

EU industrial pollution law revision essential to cut greenhouse gases and pollutants
From factories to power plants, intensive livestock farming and refineries, the industrial sector is responsible for about a half of the European Union's greenhouse gas emissions and 75% of hazardous waste production. Large-scale industrial activities are also a major driver of air pollution, which causes 412,000 premature deaths in Europe every year. Data provided by industry also show that these facilities - most notably coal-fired power plants - release about 4,600 tonnes of heavy metals per year into the air, water and soil, including poisonous arsenic, lead and mercury. The Industrial Emission Directive aims to reduce emissions, promote resource efficiency and curtail the use of hazardous chemicals by setting standards for different industrial activities - the so called Best Available Techniques (BATs).

However, the directive is not helping to decarbonise industry, while loopholes and exceptions have hampered its capacity to curb toxic emissions and tackle cross-border pollution. This means that industrial operators have been allowed to pollute at dangerous levels, at the expenses of people and nature. As the European Commission opens a public consultation on updating the directive, campaigners are calling on policymakers to make it fit for the climate fight and a non-toxic environment, and are inviting European citizens to sign the petition and make their voice heard. Under the European Green Deal, the European Union is committed to reaching climate neutrality by 2050, and last year EU leaders agreed to slash greenhouse gas emission by 55% over the next decade. As industry is one of the most emitting economic sectors, a clean industrial transformation is urgently needed to achieve this goal.

However, the current Industrial Emissions Directive does not address greenhouse gas pollution and climate impacts directly. Instead, the regulation of greenhouse gas emissions is left to the EU Emissions Trading System (ETS), which is the world's first and largest carbon market, covering covers around 40% of the EU's greenhouse gas emissions. This means that EU governments are not required to set limits on these emissions when issuing environmental permits under the IED, nor are they obliged to set binding energy efficiency standards based on performance for installations covered by the ETS. With the petition, environmental and climate experts urge the European Commission to include a limit on greenhouse gas emissions from industries in the revised directive.

The lack of a cap on industrial carbon emissions is not the only flaw of the Industrial Emission Directive. Breaches, derogations and exceptions to industrial pollution rules on a continental scale are the proof that the current IED is not strict enough.

In Poland, the Pomorzany power plant is still operating after the deadline set by its permit,

while authorities turn a blind eye instead of shutting it down.

Germany has just allowed a new coal-fired power plant to go online in Datteln, without questioning the suitability of the technology, nor considering available renewable resources as possible alternatives.

In Slovenia, the national monitoring system produces unrealistic and inaccurate emissions reports, while Bulgarian authorities are by-passing the IED to allow industrial facilities to operate in breach of pollution limits.

In Romania, the fines imposed on coal plant operators for breaking the law are too low to deter violations, while in Taranto, Italy, IED provisions have proven insufficient to protect workers and residents from the catastrophic health impacts of the Ilva steel factory.

More generally, the directive's excessive flexibility and vague legal obligations leave excessive margins of discretion for national authorities when it comes to granting industrial permits and enforcing the law. This makes the IED slower and less effective at curbing hazardous industrial pollution and protecting people's health and the environment. To remedy these flaws, campaigners demand the revised directive to include new zero-pollution rules for factories and power plants forcing operators to limit their impacts on the air, water and natural resources. The Aarhus Convention empowers the public to take part in decision making in environmental matters, to be well informed, and to have access to justice.

However, the stories of breaches and derogations all across the EU are also a sign that the current IED is unfit to guarantee people's environmental rights. Poor governance of industrial regulation, the lack of appropriate instruments to track progress within the sector and grant transparency, and industry infiltrations in the process to define standards and Best Available Techniques cast a shadow on citizens and civil society's capacity to access information and promote the public interest.

A jarring example of such barrier to transparency is the lack of a EU centralised environmental database for industrial activities. The IED require operators of large industrial installations to generate annual compliance reports and to monitor results on environmental performance. It also requires national authorities to make such information available to the public, including operating permits.

However, most member states are failing to disclose crucial information about highly polluting activities, and many are not even meeting the minimum transparency requirements. For its part, the EU has failed to provide adequate access to data generated by industry, and to allow compliance promotion and benchmarking. As a result, EU industry reporting on pollution is far behind the standard practice in some other parts of the world,

such as China, the United States, Canada and Mexico. To help fill the information gap, the European Environmental Bureau launched last year the Industrial Plant Data Viewer, an NGO-powered online tool that shows which facilities are playing by the rules and which are not.

Source: meta.eeb.org