Dear [Name],

Thank you for your letter following the meeting between European Commission (DG ENV C4) and Copa-Cogeca. Please find below additional information and answers for questions included in your letter.

1. Scope
   - Definition of LSU. One Livestock unit (LSU) is formally defined as the grazing equivalent of one adult dairy cow producing an annual quantity of 3,000 kg of milk, without additional concentrated foodstuffs. The LSU is used to express the size of farms rearing different categories of animals, using the conversion rates, with reference to the maximum number of animal that may be present in the farm anytime during the calendar year. The conversion rates are set out in Annex II to the Commission Implementing Regulation (EU) No 808/2014 (related to applying the European Agricultural Fund for Rural Development (EAFRD)).
   - Concerning the calculation of thermal input, please be aware that the rules related to the combustion plants remain unchanged. Moreover, the Medium Combustion Plants Directive (EUR-Lex - 32015L2193 - EN - EUR-Lex (europa.eu)) may be relevant.
   - The tailored approach defines new lighter permit requirements for the rearing of livestock. It consists of a more straightforward permit application and will alleviate the administrative burden on both farmers and national authorities. The aim of such a tailored approach is to facilitate effective implementation of the IED in Member States in terms of achieving a high level of protection of the environment as a whole, while minimising administrative burden. The standard IED permitting requirements defined in its Chapter II do not apply to the rearing of livestock, for example no environmental management system, soil contamination baseline report or transformation plan are required. Furthermore, unlike permitting of industrial activities under Chapter II of the IED, the tailored permit for rearing of livestock may be implemented through a permit or a registration, as long as all requirements set out in Chapter VIa are fulfilled.
   - Percentage of farms covered. The Commission’s impact assessment is based on the official Eurostat data that has been validated by Member States’ statistical offices. The Commission is aware that the farms covered by the proposal are not evenly spread across
EU Member States - this is also the case for other IED sectors. As for other IED sectors, unevenly distributed across the EU, the BREF process can address such variations within the EU. The proposal covers only 13% of non-subsistence farms, leaving the overwhelming majority of farms out of the IED scope, which ensures that action is taken by those farms that can make most environmental progress at lowest cost. An important added value of the IED, beyond the environmental improvements that will be achieved, is that it will support establishing a level playing field at EU level for the largest farms, thereby ensuring that differences in environmental requirements in the Member States do not distort competition between livestock farms within the EU.

- Scope watch mechanism (amendment to Article 74). In order to ensure that Directive 2010/75/EU continues meeting its objectives to prevent or reduce emissions of pollutants and achieve a high level of protection of human health and the environment - which are the overarching objectives - Annexes I and Ia to that Directive should be updated, with new agro-industrial activities added where necessary through the adoption of a delegated act by the Commission.

In line with the requirements of the Treaty, the objectives, content, scope and duration of a delegation of power must be explicitly defined in the legislative act; which is what the proposed amendment to Article 74 aims to achieve. The proposal provides that the Commission may use the empowerment to prepare such deleted act only when all the following criteria are met:

a) a given activity has or is expected to have an impact on human health or the environment, in particular as a consequence of pollutant emissions and use of resources;

b) its environmental performance diverges within the Union;

c) it presents potential for improvement in terms of its environmental impact through the application of best available techniques or innovative techniques;

d) its inclusion within the scope of this Directive is assessed, on the basis of its environmental, economic and social impacts, to have a favourable ratio of societal benefits to economic costs.

The essential elements are therefore determined in the basic act, consistent with the treaty requirements.

In addition, the Commission will carry out appropriate consultation with stakeholders before adopting such delegated act. It will also make public relevant studies and analyses used in the preparation of such delegated act.

2. Food security

The following aspects ensure that the proposal to widen the IED coverage of the rearing of livestock does not have an impact on food security:

- At present, with the Russian invasion of Ukraine, there is a specific - hopefully temporary - threat to both animal and human food security. In the EU, this concerns mainly animal feed. To address that threat, the Commission decided on 23 March to give an exceptional and temporary derogation to allow the production of any crops for food and feed purposes on fallow land.
• The new obligations will enter in effect for farmers in mid-2029, hopefully long after the
Ukraine war has ended.
• The proposal to widen the IED coverage of the rearing of livestock is limited to the 13%
largest farms and is based on light permitting regime limiting the related administrative
burden.
• The Operational Rules will be based on BAT as defined in Article 3(10) of the IED.
Hence, economic viability of techniques is a condition for qualifying them as BAT. The
identification of BAT is a fact-based process. The livestock rearing sector will be invited
to participate in the group exchanging information on the most performing viable
emission reduction techniques available, and supporting the drafting of the operational
rules.
• Farms may benefit from financial support from the present CAP if they proactively adopt
measures earlier, as well as up to 2 years after the date at which the EU standards become
binding. The future CAP may retain or possibly extend such funding provisions, to help
to promote “greening” of farming practices, and to assist farmers to fulfil their CAP duty
of care on responsible control of pollution and protecting human health and ecosystems.

3. Farming models and animal welfare
• Whilst the current BAT conclusions for IRPP do not include different provisions
depending on the type of farming models, the process of establishing the Operational
Rules will take such differences into the consideration. The proposal requires those rules
to take into consideration not only the nature, type, size and density but also the
complexity of these installations and the range of environmental impacts they may have,
together with economical aspects. This will allow establishing proportionate requirements
for different farming practices (intensive, extensive, organic), including by taking into
account the specificities of pasture based cattle rearing systems, where animals are only
seasonally reared in indoor installations, while minimising burdens for the sector and the
competent authorities.
• In the meeting, we referred to animal welfare being a particularly relevant issue for
intensive rearing of livestock. Aspects such as animal welfare were already taken into
account in the IRPP BREF. The outcome of BAT identification under the amended IED
will not compromise animal welfare measures. Animal welfare is one of the factors that
will be taken into the account while establishing the Operational Rules.

4. Operating rules and compensation
• The Commission will set in the Operating Rules (Art 70i) the minimum requirements for
livestock activities. Member States may implement the tailored approach through permits
or registration, or both, as long as all its elements as set out in Chapter Via are fulfilled.
• According to Art 70f, Member States shall set up an effective compliance monitoring
system, based on either environmental inspections or other measures, to check
compliance with the requirements set out in Chapter Vla.
• Concerning the Art 79 of the IED proposal on compensation:
  o This provision is limited to cases where a violation of the IED has occurred.
  o Experience shows that while there is overwhelming epidemiologic evidence on
    the negative health impacts of pollution on the population, in particular as regards
    air pollution, it is difficult under the procedural rules on the burden of proof
generally applicable in the Member States, for the victims to demonstrate a causality link between the suffered harm and the violation. As a result, in the majority of cases, victims of violations of the IED do not have an effective way to obtain compensation for the harm caused by such violations.

- Therefore, when an individual can provide sufficiently robust evidence to give rise to a presumption that the violation of the IED is at the origins of the damage caused to their health, or has significantly contributed to it, it should be for the defendant to rebut that presumption in order to escape their liability. The suggested provision enables national courts to consider any evidence deemed appropriate to establish the presumption that the health damage is a result of an infringement of the IED.

I hope that this answer was helpful to you.

Kind regards

From: [Redacted]
Sent: Tuesday, May 24, 2022 5:03 PM
To: [Redacted]
Cc: [Redacted]
Subject: RE: Greetings and Request for a Meeting regarding the Commission’s proposal for revised Industrial Emissions Directive

Dear [Redacted],

I hope this email finds you well.

I was wondering if you may have had the chance to reply to our questions.

Wishing you a great afternoon/ evening.

Kind wishes,

From: [Redacted]
Sent: Monday, 16 May 2022 09:42
To: [Redacted]
Cc: [Redacted]
Subject: RE: Greetings and Request for a Meeting regarding the Commission’s proposal for revised Industrial Emissions Directive

Dear [Redacted],

Thank you very much for sharing your presentation.
Looking forward to your written answers and wishing you a great start of (what it looks like a very sunny) week.

Kind regards,

From: [Name]
Sent: Friday, 13 May 2022 11:21
To: [Name]
Cc: [Name]
Subject: RE: Greetings and Request for a Meeting regarding the Commission’s proposal for revised Industrial Emissions Directive

Dear [Name],

Once again thank you for the invitation to the meeting. Please find enclosed our presentation. In case of your questions we will prepare answers and come back to you in upcoming days. Kind regards

From: [Name]
Sent: Thursday, May 12, 2022 5:54 PM
To: [Name]
Cc: [Name]
Subject: RE: Greetings and Request for a Meeting regarding the Commission’s proposal for revised Industrial Emissions Directive

Dear [Name],

It was a pleasure meeting you today and I could not stress enough how appreciative we are of your availability and willingness to meet with us and discuss such a relevant file for Copa and Cogeca.

As discussed, please find attached a document containing the questions that remained unanswered during today’s meeting. We thank you in advance for accepting to answer our concerns, even beyond the duration of our session. It is, indeed, so very kind of you.

We look forward to receiving your reply and to the pdf with the presentation, should that still be possible.

We hope we can remain in touch for future exchanges on this and potentially on other topics.
Wishing you a fantastic evening and a greater weekend ahead.

Kind regards,

From: [redacted]
Sent: Tuesday, 10 May 2022 09:45
To: [redacted]
Cc: [redacted]
Subject: RE: Greetings and Request for a Meeting regarding the Commission’s proposal for revised Industrial Emissions Directive

Dear [redacted],

Presentation will be delivered by myself as well as [redacted].

Kind regards

From: [redacted]
Sent: Tuesday, May 10, 2022 9:40 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Greetings and Request for a Meeting regarding the Commission’s proposal for revised Industrial Emissions Directive

Dear [redacted],

Thank you for your prompt and kind response. Could I please kindly ask you who will be the person/people making the presentation?

Thank you very much in advance.

Wishing you a great day.

Kind regards,

From: [redacted]
Sent: Tuesday, 10 May 2022 08:16
To: [redacted]
Cc: [redacted]
Subject: RE: Greetings and Request for a Meeting regarding the Commission’s proposal for revised Industrial Emissions Directive
Dear [Name],

Job title's included below

- [Job Title 1]
- [Job Title 2]
- [Job Title 3]

Kind regards

From:

Sent: Monday, May 9, 2022 5:01 PM

To:

Cc:

Subject: RE: Greetings and Request for a Meeting regarding the Commission’s proposal for revised Industrial Emissions Directive

Dear [Name] (if I may),

Thank you for accepting our invitation and for being present during last week’s meeting with [Team]. We truly appreciate your availability.

Thank you for sharing with me the list of participants from DG ENVI’s side. Could I perhaps kindly ask you to include the participants’ job title?

My colleague [Name] in copy, will soon share with you an agenda for the event.

Wishing you a great afternoon.

Kind regards,

From:

Sent: Thursday, 5 May 2022 15:58

To:

Cc:

Subject: RE: Greetings and Request for a Meeting regarding the Commission’s proposal for revised Industrial Emissions Directive

Dear [Name],

Once again thank you for the invitation to the meeting.

From DG ENV C4 side, the participants will be:

- [Participant 1]
- [Participant 2]
- [Participant 3]
Would you be so kind to share with us the Agenda of the meeting, as well as the list of issues that you would like to discuss in particular with us?
Thank you in advance.

Best regards,

European Commission
DG Environment
Zero Pollution
Industrial Emissions & Safety

BRE-2
Avenue d'Auderghem 19
1040 Brussels Belgium