Subject: Commission's presentation on the IED and exchange of views
Date: Thursday 12 May 2022 (9h30- 11h30)

Participants present from DG ENV: 

Participants present from DG AGRI:

Unanswered questions

Scope

- There are still a lot of uncertainty regarding LSU. For instance, where can we find the scientific basis for and a clear definition of LSU?
- Considering Arts 1.1 or 1.4(a) of Annex, the IED might apply to greenhouse horticulture, depending on how the thermal input is calculated. My question therefore is, does the Commission follow the same approach in the IED as in the ETS (by looking at thermal input per legal business entity) or does the Commission assess the thermal input per food-producing location (i.e., address)?
- How does the tailored approach for rearing of cattle, pigs, and poultry really help farmers?
- The Commission stated that the percentage of farms concerns in the EU is 13%, but there is a big national difference between Member States. Indeed, for some MS the impact will be considerable, has or is the Commission planning to do an assessment at Member State level or are they counting on the Council to provide that knowledge?
- Article 74 of the IED's proposal grants the Commission the power to amend the scope of the IED through delegated acts. We fail to see the legal basis behind this since we consider it an essential element of the Directive.

Food security

- The Ukrainian war demonstrated the EU’s and third countries’ lack of resilience and dependence on third countries, particularly when it comes to dependence on food imports. We foresee a decline in EU production of animal products from the cattle, poultry and pigs sector due to the implementation of the current proposal of the IED, which will lead to an increase of imports and thus further dependence on third countries. Has the EU Commission weighted the costs and potential consequences of such dependency, with a particular remark to the drawbacks of the current Ukrainian war?

Farming models and animal welfare

- We disagree with the Commission’s response to previous questions regarding that "intensive" farms are worse for the environment than extensive farms. There is not the...
conclusion in the BAT for poultry and pig farms. We are now in a process of changing the cages for "less intensive" systems with more environmental impact.

- Do you also see conflict of aims in case of animal welfare and the new IED? Can you explain why not?

**Operating rules and compensation**

- The Commission mentioned that the “registration” procedure should only be available if the installation compliance with the requirements of Chapter VI(a). How does that translate in practice? Will there be a minimum set of requirements other than the “permitting operating rules”? Will this require inspections to an installation? Will the registration procedure lead to regular revisions?
- The proposed Article 79(a)(3) places the onus probandi in the operator allegedly causing the harm/damage to prove that the alleged violation did not cause the harm – this is proving a negative, which would be either incredibly burdensome or even impossible. A priori, this seems inconsistent with legal principles enshrined in EU law and in some Member States.