



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
ENVIRONMENT
Zero Pollution
Industrial Emissions & Safety

Brussels
ENV.C.4/BZ

TO THE ENVIRONMENTAL ATTACHÉ OF GERMANY

Subject: Industrial Emissions Directive – Installations without reported permits

Commission Implementing Decision (EU) 2018/1135¹ requires that Member States report information about the permits granted for each installation in the scope of Directive 2010/75/EU² (the Industrial Emissions Directive (IED)). This reporting consists in providing:

- (a) An indication of whether a permit to operate the installation has been granted under Article 5 of Directive 2010/75/EU.
- (b) URL(s) where the permit(s) is/are made available to the public on the internet.
- (c) As from the reporting year 2018, if no permit has been granted under Article 5 of Directive 2010/75/EU, a description of what enforcement action has been taken.

According to your last-reported information it appears that, for some installations located in your Member State, there is neither a permit nor an indication that remedial enforcement action has been taken. You may find the list of the concerned installations attached to this letter³.

Therefore, we seek your clarification as to whether permits were actually granted for these installations. If permits have indeed been granted, the lack of reported information may be due to a reporting issue. In case no permits have been granted for these installations, this is regarded as a serious issue by the Commission as the obligation to hold a permit is one of the prime requirements of the IED, as laid down in its Article 4.

¹ OJ L 205, 14.8.2018, p. 40–47

² OJ L 334, 17.12.2010, p. 17–119

³ In this list, the same installation is repeated for each year where no permit was reported.

I kindly ask for information from you, not later than 31 January 2022, detailing which, if any, of the concerned installations had not been granted a permit, as well as the envisaged corrective actions in terms of permitting and reporting to the EU Registry. For information, the procedure to report permit actions is detailed in annex to this letter.

(e-signed)



Head of Unit

c.c.:

 (EEA)

Annex A:

Procedure to report permit actions

Attachment:

List of installations for which no permits have been reported

Annex A Procedure to report permit actions

As noted in the Manual for Reporters to the EU Registry (section 4.6; [link](#)), permit actions should be reported as follows⁴:

- **permitGranted:** This Boolean attribute should be set to ‘true’ when an IED compliant permit has been granted. This should only refer to permits granted by the competent authority responsible for permitting. If set to ‘true’, a date should be provided for the **dateOfGranting** attribute. Once a permit has been granted, this attribute should remain static (i.e. ‘true’) in all years and the **dateOfGranting** should not change either, as long as the plant remains functional.
- **permitReconsidered:** This Boolean attribute should be set to ‘true’ when, if in the given reporting year, an IED compliant permit has been reconsidered, which may refer to a formal review process conducted by competent authority, or a renewal of an existing permit under the same conditions as prior to the review.
- **permitUpdated:** This Boolean attribute should be set to ‘true’ if an IED compliant permit has been updated in the given reporting year. A permit is said to have been updated if the permit conditions have been changed or altered by the competent authority. If set to ‘true’, a date should be provided for the **dateOfLastUpdate** attribute.
- **permitURL:** This attribute is populated with a URL and allows reporters to specify an online location for the active permit(s). This URL could link to a host site that contains all relevant permits, or could link to a specific permit – this is left up to the discretion of the reporting country.
- **enforcementAction:** If no permit has been granted, this attribute should be populated with a character string giving a description of what enforcement action has been taken.

⁴ Further explanations may be found in the help page of the EU Registry: <https://cdr.eionet.europa.eu/help/euregistry> and <https://cdr.eionet.europa.eu/help/euregistry/Documents/2021%2009%2008%20-%20Preparation%20of%20reporting%20year%202020.pdf>