

(English version)

**Question for written answer E-001891/25
to the Commission**

Cristina Guarda (Verts/ALE), Benedetta Scuderi (Verts/ALE), Leoluca Orlando (Verts/ALE), Ignazio Roberto Marino (Verts/ALE)
(13 May 2025)

Subject: Emission limits for the Acciaierie d'Italia steelworks in Taranto

Amended and converted into Law No 31 of 20 March 2025 and issued in order to ensure that the Acciaierie d'Italia (formerly ILVA) steelworks could continue production, Decree-Law No 3 of 24 January 2025 ⁽¹⁾ also establishes in Article 1b(2) that the Taranto facility's health impact assessment (HIA) should use the limit values laid down by Legislative Decree No 155 of 13 August 2010.

In its ruling on Case C-626/22 of 25 June 2024, the Court of Justice of the European Union stated that the emission limit values set by the Air Quality Directives 'must be considered "environmental quality standards" within the meaning of Article 3(6) and Article 18 of Directive 2010/75' (paragraph 20) and that 'if compliance with those standards makes it necessary to impose stricter emission limit values on the installation concerned ... additional measures must then be included in the permit' (paragraph 21).

The European Union has also set stricter emissions limits by means of the new Industrial Emissions Directive ⁽²⁾.

In the light of the above:

1. How does the Commission view the Italian Government's decision to use the limit values laid down by Legislative Decree No 155/2010 for the aforementioned HIA? Does it not agree that this decision is an attempt at circumventing the CJEU's ruling in Case C-626/22, which clarified that Italy should comply with the stricter limits laid down by the Air Quality Directives ⁽³⁾?
2. Given that it has recently sent an additional letter of formal notice to Italy over its handling of this case, will the Commission follow up its infringement case against Italy (INFR(2013)2177)?

Submitted: 13.5.2025

Answer given by Ms Roswall on behalf of the European Commission
(27 August 2025)

1. Legislative Decree No 155 of 13 August 2010 transposes into the Italian legal order Directive 2008/50/EC of 21 May 2008 on ambient air ⁽¹⁾. This directive and Directive 2004/107/EC ⁽²⁾, has recently been revised by Directive (EU) 2024/2881 of 23 October 2024 ⁽³⁾, which Member States must transpose by 11 December 2026. Until 11 December 2026, Directives 2008/50/EC and 2004/107/EC remain in force. The Commission will assess the transposition of Directive (EU) 2024/2881 by all Member States, including Italy.

Article 18 of Directive 2010/75/EU ⁽⁴⁾ (the 'Industrial Emissions Directive' — 'IED') refers to 'environmental quality standards' (EQS), defined in Article 3(6) IED as the set of requirements which must be fulfilled at a given time by a given environment or particular part thereof, as set out in Union law. The requirements laid down in Directive 2008/50/EC, Directive 2004/107/EC and Directive (EU) 2024/2881 constitute such EQS. As confirmed by the Court of Justice of the EU ⁽⁵⁾, when compliance with EQS requires that an installation abides by stricter conditions than those achievable by the use of the best available techniques, additional measures shall be included in the IED permit of this installation ⁽⁶⁾.

Consistency between the two Directives is thus ensured; stricter conditions should be included in an IED permit where required under Article 18 IED in light of a case-by-case assessment.

¹ <https://www.gazzettaufficiale.it/eli/id/2025/03/24/25A01874/sg>.

² https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:L_202401785.

³ Which include Directive (EU) 2024/2881 of the European Parliament and of the Council of 23 October 2024 on ambient air quality and cleaner air for Europe.

⁽¹⁾ Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe — OJ L 152, 11.6.2008, p. 1-44.

⁽²⁾ Directive 2004/107/EC of the European Parliament and of the Council of 15 December 2004 relating to arsenic, cadmium, mercury, nickel and polycyclic aromatic hydrocarbons in ambient air; OJ L 23, 26.1.2005, p. 3-16.

⁽³⁾ Directive (EU) 2024/2881 of the European Parliament and of the Council of 23 October 2024 on ambient air quality and cleaner air for Europe (recast), OJ L, 2024/2881, 20.11.2024.

⁽⁴⁾ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial and livestock rearing emissions (integrated pollution prevention and control), (OJ L 334 17.12.2010, p. 17); as revised by 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.

⁽⁵⁾ In its judgment in Case C-626/22; <https://curia.europa.eu/juris/documents.jsf?num=C-626/22>.

⁽⁶⁾ Cf. Article 18 of the IED.

The reference in Legislative Decree No 155 to Directive 2008/50/EC is thus valid until 11 December 2026, without prejudice to Article 18 IED.

2. In the context of infringement procedure INFR(2013)2177 ⁽⁷⁾, the Commission sent a second additional letter of formal notice to Italy on 7 May 2025. Upon Italy's reply, the Commission will assess it and decide how to follow up.

⁽⁷⁾ [https://ec.europa.eu/implementing-eu-law/search-infringement-decisions/?version=v1&typeOfSearch=byCase&activeCase=true&page=1&size=10&order=desc&sortColumns=refId&memberState=IT&dg=ENV&langCode=EN&refId=INFR\(2013\)2177](https://ec.europa.eu/implementing-eu-law/search-infringement-decisions/?version=v1&typeOfSearch=byCase&activeCase=true&page=1&size=10&order=desc&sortColumns=refId&memberState=IT&dg=ENV&langCode=EN&refId=INFR(2013)2177).