

EN

E-001389/2024

Answer given by Executive Vice-President Šefčovič
on behalf of the European Commission
(4.9.2024)

The Commission is aware of the ruling of the Court of Justice of the EU¹.

The Industrial Emissions Directive (IED)² covers production of pulp as well as production of cellulose-based fibres. Article 14(1)(a) requires that an installation permit includes emission limit values for polluting substances listed in Annex II, and for other polluting substances, which are likely to be emitted from the installation concerned in significant quantities, having regard to their nature and their potential to transfer pollution from one medium to another.

The IED also requires that the public concerned are given opportunities to participate in the permitting procedures and have access to a review procedure to challenge the legality of decisions. The revised IED³ strengthens the rules for emission limits, the use of resources⁴ and improves the rights of the public. Member States must implement the new requirements by 1 July 2026.

The project also falls under the scope of the Environmental Impact Assessment Directive (EIAD)⁵ requiring Member States to ensure that, before development consent is given, projects likely to have significant effects on the environment are made subject to an assessment of the environmental effects.

From the information provided, the Commission cannot identify any breach of the IED or the EIAD at this early stage of the procedure. Without prejudice to the role of the Commission as guardian of the Treaties, the most efficient approach, at least at this stage, would be to raise the issue with the Member State's authorities⁶ which are primarily responsible to ensure compliance with EU law.

This would be consistent with the strategic approach adopted by the Commission on its enforcement policy⁷, which focuses on systemic non-compliance.

¹ Judgment of the Court (Grand Chamber) of 25 June 2024; C. Z. and Others v Ilva SpA in Amministrazione Straordinaria and Others; Case C-626/22; ECLI:EU:C:2024:542.

² Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control), OJ L 334, 17.12.2010, p. 17–119.

³ Directive (EU) 2024/1785 of the European Parliament and of the Council of 24 April 2024 amending Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC on the landfill of waste, OJ L, 2024/1785, 15.7.2024, p. 1-47.

⁴ Including water.

⁵ Annex I, point 6, or Annex II, point 8 of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment, OJ L 26, 28.1.2011, as amended by Directive 2014/52/EU, OJ L 124, 25.4.2014.

⁶ <https://www.miteco.gob.es/es/calidad-y-evaluacion-ambiental/temas/sostenibilidad-industrial/prevencion-y-control-integrados-de-la-contaminacion-ippc.html>

⁷ As set out in the Communication of 19 January 2017: EU law: Better results through better application - C/2016/8600, OJ C 18, 19.1.2017, p. 10–20 and in the Communication of 13 October 2022: COM(2022) 518 final - Enforcing EU law for a Europe that delivers.