

January 2025

Implementing IED 2.0: Achievable Emission Limits for Industrial Installations

Considerations of EUTurbines, EUGINE & EUROMOT on the recently published revision of the Industrial Emissions Directive

In August 2024, the revised EU [Industrial Emissions Directive](#) (“IED 2.0”) entered into force. As any directive, it requires a transposition into national legislation, EU Member States will have to incorporate its provisions into their national laws by 01 July 2026.

Since the publication of the IED in 2010, Member States’ competent authorities have been required to set emission limit values (ELVs) for industrial installations that seek operating permits, such as combustion power plants with a total rated thermal input of 50 MW or more. These ELVs are based on the range defined as Best Available Technique-Associated Emission Levels (BAT-AELs) and are available in the Best Available Techniques Reference Documents (BREFs).

The revised [Article 15 \(3\)](#) of the IED 2.0 now mandates authorities to set **emission limit values (ELVs)** at the “**strictest achievable**” levels for specific installations. Plant operators are responsible for assessing the feasibility of meeting the stricter end of the Best Available Technique-Associated Emission Levels (BAT-AEL) range and for demonstrating the best overall performance achievable by the installation.

In other words, the IED 2.0 explicitly recognises that meeting the more ambitious ELVs must be “**achievable**”. It allows operators to consider the entire BAT-AEL range and conduct a technical feasibility assessment. This assessment must account for what is technically possible and economically viable, considering the balance between costs and potential environmental benefits. In case costs exceed the environmental benefits, competent authorities may in specific cases set even higher ELVs than mentioned in the BAT-AELs, as stated in the revised [Article 15 \(5\)](#).

Moreover, the new rules on emission limit values will not be immediately enforced. Instead, they will be introduced through transitional provisions, indicating that **the new ELVs will start to be applicable under certain circumstances**: either 4 years after the publication of new BAT conclusions, or when the permit is updated, or 12 years after the directive enters into force, whichever is the sooner. Until the new rules take effect as described above, the installations will continue to follow the rules and ELVs that were in force before.

Based on this, EUTurbines, EUGINE and EUROMOT would like to highlight that the revised IED text does not force national authorities to now always require the absolute lowest emission level mentioned in the BAT-AELs. Instead, it requires the strictest achievable ELV, considering the entire range defined by the BAT-AELs.

Annex – Industrial Emissions Directive articles

Article 15 (3) – Setting ELVs

3. *The competent authority shall set the strictest achievable emission limit values by applying BAT in the installation, considering the entire range of the emission levels associated with the best available techniques (“BAT-AELs”) to ensure that, under normal operating conditions, emissions do not exceed the BAT-AELs as laid down in the decisions on BAT conclusions referred to in Article 13(5). The emission limit values shall be based on an assessment by the operator of the entire BAT-AEL range, analysing the feasibility of meeting the strictest end of the BAT-AEL range and demonstrating the best overall performance that the installation can achieve by applying BAT as described in BAT conclusions, having regard to possible cross-media effects. The emission limit values shall be set through either of the following:*

(a) setting emission limit values expressed for the same or shorter periods of time and under the same reference conditions as the BAT-AELs; or

(b) setting emission limit values different from those referred to in point (a) in terms of values, periods of time and reference conditions.

Where the emission limit values are set in accordance with point (b), the competent authority shall, at least annually, assess the results of emission monitoring in order to ensure that emissions under normal operating conditions have not exceeded the BAT-AELs.

General binding rules referred to in Article 6 may be applied while setting relevant emission limit values in accordance with this Article.

If general binding rules are adopted, the strictest achievable emission limit values by applying BAT shall be set for categories of installations having similar characteristics that are relevant in determining the lowest emission levels achievable, considering the entire range of the BAT-AELs. The general binding rules shall be established by the Member State, based on the information in the BAT conclusions, analysing the feasibility of meeting the strictest end of the BAT-AEL range and demonstrating the best performance that those categories of installations can achieve by applying BAT as described in BAT conclusions.

Article 15 (5) – Derogations on setting ELVs

5. *By way of derogation from paragraph 3, and without prejudice to Article 18, the competent authority may, in specific cases, set emission limit values higher than the BAT-AELs. Such a derogation may apply only where an assessment shows that the achievement of BAT-AELs as described in BAT conclusions would lead to disproportionately higher costs compared to the environmental benefits due to:*

(a) the geographical location or the local environmental conditions of the installation concerned; or

(b) the technical characteristics of the installation concerned.

The competent authority shall document in an annex to the permit conditions the reasons for derogating from paragraph 3, and the result of the assessment referred to in the first subparagraph of this paragraph and the justification for the conditions imposed.

The emission limit values set in accordance with the first subparagraph shall, however, not exceed the emission limit values set out in the Annexes to this Directive, where applicable.

Derogations granted in accordance with this paragraph shall respect the principles set out in Annex II. The competent authority shall ensure that the operator provides an assessment of the impact of the derogation on the concentration of the pollutants concerned in the receiving environment and in any case ensure that no significant pollution is caused and that a high level of protection of the environment as a whole is achieved. Derogations shall not be granted where they could put at risk compliance with environmental quality standards referred to in Article 18.

The competent authority shall re-assess whether derogations granted in accordance with this paragraph are justified, every four years or as part of each reconsideration of the permit conditions pursuant to Article 21, where such reconsideration occurs earlier than four years after the derogation was granted.

The Commission shall adopt an implementing act to establish a standardised methodology for assessing the disproportionality between the costs of implementation of the BAT conclusions and the potential environmental benefits referred to in the first subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).

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