Council of the European Union
General Secretariat

Interinstitutional files:
2025/0394 (COD)
2025/0397 (COD)

Brussels, 20 January 2026

WK 895/2026 INIT

LIMITE

SIMPL
ANTICI
ENV
ENT
MI
IND
COMPET
CODEC

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Antici Group (Simplification)
Subject:	Environment Omnibus Package: follow-up to the WP meeting on 19 January 2026 – Commission presentation on Industrial emissions

Delegations will find attached the presentation on Industrial emissions that was made by the Commission at the meeting of the Antici Group (Simplification) working party.

Environment Omnibus Package
- Industrial emissions-

DG Environment

19/01/2026

European Commission

Content of the package

Proposed amendments to:

- Industrial Emissions Directive
- Medium Combustion Plants Directive
- Industrial Emissions Portal Regulation

General comments/questions received so far

- 16 MSs (BG, LV, SI, DK, FR, EE, IE, IT, LUX, HU, AT, SE, RO, FI, CZ, NL) provided comments, questions, all supporting simplification measures, while highlighting the need to maintain environmental protection standards
- Questions on interaction with transposition of Directive (EU) 2024/1785
  - Member States are required to fully transpose Directive (EU) 2024/1785 by July 2026, as the final scope, outcome and timing of the co-decision on the environmental omnibus cannot be prejudged.
- Can factual mistakes, e.g. wrong cross-references, in Directive (EU) 2024/1785 be corrected during these negotiations ?
  - Yes
- Proposals for further amendments, e.g. IED: Article 14 ab), Article 14a), Article 79(2) 2d, Annex Ia, on LCP, Art 15(3), Art 15(4), art 15(5), Annex II, INCITE, Art 7c; MCPD, IEPR
  - Not addressed in this presentation

Industrial emissions Directive

Environmental management system (EMS)

1) Allowing for the development of EMS at company level rather than at installation level

The IED requires operators to have an environmental management system (‘EMS’) for each installation in the scope of its Chapter II.

The EMS shall include, inter alia, environmental policy objectives for the continuous improvement of the environmental performance and safety of the installation, including measures to (i) prevent the generation of waste; (ii) optimise resource and energy use and water reuse; (iii) prevent or reduce the use or emissions of hazardous substances.

Under this simplification measure, operators would be able to apply a single EMS across multiple installations under the control of the same operator or belonging to the same company in the same Member State.

Questions on EMS – simplification 1

- Current paragraph 1 should not be deleted

A: We agree that the obligation to prepare and implement the EMS should remain. We regret that this has been unintentionally deleted due to a clerical error during the omnibus preparations

- Does the proposed simplification lead to unequal treatment (large vs small companies)?

A : the proposed modification does not create unequal treatment between companies with a limited number of installations (small companies) and companies with a large number of installations (big companies). On the contrary, currently, big companies have to produce an EMS for each installation, often repeating unnecessarily the exercise for standard parts of the EMS that are the same for all installations (e.g. environmental objectives, performance indicators).

This modification aligns the EMS as described in Article 14a with standard existing EMS schemes (such as EMAS or ISO 14001). Those schemes allow the EMS to be designed at the level of the company (referred to as ‘organisations’), based on installation-related information.

Questions on EMS – simplification 1

- The proposal should not lead to more installations being covered by the EMS provision at company level

A: The omnibus proposal will not lead to increasing administrative burden nor the amendments concerning EMS will increase the number of installations for which there is an obligation to prepare an EMS.

Environmental management system (EMS)

2) Repealing the requirement to include a chemical inventory and chemical risks assessment in the EMS

The IED requires operators to have an environmental management system ('EMS') for each installation in the scope of its Chapter II. The EMS shall include, inter alia, "*a **chemicals inventory** of the hazardous substances present in or emitted from the installation as such, as constituents of other substances or as part of mixtures, with special regard given to the substances fulfilling the criteria referred to in Article 57 of Regulation (EC) No 1907/2006 and substances addressed in restrictions referred to in Annex XVII to Regulation (EC) No 1907/2006, and **a risk assessment** of the **impact of such substances on human health and the environment**, as well as an analysis of the possibilities for **substituting** them with safer alternatives or reducing their use or emissions*".

Under this measure, this requirement would be deleted.

Questions on EMS – simplification 2

- Concerns on resulting lowered environmental protection, reasons of duplication and stakeholder inputs

A: Some stakeholders proposed removing the chemicals inventory requirement due to it being seen as a redundant and costly measure. The main rationales are that it duplicates existing regulations under REACH and occupational health and safety rules, resulting in additional administrative burden without improving environmental or employee health protection.

The existing provision on the chemical management system (CMS) covers three elements: 1) a chemical inventory of hazardous substances; 2) a risk assessment with a focus on those substances that are particularly hazardous (persistent, bio accumulative, etc.); 3) an analysis of possibilities for substitution and reducing use and emissions.

The risk assessment may be covered by REACH, and to some extent the analysis for substitution. Safety of workers legislation also includes similar provisions. Therefore, we are proposing to delete to avoid overlaps.

The deletion of a CMS as a standard feature of the EMS under IED will create alignment with other existing EMS schemes, such as EMS according to ISO 14001, or EU Regulation 1221/2009 ‘EMAS’, thus simplifying its implementation.

BAT conclusions enable a more nuanced and proportionate approach, tailored to each industrial sector’s needs, rather than standard requirements applying across all sectors.

Questions on EMS – simplification 2

- Does the the fact that operators are no longer required to carry out health impact assessments mean that this assessment would have to be conducted exclusively by the competent authority, increasing administrative burdens, reducing opportunities for discussion on the matter, and relieving operators of responsibility?

A: Health impact assessment remains an obligation for the operator as per REACH, as part of the chemical safety assessment of substances manufactured or used.

Environmental management system (EMS)

3) Repealing the empowerment for the COM to adopt an IA on which information from the EMS is relevant for publication.

Article 14(a)(4) specifies that Member States shall ensure that the relevant information set out in the EMS is made available on the internet, free of charge and without restricting access to registered users. The Commission shall, by 31 December 2025, adopt an implementing act on which information is relevant for publication.

Under this measure this provision would be deleted.

Questions on EMS – simplification 3

- Concerns expressed over the proposed deletion

A: the Commission has proposed to delete this paragraph in order to follow up to its political commitment to reduce the number of implementing and delegated acts and associated administrative burden. The Commission aims to support Member States in view of harmonising the implementation of the provision requiring relevant EMS information to be made publicly available. This can be done in the IED expert group and formalised e.g. in a guidance document.

Environmental management system (EMS)

4) Repealing the auditing requirement for EMS

The IED requires operators to have an environmental management system (‘EMS’) for each installation in the scope of its Chapter II. Article 14(4) requires the EMS to be audited for the first time by 1 July 2027 and then at least every three years by an accredited conformity assessment body.

Under this measure the requirement for such audits would be deleted.

Questions on EMS – simplification 4

- If the requirement for external auditing of Environmental Management Systems (EMS) is removed, how will the correct and effective implementation of the EMS be ensured in practice?

A: The proposed modification gives more flexibility and freedom to Member States to define how the correct implementation of the EMS should be verified, by whom, and in the way that they consider best suited to their organisation and given their resources.

Environmental management system (EMS)

5) Giving more time to operators to prepare and implement the EMS in accordance with the revised IED Article 14a, by postponing such deadline from 2027 to 2030

Questions on EMS – simplification 5

- Which installations are covered by the proposed deadline (1 July 2030), taking into account the transitional provisions in Art. 82 and the fact that all published BAT conclusions containing EMS provisions are supposed to have been already implemented, or will be before 1 July 2030 according to the implementation deadlines in the BAT conclusions?

A: For sectors covered by existing BAT conclusions, for existing installations that fall within the scope of Directive 2010/75/EU before 4 August 2024, IED operators must, by 1 July 2030, prepare or update and implement an EMS in accordance with the relevant BAT conclusions and the revised IED EMS provisions.

This modification for additional years for implementing EMS (compared to 1 July 2027) will notably benefit installations that have no EMS in place even if covered by published BAT conclusions before 4 August 2024 (estimated to be about 10% of installations).

Environmental management system (EMS)

6) Repealing the requirement to develop installation-level indicative transformation plans

The IED requires operators to have an environmental management system for each installation in the scope of its Chapter II. Article 14(a)(2)(f) requires a transformation plan containing information on how the operator will transform the installation during the 2030-2050 period to contribute to the emergence of a sustainable, clean, circular, resource-efficient and climate-neutral economy by 2050.

Under this measure, this requirement would be deleted.

Questions on EMS – simplification 6

- Concerns on impacts on the green deal objectives

A: Transformation plans are one of the tools included in the revised IED to promote the uptake of innovative techniques and support the transformation of industry, in addition to INCITE (art.27a), permitting flexibilities to test and apply emerging techniques (art.27b and 27c) and permitting flexibilities to implement deep industrial transformation (art.27e). The content of Transformation Plans were indicative and it has been considered that the proposed deletion does not jeopardize the objectives of promoting innovation which will be achieved by the other elements.

Annex Ia - Livestock sector

1) Exclusion of organic poultry and 2) simplified calculation of pig farms capacity

The IED currently exempts organic pig farms from its scope, while it includes organic poultry farms in its scope.

It also establishes conversion rates for the calculation of the Livestock Unit level of installations, among which for the category “Piglets ≤ 20 kg” for which a conversion rate of 0,027 is established.

Under this measure organic poultry farms is excluded from the scope of the directive, with a view to ensuring a coherent approach for the organic livestock sector and given that they are already subject to specific legislation. Given that unweaned piglets are only causing low emissions, it is appropriate to exclude them for the calculation of the installation capacity.

Questions on Annex Ia

- Question on whether the average annual capacity of the installations, and not the maximum capacity of the installations can be used

A: Average annual production depends on many factors, including market conditions, making it highly variable. This variability could result in an installation being covered by the IED only in certain periods, depending on the production levels in the previous years used for the calculation. Consequently, farmers and regulatory authorities would face legal uncertainty.

Annex I – production of iron or steel

Aligning the scope of the revised IED in relation to the production of pig iron to the scope of the EU Emission Trading Scheme, resulting in regulatory consistency, legal clarity and thus more simplicity and predictability for novel low-carbon iron production processes

Annex I of the IED covers in activity 2.2, ‘Production of pig iron or steel (primary or secondary fusion) including continuous casting, with a capacity exceeding 2,5 tonnes per hour’. Pig iron is produced through the conventional process of smelting iron ore in a blast furnace. More recent and innovative iron ore processing techniques (direct reduction of iron ore - DRI) are not producing pig iron as such but lead to sponge iron, i.e. a metallic iron that is produced without melting and thus without the need of the traditional blast furnace.

Removing the word ‘pig’ in this activity would align the activity with the same activity under the EU’s Emissions Trading System.

Questions on Annex I

- Are the changes leading to a reduction in scope of point 2.2?

A: The conventional process of smelting iron ore in a blast furnace, i.e. leading to the production of ‘pig iron’, is not excluded by this proposal as it is still covered by point 2.2. of Annex I to the IED. The proposal to remove the word ‘pig’ in point 2.2 of Annex I to the IED aligns the activity with the same activity under the EU’s Emissions Trading System (ETS, Annex I to Directive 2003/87/EC) and therefore aims to simplify synergies between the IED and ETS by clarifying the scope of application of the activity under IED.

Furthermore, this would also simplify the permitting of new and cleaner techniques expected to replace the conventional iron and steel production process steps, such as direct reduction plants.

Permitting decarbonisation projects

1) Oxy-fuel combustion

Enabling the use of oxy-fuel combustion under Directive 2010/75/EU (i.e. combustion air enriched with or replaced by oxygen)→ giving competent authorities flexibility to assess compliance with the emission limit values referred to in Article 30 of Directive 2010/75/EU → **addition of specific points in IED Annex V**

Questions on oxy-fuel combustion

- Should proposed changes to Annex V also apply to Annex VI?

A: The proposal enables the use of oxy-fuel combustion in combustion plants regulated by the IED and MCPD by giving competent authorities flexibility to assess compliance with the emission limit values referred to in Article 30 of the IED (Chapter III and Annex V) and in Article 6 of the MCPD.

In the case of an oxygen enriched atmosphere in waste co-incineration in cement plants, which are covered by Chapter IV and Annex VI of the IED, the IED already provides for a similar flexibility to assess compliance with the applicable emission limit values in an oxygen-enriched atmosphere. In particular, Annex VI Part 6 (monitoring of emissions), point 2.7 states that *"The results of the measurements shall be standardised using the standard oxygen concentrations mentioned in Part 3 or calculated according to Part 4 and by applying the formula given in Part 7. When waste is incinerated or co-incinerated in an oxygen-enriched atmosphere, the results of the measurements can be standardised at an oxygen content laid down by the competent authority reflecting the special circumstances of the individual case. […]"*

Existing IED flexibilities could be used to set permit conditions (e.g. Articles 14(5) or 14(6)). According to Article 15a(3) of the revised IED, compliance with Chapter II ELVs would also mean compliance with Chapter IV (and thus Annex VI).

Questions on oxy-fuel combustion

- Are proposed changes to Annex V relevant for environmental performance levels?

Article 15(4) relates to environmental performance which is defined in article 3(13aa) as performance with regards to consumption levels, resource efficiency concerning materials, water and energy resources, the reuse of materials and water, and to waste generation. The changes proposed in Annex V do not impact Article 15(4).

Permitting decarbonisation projects

2) Hydrogen combustion

In order to enable the use of hydrogen as a fuel, the emission limit values set out in point 6 of Part 1 and point 6 of Part 2 of Annex V to Directive 2010/75/EU would not be applicable to combustion plants firing gas with more than 20 % (by volume) of hydrogen. However, a safeguard measure is proposed: Member States should ensure that the overall load of NOx eventually released into the air over one year is not increased compared to the situation where the emissions from the installation concerned would remain compliant with the emission limit values set out for NOx for the combustion of natural gas.

Questions on hydrogen combustion

- Concerns that combustion plant operators will need to either reduce their annual load or install purification facilities to reduce emissions of this pollutant

→ Concentration of NOx in the emissions will increase when burning pure hydrogen or hydrogen in a mix with other gases over 20% in volume. However, the amount of NOx emissions (i.e. the mass of NOx expressed in grammes) will be lower than the amount of NOx emissions from the combustion of natural gas, for the same amount of energy produced. According to available information (e.g. TNO, 2023), **NOx emissions** from large combustion plants, expressed as gram of NOx per net calorific value (g/MJ), account to approximately **22.4 g/MJ for natural gas** and **16.3 g/MJ for hydrogen**[1]. This means that there will not be a need to reduce operating hours or to install abatement equipment.

- Why has the COM not proposed specific ELV ?

Adding specific ELVs would have been a possible option but at the moment there are only very little data available which could allow making such proposal.

Transitional provisions (1)

TP added to three provisions contained in Directive (EU) 2024/1785 that would otherwise trigger the need to start revising all IED permits in July 2026

- revised Article 14(1)(ab) IED: MS must ensure that the permit includes the requirement to assess the need to prevent or reduce emissions of hazardous substances. New requirement under the revised IED.
- revised Article 16(2) IED: monitoring should take place at least once every 4 years for groundwater and 9 years for soil, thus with higher frequencies compared with the previously applicable ones (i.e. 5 years for groundwater and 10 years for soil).
- revised Article 16(3) IED: requires quality control of laboratories performing the monitoring to be based on CEN standards or, if CEN standards are not available, ISO, national or other international standards which ensure the provision of data of an equivalent scientific quality. New requirement under the revised IED.

➡ With the introduction of transitional periods, the above provisions would apply to specific installations where their permits are updated due to the reasons specified in Article 3(2) of Directive (EU) 2024/1785; provision that is subject of the proposed revision and move within Art 82 IED as Art 82(11).

Transitional provisions (2)

In the interest of consistency, clarity and legal certainty, the transitional provisions set out in Directive (EU) 2024/1785 (as complemented in respect of Article 14(1) point (ab), and Article 16(2) and (3)) should be moved from that directive to Article 82 of Directive 2010/75/EU that already contains other transitional provisions

Questions on transitional provisions Art 82

- If transitional provisions moved to Article 82 of the Directive 2010/75/EU, reference to Article 82 in paragraph 4, third subparagraph, should be amended – the correct reference would be Article 82(13).

A: Yes, the amended §4 of **Article 14a**, third subparagraph, as included in the omnibus amendment, which reads as follows: '*The operator shall prepare and implement the EMS in accordance with paragraphs 1, 2 and 3 of this Article by 1 July 2030 except for installations referred to in Article 82*.' should refer to art 82(13) (in line with the current wording of that provision referring to Article 3(4) of Directive (EU) 2024/1785).

- Move of transitional provisions from Article 3 of Directive (EU) 2024/1785 to Article 82 of Directive 2010/75/EU

A: the content of Article 3 of Directive (EU) 2024/1785, i.e. the transitional provisions; is not proposed to be deleted from the EU industrial legislation; but for overall clarity, it is proposed to move the entire set of transitional provisions within the IED, to Article 82 of Directive 2010/75/EU.

Transitional provisions set out in Article 3 of Directive (EU) 2024/1785, as well as the transposition deadline for Directive (EU) 2024/1785, continue to apply while the draft omnibus is being discussed. The TP produce the same effects, either under Directive 2024/1785 or under Directive 2010/75/EU; the TP remains in force under Directive (EU) 2024/1785 until they are in force under the IED. There will thus be no gap.

Medium Combustion Plant Directive

Permitting decarbonisation projects

1) Oxy-fuel combustion

Enabling the use of oxy-fuel combustion under Directive (EU) 2015/2193 thus requires giving competent authorities flexibility to assess compliance with the emission limit values referred to in Article 6 of Directive (EU) 2015/2193.

Permitting decarbonisation projects

2) Hydrogen combustion

to simplify the use of hydrogen as a fuel, the emission limit values set out in Annex II of Directive (EU) 2015/2193, should not be applicable to combustion plants firing gas with more than 20 % (by volume) of hydrogen. However a safeguard measure is proposed: Member States should ensure that the overall load of NOx eventually released into the air over one year is not increased compared to the situation where the emissions from the installation concerned would remain compliant with the emission limit values set out for NOx for the combustion of natural gas

Easing the requirement for back-up generators (data centres)

Medium combustion plants used only occasionally as back-up generators during emergency situations

Under the existing Directive, they are exempted from emission limit values but submitted to periodic measurements in relation to their SO_2, NO_x, dust and CO emissions

Under this simplification measure, more recent back-up generators with a rated thermal input equal to or greater than 20 MW that comply with the emission limits values applicable to non-road mobile machinery, category NRG in respect of Stage V controls, set by Annex II to Regulation (EU) 2016/1628 will be subject to less frequent monitoring, i.e. after 1 500 operating hours have elapsed (rather than every 500 hours), or at least every five years

Questions on back-up generators

- Concerns on the reference to Regulation (EU) 2016/1628, whereas combustion plants used for propulsion are excluded from the scope of the MCPD.

A: Regulation (EU) 2016/1628 sets minimum emission limit values for engines for generating sets in Annex I. The reference to this Regulation is only in respect to those emission limit values that would need to be complied with by engines in order to benefit from the simplification provided for in the omnibus package. It does not mean that the scope of the MCPD and of Regulation (EU) 2016/1628 coincide.

- How can medium combustion plants prove compliance with requirements applicable to 'category NRG' in respect to Stage V controls under Regulation (EU) 2016/1628 of the European Parliament and of the Council. Is any certification needed, or can competent authority decide?

A: Regulation (EU) 2016/1628 is the core regulation for engines used in non-road machinery, including many used in stationary generators, setting strict emission limits for pollutants (like NOx, PM) and defining the type-approval procedure. It is expected that for most engines approval authorities will have already provided EU type-approval under Regulation (EU) 2016/1628 that can used as proof of compliance with the emission requirements of that Regulations. Where such evidence does not exist or no type-approval has been requested / obtained it is expected that the engines concerned would be submitted for type-approval or would be assessed by the relevant competent authority on a site specific basis to prove compliance with the relevant emission limits specified in that Regulation.

Industrial Emissions Portal Regulation

Amending Regulation

- Regulation (EU) 2024/1244 on reporting of environmental data from industrial installations, establishing an Industrial Emissions Portal and repealing Regulation (EC) No 166/2006.
  - Exempting livestock and aquaculture operators from reporting on energy, water, and relevant raw materials
  - Allowing Member States to report, on behalf of livestock and aquaculture operators, on off-site transfers of waste and pollutants in wastewater, production volume and number of operating hours, if that information can be gathered by Member States by other means.

Questions on IEPR

- Could the Commission clarify whether Regulation (EU) 2024/1244 provides that, if the operator of livestock production or aquaculture installations does not submit data on the use of water, energy and relevant raw materials, there is no reporting obligation at all, or whether the reporting obligation should instead be fulfilled by the Member State on behalf of the operator?

A: in accordance with the Commission proposal, there is no requirement for livestock production and aquaculture operators to submit data on the use of water, energy and relevant raw materials and consequently no requirement for the authorities to report on that information to the Commission.

- The proposed amendements lead to increased administrative burden for Member States

A: The Commission proposal allows, but does not oblige, Member States to report on behalf of livestock production and aquaculture operators on off-site transfers of waste, off-site transfers of pollutants in wastewater, production volume and the number of operating hours. Should the Member State consider that this increases the administrative burden for public authorities and do not wish to avail of this possibility, it can do so.

Questions on IEPR

- Which data sources the simplified report proposed by the European Commission can be based on, and under what practical conditions it can be ensured that no additional administrative burden or fragmented data practices are created?

A: There is no mentioning of a simplified report in the Commission proposal. The latter rather allows MS to report on behalf of operators on certain items, if data available to them via other sources allows such reporting. When reporting to the Commission, Member States should make use of the best available information, and depending on individual situation, may obtain the data by measurement, calculation or estimation as prescribed in Art 6(3) of IEPR. An example of such data could be data collected in the context of the implementation of the CAP.

It is for MS to decide on whether or not they want to avail of this possibility, including based on considerations on administrative burden.

- Could the commission clarify if the MS will also take on the responsibility for the correctness of this reporting, or does this remain with operators?

A: if MS decide to report on behalf of operators, it would not be appropriate to make operators responsible for the correctness of this reporting.

Thank you!