

Message 001

Communication from the Commission - TRIS/(2025) 1002

Directive (EU) 2015/1535

Notification: 2025/0196/IT

Notification of a draft text from a Member State

Notification – Notification – Notifizierung – Нотификация – Oznámení – Notifikation – Γνωστοποίηση – Notificación – Teavitamine – Ilmoitus – Obavijest – Bejelentés – Notifica – Pranešimas – Paziņojums – Notifika – Kennisgeving – Zawiadomienie – Notificação – Notificare – Oznámenie – Obvestilo – Anmälan – Fógra a thabhairt

Does not open the delays - N'ouvre pas de délai - Kein Fristbeginn - Не се предвижда период на прекъсване - Nezahajuje prodlení - Fristerne indledes ikke - Καμμία έναρξη προθεσμίας - No abre el plazo - Viivituste perioodi ei avata - Määräaika ei ala tästä - Ne otvara razdoblje kašnjenja - Nem nyitja meg a késésekét - Non fa decorrere la mora - Atidėjimai nepradedami - Atlikšanas laikposms nesākas - Ma jiftaħx il-perijodi ta' dewmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Nu deschide perioadele de stagnare - Nezačína oneskorenia - Ne uvaja zamud - Inleder ingen frist - Ní osclaíonn sé na moilleanna

MSG: 20251002.EN

1. MSG 001 IND 2025 0196 IT EN 03-04-2025 IT NOTIF

2. Italy

3A. MINISTERO DELLE IMPRESE E DEL MADE IN ITALY

Dipartimento Mercato e Tutela

Direzione Generale Consumatori e Mercato

Divisione II - Normativa tecnica - Sicurezza e conformità dei prodotti, qualità prodotti e servizi

00187 Roma - Via Molise, 2

3B. Regione Lombardia

Direzione Generale Ambiente e Clima, Unità Organizzativa Clima, Emissioni e Agenti Fisici

4. 2025/0196/IT - S30E - Pollution

5. New emission and plant requirements for the installation and operation of civil thermal systems, consisting of biomass-fuelled boilers with a thermal power at the furnace of less than or equal to 35 kW.

6. Civil thermal systems consisting of biomass boilers with a rated thermal output at the furnace of 35 kW or less.

7.

8. The Air Quality Intervention Regional Plan (AQIR, ex Legislative Decree 155/2010) provides for actions to reduce emissions of fine particulate matter. Therefore, Regional Executive Decision No 5360/2021 laid down the rules for the installation and operation of biomass-fuelled civil heating systems.

However, in 2020 and 2022, the Court of Justice of the European Union issued two judgments against Italy for exceeding air quality limits (Case C-644/18 and Case C-573/19). These judgments also involve the Regions, such as Lombardy, where this exceedance occurs.

Therefore, by Regional Decree 1754 of 15 January 2024, the Lombardy Region decided, among other things, to strengthen the AQIR measures in force in the three sectors most responsible for emissions: "Agricultural and forestry activities", "Energy and industrial installations", "Road transport and mobility". With regard to the "Energy and Industrial Plants" sector, discussions have been initiated with the manufacturers in order to identify the requirements that are technically feasible.

However, on 13 March 2024, the European Commission acknowledged the aggravation of the existing air quality infringement and decided to issue a letter of formal notice under Article 260(2) TFEU.

The Ministry of the Environment therefore intensified the checks, which started in 2021, to discover the measures adopted by the Regions to comply with the limits set out in Directive 2008/50/EC, emphasizing that they had to constitute "new elements", as confirmed in the attached note. In view of 24 January 2025, the deadline for updates, with Regional Decree 3649 of 16.12. 2024, the Lombardy Region, administratively, with a clause suspending its effectiveness until the positive outcome of the notification procedure, approved new emission limits for plants with a power output of more than 35kW, ordering their application from 15.10. 2026, subject to the positive outcome of the notification to the European Commission, requested from the Ministry of Economic Development with our note dated 17/01/2025, ref. T1.2025.0007294.

As there are even more installations with a power output of less than 35 kW than larger ones, it is necessary to continue to reduce emission limits while recognising the critical issues affecting small installations.

However, having noted that the performance of boilers has evolved more than that of stoves, it is considered appropriate to introduce new requirements only for boilers, postponing their application until 15.10.2027, so that manufacturers can adapt their offer to the Lombardy market.

9. The general interest that the proposed resolution aims to protect is the improvement of air quality and the protection of public health, taking into account that the recent Directive 2024/2881, which updated and recast Directive 2008/50/EC into a new text, sets even stricter limit values to be achieved progressively by 2030.

The European Commission has also sent a letter of formal notice under Article 260 TFEU for aggravation of an existing infringement relating to the incorrect application of Directive 2008/50/EC on ambient air quality - exceedance of PM10 limit values in Italy, following a previous conviction under Article 258 TFEU, while Italy was convicted under Article 258 TFEU for the second air quality infringement relating to exceedance of NO2 limit values.

It is therefore considered necessary to introduce particularly virtuous emission requirements, to be applied for the installation of civil thermal systems consisting of biomass boilers, as a further regulatory measure to avoid infringement for the part falling under regional competence, as a necessary and proportionate measure to try to achieve, without further delay, the minimum objectives of the Directive and to avoid the aggravation of existing infringement procedures, especially at this advanced stage of the proceedings.

10. References to basic texts:

11. No

12.

13. No

14. No

15. No

16.

TBT aspects: No

SPS aspects: No

\*\*\*\*\*

European Commission

Contact point Directive (EU) 2015/1535

email: [grow-dir2015-1535-central@ec.europa.eu](mailto:grow-dir2015-1535-central@ec.europa.eu)