their hazardousness, cross-media effects, and impacts on water dynamics.
 - Substances of emerging concern and pollutants scientifically recognised as harmful, even if they were not assessed during the original authorisation.

MAIN CHANGES: STRENGTHENED ROLE OF BAT

- Revised regulations strengthen the role of BAT. **IED 2.0 gives BAT a more central, binding, and broader role.**
- BAT conclusions greater focus on environmental performance levels (EPLs) including resource efficiency, waste prevention, water use, energy efficiency, climate impact and cross-media impacts (air–water–soil trade-offs)
- Recital: BAT & permit widened in scope,
 - Human health protection, water flow and hydrological variation and climate impacts



MAIN CHANGES: STRENGTHENED ROLE OF BAT

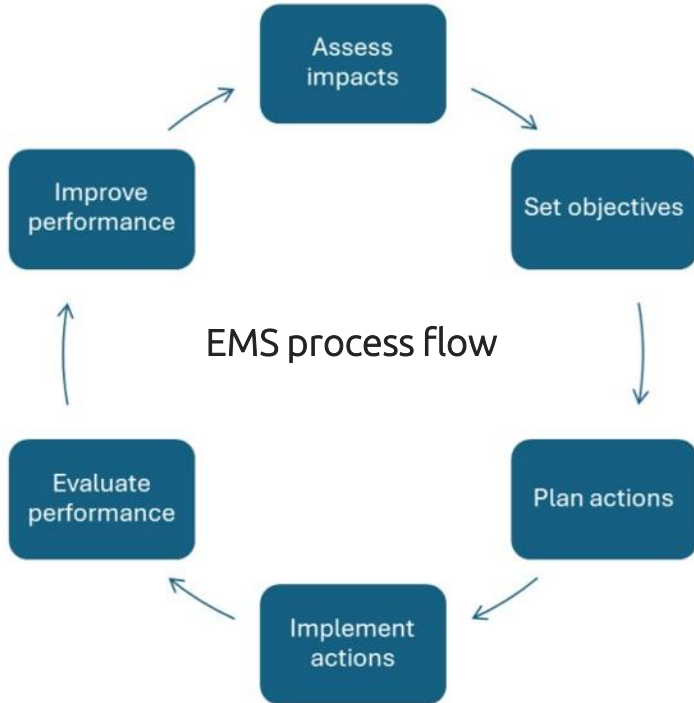
New Legal Categories: the directive distinguishes among several types of BAT-based conditions.

Category	Description	Legal Effect
BAT-AELs	Emission limits for pollutants (e.x. NOx, dust)	Legally binding: ERA must set strictest achievable ELV
BAT-AEPLs (water)	Resource efficiency (e.x. water use)	Binding: set as numeric permit condition
BAT-AEPLs (waste/resources)	Waste prevention and reuse	Binding range + indicative target
Benchmarks	Indicative targets where data is incomplete	Not binding: included in EMS for performance tracking
ET-AELs	Linked to emerging techniques	Indicative; may be used to guide innovation

MAIN CHANGES: Environmental Management Systems (EMS)

- **Mandatory EMS obligation:** Operators must establish and implement an Environmental Management System (EMS).
- **Scope:** Covers resource efficiency, waste/hazardous substance prevention, accident preparedness, and continuous improvement in environmental performance & safety.
- **Permits:** Must define EMS core elements (though EMS itself not part of permit).
- **Transparency:** Relevant EMS parts must be public.
- **EMS shall be audited by a conformity assessment body or an accredited/licensed environmental verifier.**

MAIN CHANGES: Environmental Management Systems (EMS)



EMS Deadlines:

- Existing IED installations (Schedule 1 of L.N 10 of 2023): EMS by 1 July 2027 (based on BAT before 4 Aug 2024);
 - Otherwise update at permit reconsideration by 1 Sept 2036.
- Newly in-scope activities (e.x. pyrolysis, battery manufacturing): EMS by 1 Sept 2034 or within 4 years of BAT conclusions (whichever comes first).

MAIN CHANGES: TRANSFORMATION PLANS

- Introduces new concepts : mandatory long term planning Transformation Plans.
- **New EMS element:** Large installations must prepare transformation plans (2030–2050) → pathway to **sustainable, circular, climate-neutral economy**.

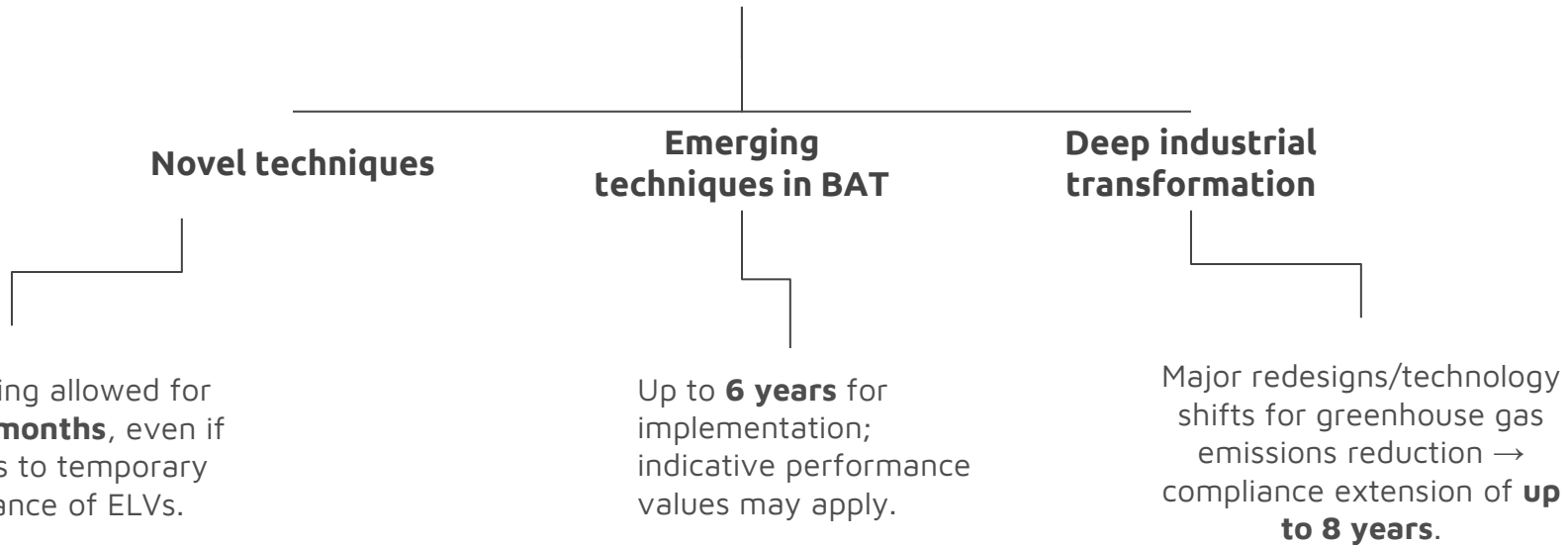
Deadlines:

- **30 June 2026** Delegated Act defining the content and format of Transformation Plans.
- **Energy-intensive (S.L. 549.77)** → first transformation plans included in EMS by **30 June 2030**.
- Operators of non-energy-intensive Annex I installations → Transformation Plans as part of the permit updates following the publication of BAT Conclusions adopted after 1 January 2030.

MAIN CHANGES: EMERGING TECHNIQUES AND DEEP INDUSTRIAL TRANSFORMATION

Operators can adopt emerging techniques or undergo deep industrial transformations

The revised regulations provides several pathways



MAIN CHANGES: STRONGER TRANSPARENCY & ENFORCEMENT

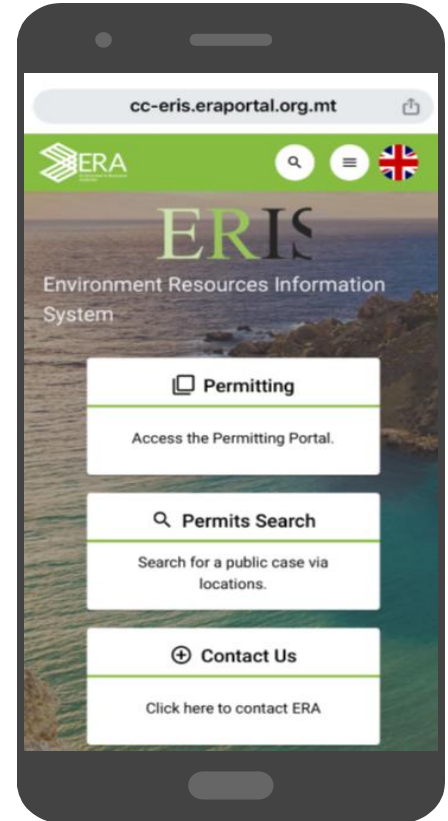
Enhanced inspections, public participation and transparency:

- ERA to apply risk-based inspections; flexible approaches possible for livestock sector.
- Operators must report accidents immediately, with transboundary impacts included.
- Individuals may claim redress for health harm caused by non-compliance. **To note inclusion of human health considerations.**
- Serious infringements by legal persons → administrative fines of at least 3% annual turnover



MAIN CHANGES: STRONGER TRANSPARENCY & ENFORCEMENT

- Enhanced public access and transparency.
- ERA must disclose permits/registrations, EMS summaries and inspection reports via an **online portal**.
- Transparency obligations: electronic permitting mandatory by 31 December 2035.
- **IED 2.0 & Industrial Emissions Portal Regulation (IEPR):** EU-wide Industrial Emissions Portal – to streamline reporting and improve transparency on emissions, BAT application, derogations, and installation status;
 - Implementing decision by 5 August 2026- type, format and frequency.



AMENDMENTS IN THE FRAMEWORK REGULATIONS



- Title change/ consequential amendment
- New definitions added
- Amendment to correct refernece to the EIA regulations
- Minor update to emission of greenhouse gases (reg 12)
- Amendments in line with Directive to
 - Incidents and accidents (reg. 9)
 - Non- compliances (reg 10)
 - Addition of administrative penalties to factor the ≥ 3 % of the annual turnover and compensation rights.

AMENDMENTS IN THE IPPC REGULATIONS

- Considerable updates as required by the Directive
- New additions: EMS (reg 7A), Compliance assessment (8A) on measurement uncertainty, transformation plans, emerging techniques etc.
- Updates:
- emission limit values, environmental performance limit values, and related technical measures (reg 8), alongside updated monitoring requirements (reg 9)
- environmental quality standards and procedures for changes to installations, including permit reconsideration and updates (regs 10, 13, and 15)
- provisions on information, public participation, and coordination with other competent authorities (regs 18 and 19).
- Schedules updated

AMENDMENTS IN THE LCP REGULATIONS



- Amendment to emergency considerations: notification to CION on derogation & removal of DAR (reg 13 and Schedule XII)
- Revised natural gas rules to align with original EU directive (2010/75/EU) and common practices across Europe (reg 15)
- Conformity check of CEMS shall be reported without undue delay (reg 16 and Schedule XIII)
- Addition of administrative penalties to factor the $\geq 3\%$ of the annual turnover and compensation rights.

AMENDMENTS IN THE VOC REGULATIONS

- Compliance with emission limits values amended for further EU legislation alignment (reg 8)
- Amendment on substantial change as per directive (reg 10)
- Amendment to (reg 13) on the penalties, lower first and second conviction fine to account for small scale operators.
- Addition of administrative penalties to factor the $\geq 3\%$ of the annual turnover and compensation rights.

AMENDMENTS IN THE TITANIUM DIOXIDE REGULATIONS

- This sector is N/A to MT currently.
- Quality-assured monitoring requirement as per directive (reg 6)
- Addition of administrative penalties to factor the ≥ 3 % of the annual turnover and compensation rights.

AMENDMENTS IN THE WASTE INCINERATION REGULATIONS

- Changes to the scope for gasification or pyrolysis plants (reg 2).
- Estimate start-up/shutdown emissions; reduce dioxins/polychlorinated biphenyls (PCBs) (reg 9).
- Addition of administrative penalties to factor the ≥ 3 % of the annual turnover and compensation rights.

NEW LEGAL NOTICE ON POULTRY AND PIGS

- Livestock rearing removed from Chapter 2 scope placed in a standalone chapter → New legal notice extends scope to livestock rearing:
 - Include poultry and pigs and mixed farm set-up;
 - Sector will benefit from lighter permitting requirements → **proposed to be classified as Level III permit;**
 - **No inspection fee, no annual fee. Lower penalties proposed.**
- New concept of LSU (“livestock unit”) is newly defined and requires careful interpretation
- Uniformed rules for the sector being developed at EU level (UCOL)
- **CIION** is mandated to review the need to include **cattle rearing** by the end of 2026

LANDFILLS

- Landfills fall under Directive 2010/75/EU, but no BAT conclusions exist because they are regulated by Directive 1999/31/EC.
- Development of BAT on landfills is underway: adopting BAT conclusions under Directive 2010/75/EU.

Minor amendment to delete reference to the IPPC Regulations being proposed in the Waste management landfill regulations - S.L. 549.29



IED 2.0 DELEGATED & IMPLEMENTING ACTS

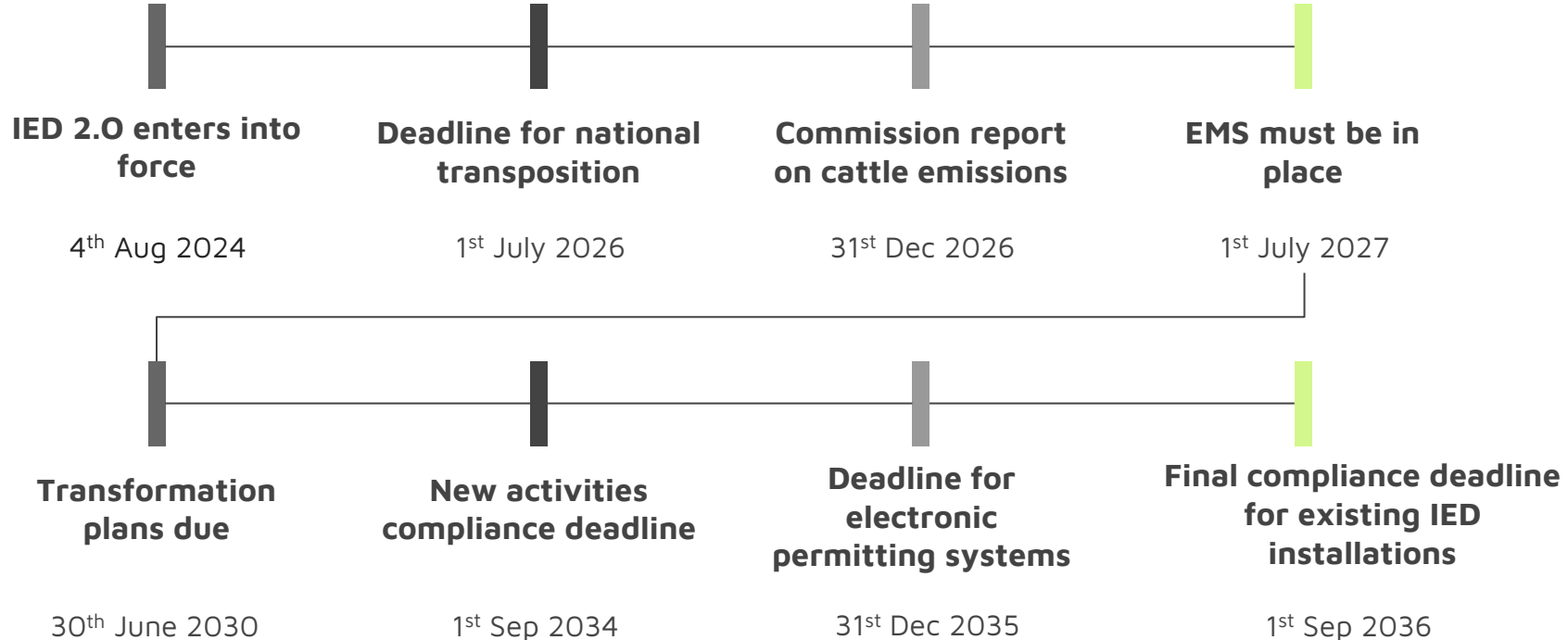
- Implementing Acts to cover:
 - Publication criteria for EMS information
 - Compliance Rules: standardised methodologies for assessments and measuring methods
 - Uniform conditions for operating rules for intensive livestock
 - Formats and frequency for reporting
 - Establishment and functioning of the innovation centre (INCITE)
- Delegated Acts to cover:
 - Content of transformation plans for industrial transformation
 - Amendments of Annexes V (Large Combustion Plants), VI (Waste Incineration/Co-incineration Plants), VII (VOCs) for tech/scientific progress (Article 74)

Consultations with the relevant stakeholders will take place.

TIMELINE FOR IMPLEMENTATION AND KEY DATES

- **Complex interlocking timelines introduced.**
- The proposed regulations set a **rolling implementation timeline**, driven by:
 - Whether installations are **existing or newly in scope** of S.L. 549.77 (Chapter 1 of 2010/75/EU IED)
 - Whether activities are **industrial or livestock rearing** (different implementing act applies)
 - The **publication of new BAT conclusions** at EU level.
- New requirements (e.g., ELVs, environmental performance values) must be incorporated into permits **the timeline depends on the above.**
- **Livestock sector has their own distinct timeline.**

TIMELINE FOR IMPLEMENTATION AND KEY DATES



IED 2.0 IMPLEMENTATION OVERVIEW: KEY TAKEAWAYS

- High technical complexity and new concepts: stricter ELVs, additional performance metrics, EMS, Transformation Plans
- Shift in approach: EMS & mandatory Transformation Plans → more proactive holistic, operator-driven performance. Will drive long-term improvement beyond compliance checks.
- Requires a **coordinated, long-term multi-decade strategy**
- All IPPC permits require revision; additional sectors enter scope
- An **evolving compliance framework** with strong inter-stakeholder cooperation deemed necessary
- Operators must engage in **strategic, long-term planning**
- Introduces a degree of a **regulatory uncertainty** (through a number of pending updates ex. BAT conclusions, delegated acts & implementing acts, OMNIBUS package)
- Expect **higher compliance costs** and capacity challenges for smaller operators

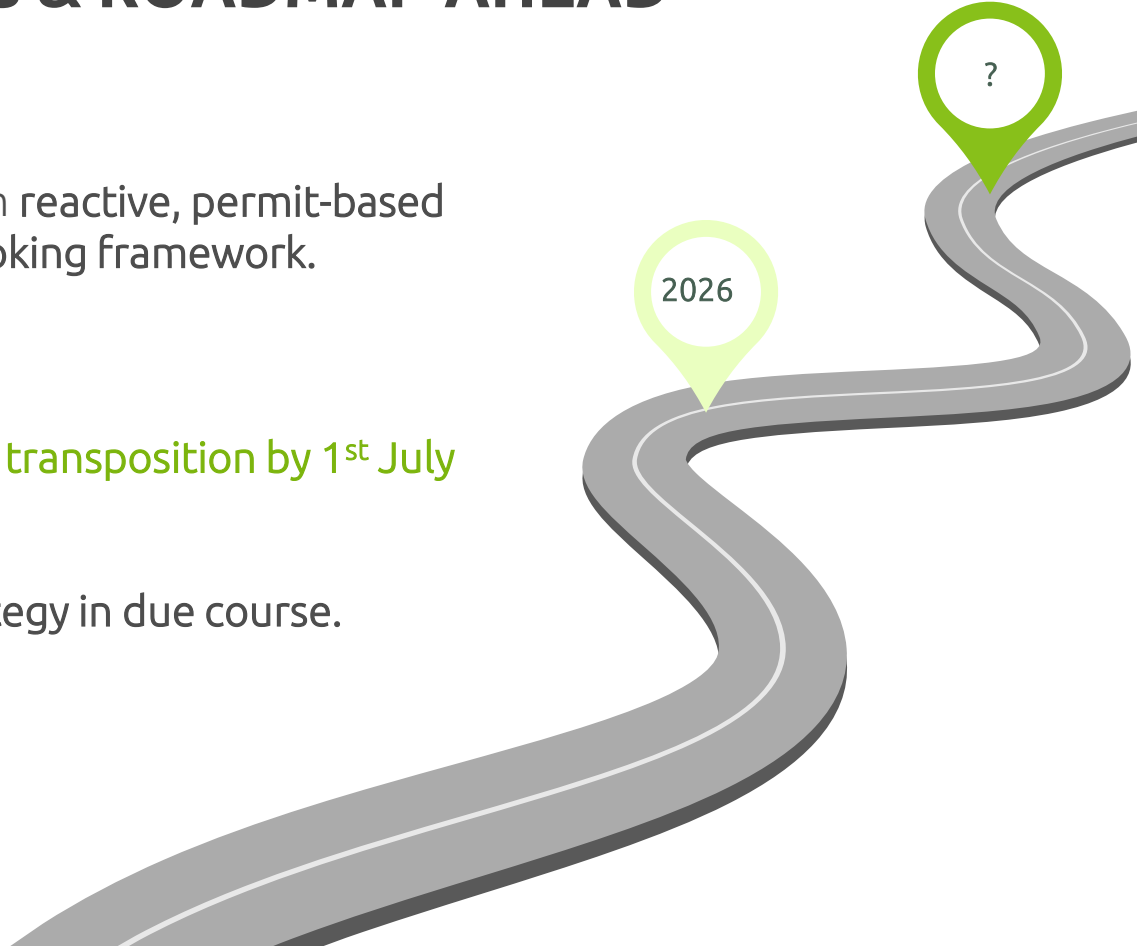


CONCLUDING REMARKS & ROADMAP AHEAD

- The revised regulations shift from reactive, permit-based model to a proactive, forward-looking framework.

The Roadmap Ahead

- Immediate Focus: Full and timely **transposition by 1st July 2026**.
- Develop an implementation strategy in due course.



ERA welcomes your comments on the proposed Regulations which are available on the ERA website.

Comments will be received by email on era.policy@era.org.mt by **12th May 2026**

