



9 October 2023

## **STATEMENT IN VIEW OF 2<sup>ND</sup> TRIALOGUE MEETING (10 OCTOBER) ON THE INDUSTRIAL EMISSIONS DIRECTIVE**

BusinessEurope fully supports efforts to reduce emissions, the need to protect the environment and human health. It is crucial to reach this ambition in an economically successful manner, so that companies continue to have the means to invest in their transformation.

The on-going revision of the Industrial Emissions Directive (IED 2.0) is a unique opportunity to combine both objectives. However, there is a substantial risk that the directive becomes an instrument of micro-management of industries, increasing the regulatory burden on companies, without clear environmental benefits.

In view of the 2<sup>nd</sup> political triologue on 10 October, we urge EU negotiators to:

### **→ SUPPORT TRANSFORMATION PLAN ON COMPANY LEVEL**

In line with the political goal to reduce regulatory burden on companies, notably reporting obligations, it is crucial that IED 2.0 requires a transformation plan only on company level (Art 27d). Requesting a transformation plan for the tens of thousands of installations covered by the IED is a pure increase of bureaucracy without clear environmental benefits. In addition, business is genuinely concerned about the multiple requests for long-term decarbonisation/transformation plans in different legislations such as IED 2.0, CSRD or EU ETS. The risk of overlaps and inconsistencies of requirements to companies is high and must be seriously tackled by EU policymakers.

### **→ SUPPORT INDICATIVE ENVIRONMENTAL PERFORMANCE LIMIT VALUES**

Setting binding Environmental Performance Limit Values risks hampering innovation, when it is urgently needed for the green transition (Art 15/3a). It prevents companies from making their operations greener, e.g., since often more energy is needed to make the transformation to net-zero happen. Beyond that, the production of more durable and sustainable products can require more resources. Therefore, indicative Environmental Performance Limit Values are essential to maintain and encourage the production of those long-lasting high-quality and low carbon products.

### **→ REJECT A REVERSAL OF THE BURDEN OF PROOF**

The burden of proof for private damage claims should not automatically be shifted or adapted in the IED framework in any way (Art 79a). As the ability of a company to prove that other factors are beyond doubt impacting health or environment is nearly impossible, introducing such a provision would be disproportionate and undermining the principle of 'innocent until proven guilty'. In addition, national laws are already in place to compensate private damages resulting from a violation. Hence, there is no need to establish such a far-reaching provision in IED 2.0.

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