



RECOMMENDATIONS FOR THE REVISION OF THE  
INDUSTRIAL EMISSIONS  
**DIRECTIVE**

# INTRODUCTION

The European Commission published its proposal for a revision of Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions ("IED") in April 2022. The proposal widens the scope of the Directive to include poultry, pig and cattle farms with at least 150 livestock units (LSU) as the currently applied regulation of animal farming under the IED has proved to be insufficient. This threshold has been widely criticized for being too low and allegedly "destructive" to EU agriculture. However, the debate surrounding IED continues the unfortunate trend of **"agricultural exceptionalism"**. Animal farming, despite being a major polluter, is almost entirely exempt from the responsibility for the damage it causes to the environment and local communities and the negative externalities of this sector are widely ignored by decision-makers.



## REVISION OF IED

The currently applicable IED only covers pig and poultry farms from 40,000 poultry, 2,000 pigs and 750 sows (see point 6.6 in Annex I), which need to obtain a permit to operate. That means that now, only the biggest industrial farms representing a mere 18% of ammonia and 3% of methane emissions in the EU fall within the scope of the Directive. Considering that more needs to be done, the Commission **proposed 150 livestock units (LSU) for pigs, poultry and cattle farms** as a new threshold, which equals **135,000 non-substinance farms** in the EU (2020 data).

CURRENT THRESHOLD	PROPOSED THRESHOLD (150 LSU in number of animals)
40,000 broiler chickens	21,428 broiler chickens
40,000 laying hens	10,714 laying hens
2000 pigs	500 pigs
750 sows	300 sows
<i>not covered</i>	150 dairy cows

While increasing the threshold, the proposal introduces a **new “lighter” regime under Chapter VIa tailored specifically for animal farms**, with considerably weaker language and obligations of operators compared to the robust permitting system of Chapter II. Animal farms are withdrawn from the crucial BREF process and BAT conclusions which are replaced by so-called 'operating rules' that will have up to 2029 to be implemented at the national level. There are serious concerns pertaining to public participation with regard to the update of the permits, update of the operating rules or monitoring.

What is even more alarming is the introduction of a **derogation under Art. 4(1), which makes it possible for the Member States to opt for a mere registration** for animal farms instead of subjecting them to an obligation to obtain a permit. Moreover, public participation is limited only to preparation of general binding rules.

# ADDRESSING THE COW IN THE ROOM

The proposal is facing efforts to water it down by increasing the threshold or excluding cattle from the scope of the revised IED. However, data clearly shows that animal farming sector is not doing enough to reduce pollution:

- **Emissions of methane and ammonia have remained stable for over a decade.** As Commission data show, while the IED succeeded in reducing emissions from the industrial sector between 2007 and 2017, emissions of ammonia and methane from animal farming stagnate.
- **Farming of animals produces 53% of methane and 67% of ammonia emissions.** Apart from its heavy impact on land, water or biodiversity, animal agriculture stands in the way of achieving the EU's objectives under the European Green Deal or the Global Methane Pledge. The evaluated impact of current policies in agriculture shows the emissions of non-CO2 greenhouse gases reduced by only 3,7% by 2030.
- **Animal agriculture keeps intensifying.** While the number of animal farms in the EU has steeply declined over the past decade, agricultural production has not, showing a dangerous trend of moving from many smaller farms towards bigger and more intensive farms.



# RECOMMENDATIONS

Considering the EU's commitment to the Global Methane Pledge and the Green Deal, animal agriculture sector must not get another free pass and be exempted from the 'polluter pays' principle. Hence, we recommend the following:

## **1 Uphold a strong LSU threshold for cattle, pig, poultry and mixed farms**

- The threshold proposed by the Commission is adequate as it reflects the best cost-benefit ratio. The average cost per farm is calculated to be 2,400 € per year, which can hardly be damaging to the biggest animal farms in the EU.
- Cattle farms must not be excluded. As the key producer of methane, their inclusion in the IED has long been overdue.
- To support more sustainable methods of farming, density criteria could be adopted to separate extensive from intensive farms. However, there should be no exemptions for the ambiguous term "family farms". Ownership of a farm is not relevant and does not inform us on the pollution and greenhouse gases produced by a farm.
- The threshold also reflects the fact that animal farms in the revised IED are meant to operate under a lighter permitting regime with weaker and looser rules than other installations. It would go against the purpose of the revision to adopt such a regime but not proportionally decrease the threshold to cover significantly more installations.

## **2 Reject the proposed derogation from the permitting system in Art. 4(1) for installations under Chapter VIa**

- The derogation should be removed as it unjustifiably exempts animal farms from a permit-holding obligation and enables them to operate merely on registration, a considerably weaker tool. We find this backsliding provision to be in breach of the objective of the Union policy to preserve, protect and improve the quality of the environment enshrined in Art. 191 of the Treaty on the Functioning of the European Union.

### **3 Ensure that intensive farms cannot benefit from the weaker regime under Chapter VIa**

- The intensive rearing installations of poultry and pigs are to be moved from the scope of Chapter II to Chapter VIa, weakening the environmental protection. Hence, the definition of 'intensive poultry and pig farms' should remain the same as in the currently applicable Directive under point 6.6 of Annex I and should be accompanied by a new definition for 'intensive cattle farms'. These installations should continue to fall within the scope of Chapter II.

### **4 Strengthen the rules of the new Chapter VIa**

- While certain efforts to reduce administrative burden are understandable, the weak language of Chapter VIa brings serious issues which should be addressed. That includes, for example:
  - obligations of the operator in Art. 70d, where no equivalent to general obligations of Art. 11 was proposed
  - updates of permits in Art. 70c as the operator only informs the competent authority of "substantial" changes, leaving it up to the operator to assess what constitutes such a change, and the permit is updated only "where appropriate"
  - compliance monitoring system in Art. 70f as the inspections are not mandatory and can be replaced by "other measures"
- Operating rules which replace the BREF process and implementation should promote better animal welfare, as low animal welfare standards often correlate with low environmental standards.

### **5 Safeguard public rights at the highest level possible**

- The proposed Chapter VIa weakens key public rights in several ways, for example, by not explicitly stating the obligation to make results of monitoring public by default or by a lack of clarity pertaining to updates of permits or operational rules, which put public participation into question.
- EU citizens have a right to live in a healthy environment and have a right to be involved in matters which impact the environment. Therefore, it is necessary to ensure that Chapter VIa is aligned with the Aarhus Convention and resist any efforts to further weaken access to information, public participation and access to justice.