



## European Metals response to the Environmental Omnibus

The European metals industry, enabler of the EU's Green Deal and circular economy, faces significant challenges due to the fragmented and complex nature of existing environmental regulations. These issues, including inconsistent interpretations of EU law, national "gold-plating," and bureaucratic permitting processes, create uncertainty, increase costs, and slow down investment and innovation. To address these challenges, the EU must pursue "targeted simplification", harmonisation, and digitalisation. Our members supply essential raw materials and intermediate products for strategic EU value chains, including renewable energy, batteries, electric mobility, semiconductors, construction, and critical digital technologies. Given the central role that metals play in supporting the green and digital transitions, European Metals strongly follows all legislative initiatives affecting environmental performance, permitting, chemicals management, and sustainability reporting. The 2025 Environmental Omnibus touches several key regulatory frameworks of direct relevance to our sector, such as the Battery Regulation (EU) 2023/1542, the Waste Framework Directive (2008/98/EC), the Industrial Emissions Directive 2.0, and the Water Framework Directive (2000/60/EC). European Metals welcomes the Commission's intention to streamline EU environmental legislation, improve coherence across regulatory instruments, and reduce unnecessary administrative burdens. This position paper presents our assessment of the proposals included in the omnibus, focusing on elements with the greatest impact on the metals sector.

### Battery Regulation (EU 2023/1542)

The Environmental Omnibus introduces changes to Article 3(1)(69), establishing a more narrowed definition of "substance of very high concern (SVHC)" for labelling purposes. The proposed definition currently includes both substances identified on the Candidate List under REACH Article 59(1) and substances fulfilling Article 57 criteria and listed in Annex VI of the CLP Regulation.

While this proposal already represents a significant streamlining of the requirements, European Metals propose an amendment to align the Battery Regulation's definition of SVHC strictly with the REACH Regulation. We welcome the simplification introduced through the deletion of redundant reporting obligations in Article 76(4).

### Industrial Emissions Directive 2.0 (IED)

The Environmental Omnibus introduces several positive modifications to the IED 2.0, many reflecting European Metals' earlier recommendations. These include allowing multiple installations to be covered by a single EMS (Environmental Management System), repealing mandatory EMS audits, removing chemical inventory and substitution analysis requirements,



deleting transformation plan obligations, extending EMS implementation deadlines, and removing the Commission's empowerment regarding EMS publication requirements. EM welcomes these improvements as they support efficiency, flexibility, and real environmental performance enhancements. However, several impactful sources of administrative burden present in earlier versions remain unaddressed. Key opportunities to streamline permitting, reduce duplication, and ensure coherence across environmental legislation were not taken up. EM encourages further work to improve administrative efficiency while maintaining high environmental standards.

When it comes to streamlining permitting and addressing bottlenecks in environmental legislation, one shortcoming of the Environmental Omnibus is its failure to address the links between the Industrial Emissions Directive (IED) and the Water Framework Directive (WFD). Both Article 18 and Article 21 of the IED connect directly to the WFD and indicate that competent authorities can set additional permit conditions where meeting an Environmental Quality Standard (EQS) requires stricter conditions than those achievable through Best Available Techniques (BATs). However, this can result in the establishment of Emission Limit Values (ELVs) that are not technically or economically feasible. In cases where EQSs are exceeded, this approach does not always account for the fact that pollution in a given area may originate from multiple sources. Without a prior assessment of the relative contribution of these different sources, stricter permit conditions risk being imposed on individual installations without clear evidence that they are the main driver of exceeding the standards. Therefore, we propose amending Article 18 to address this issue (see Annex I).

European Metals supports the Commission's ambition to increase coherence across environmental legislation while reducing unnecessary administrative burden. We welcome many amendments included in the Environmental Omnibus, particularly regarding the Battery Regulation and the Industrial Emissions Directive.

We remain committed to engaging constructively with EU institutions to ensure a final text that strengthens competitiveness, legal clarity, and supports Europe's transition to a sustainable and circular economy.



## Annex I: Amendments proposal

### Amendment proposal to the Battery Regulation article 3:

Current text –	Proposed amendment
Article 3(1)(69) Substance of very high concern' means any substance which fulfils the criteria laid down in Article 57 of Regulation (EC) No 1907/2006 and is identified in accordance with Article 59(1) of that Regulation, or any substance which fulfils the criteria laid down in Article 57 of Regulation (EC) No 1907/2006 and listed in Annex VI of Regulation (EC) 1272/2008.	Article 3(1)(69) substance of very high concern' means any substance which fulfils the criteria laid down in Article 57 of Regulation (EC) No 1907/2006 and is identified in accordance with Article 59(1) of that Regulation, <del>or any substance which fulfils the criteria laid down in Article 57 of Regulation (EC) No 1907/2006 and listed in Annex VI of Regulation (EC) 1272/2008.</del>
<b>Justification</b>	
Batteries are articles, not substances or mixtures under REACH and therefore do not fall under the scope of the CLP Regulation's labelling obligations. Consistency with REACH Article 57/58/59 ensures a harmonized system and allow to avoid overlap and confusion.	

### Amendment proposal to IED article 18:

Current text – DIRECTIVE 2010/75/EU of the European parliament and of the council on industrial and livestock rearing emissions (integrated pollution prevention and control)	Proposed amendment
<b>Environmental quality standards</b>  Where an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, additional measures shall be included in the permit, with a view to reducing the specific contribution of the installation to the pollution occurring in the relevant area, without prejudice to other measures which may be taken to comply with environmental quality standards.  Where stricter conditions have been included in the permit in accordance with the first paragraph, the competent authority shall assess the impact of the stricter conditions on the concentration of the pollutants concerned in the receiving environment.	<b>First proposal:</b>  Where an environmental quality standard requires stricter conditions <del>than those achievable by the use of the best available techniques,</del> additional measures shall be included in the permit, <b>based on an assessment of the installation's contribution to the pollution concerned, taking into account other relevant sources in the affected area,</b> with a view to reducing the specific contribution of the installation to the pollution occurring in the relevant area, without prejudice to other measures which may be taken to comply with environmental quality standards.  <b>When stricter conditions apply to the setting of emission limit values (ELVs), the values cannot be set below the lower end of the EU Best</b>



Where the load of pollutants emitted by the installation has a quantifiable or measurable effect on the environment, Member States shall ensure that the concentration of the pollutants concerned in the receiving environment is monitored. The results of such monitoring shall be transmitted to the competent authority. Where monitoring and measurement methods for the pollutants concerned are set out in other relevant Union legislation, such methods, including effect-based methods as appropriate, shall be used for the purpose of the monitoring referred to in the third paragraph.

**Available Technique (BAT) Ambient Emission Limit (AEL) range.**

Where stricter conditions have been included in the permit in accordance with the first paragraph, the competent authority shall assess the impact of the stricter conditions on the concentration of the pollutants concerned in the receiving environment.

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**Justification**

While Article 18 aligns the Industrial Emissions Directive (IED) with the Water Framework Directive, setting permit conditions that exceed Best Available Techniques (BAT) often results in Emission Limit Values (ELVs) that are technically and economically infeasible.

The BAT conclusions are the product of rigorous, data-driven stakeholder engagement. Setting limits below the established BAT-AEL range disregards the physical and financial constraints of current technology. Furthermore, EQS and ELVs use different derivation methodologies and measurement points, and therefore, are not equivalent metrics. Therefore, achieving EQS should not automatically require ELVs that surpass the lowest technically feasible BAT levels.

Although permitted industries are subject to rigorous oversight, they are often not the main contributors to river basin pollution under current legislative frameworks. Therefore, implementing more stringent permit conditions should require a formal demonstration that these measures will significantly and measurably improve water quality.