



2022/0104(COD)

10.10.2022

DRAFT OPINION

of the Committee on Agriculture and Rural Development

for the Committee on the Environment, Public Health and Food Safety

on the proposal for a Directive of the European Parliament and of the Council amending Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste
(COM(2022)0156 – C9-0144/2022 – 2022/0104(COD) (COD))

Rapporteur for opinion: Benoît Lutgen

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SHORT JUSTIFICATION

It was with great concern that I learned of the European Commission's proposal regarding the revision of the Industrial Emissions Directive. This proposal sets out the requirements that Member States must impose when granting permission for the construction or extension of industrial installations. As rapporteur of the opinion for the Committee on Agriculture and Rural Development, I harbour serious doubts regarding the agricultural chapter as proposed by the Commission.

- Firstly, I am extremely outraged by the fact that the agricultural sector has been included in the scope of a directive dedicated to industrial emissions. Lumping farmers in with industrialists adds to a negative perception of family-run farms. I remind you that the European agricultural model based on family-run farms guarantees the production of quality food in a secure, sustainable and strategic manner. With food security now an issue of vital geostrategic importance, the European Union should value its agricultural sector, especially family-run farms. It is therefore ill-advised to discourage farmers with such dubious connotations. Imposing additional European legislation on small farmers will not bolster our continent's geopolitical strategy. On the contrary, these additional requirements are not met with a strengthening of reciprocity in terms of standards, which is something that should play a key role in any trade exchanges with our partners.

- Nevertheless, I am, of course, of the opinion that European agriculture must be diversified and made more sustainable. For example, it is undeniable that the agricultural sector must also reduce its emissions. However, this revision is not the best way to go about contributing to this sustainability goal, or, for that matter, to the diversification of our agriculture. Rather, the text the Commission has proposed is counterproductive and encourages a move towards greater concentration in the agricultural sector. Indeed, the agricultural chapter targets all livestock producers, including small and medium operators. In the proposed form, the scope of this revision would place a major administrative and economic burden on farmers breeding chickens, pigs and cattle. The profitability of such enterprises is constantly being undermined by free trade agreements and the unchecked accumulation of regulations, while the largest, agro-industrial, undertakings have been spared such changes. As a result, this proposal gives an undeniable competitive advantage to the biggest businesses, who will have less difficulty in shouldering the additional administrative and economic burden.

- I therefore suggest that we remove cattle farms from this directive's scope. These requirements, in the form proposed by the Commission, entail a heavy individual burden for cattle breeders, yet they will not lead to an effective reduction in emissions. These cattle farms are not 'closed facilities', which lend themselves to the use of purification techniques such as those employed in the rearing of pigs and poultry, let alone industry. As part of the common agriculture policy (CAP) and national strategic plans (NSPs), I am convinced that the Commission should ensure the reduction of greenhouse gas emissions including those of methane (CH₄). However, it should do so using technologies, the efficacy and cost-effectiveness of which, have been demonstrated. This could be implemented by means of specific eco-schemes and low-carbon agricultural initiatives within the framework of the CAP. Initiatives such as these were, in fact, put forward by the European Parliament on 21 October 2021 in its resolution on an EU strategy to reduce methane emissions

(2021/2006(INI). While each of the Member States has made commitments in their respective NSPs to reduce their emissions and mitigate agricultural pollution, it is also advisable to maintain the status quo for the pork and poultry sector. This should occur, not only with a view to simplifying public policies (implementation and inspection), but also to ensure their effectiveness.

- In addition, I have noticed that the ammonia (NH₃) reduction goals are addressed as part of Directive (EU) 2016/2284 on the reduction of household emissions (National Emission reduction Commitments Directive/‘NEC’). Many Member States have benefitted from this directive to significantly reduce their emissions in this way. Furthermore, many Member States have already gone further than the Commission’s proposal anticipated. Moreover, the ‘NEC’ Directive will come into effect from 2023, and will allow us to reduce emissions more quickly than could be accomplished with the proposed revision of the Industrial Emissions Directive.

The risks of this proposed revision to the Industrial Emissions Directive are therefore clear. The revision threatens to create administrative obligations and additional burdens which will jeopardise the profitability of the most vulnerable farmers’ businesses, thereby leading to cattle becoming more concentrated in certain farms. Indeed, this would entail a drastic reduction of cattle overall, to the detriment of our competitors whose production systems are less ethical (imported deforestation, for example).

For all of these reasons, I am convinced that the Commission’s proposed must be extensively reworked to take into account the real challenges faced by agricultural undertakings.

AMENDMENTS

The Committee on Agriculture and Rural Development calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) The European Green Deal⁵⁵ is Europe’s strategy to ensure, by 2050, a climate-neutral, clean and circular economy, optimising resource management, minimising pollution while recognising the need for deeply transformative policies. The Union is also committed to the 2030 Agenda for Sustainable Development⁵⁶ and its Sustainable Development Goals⁵⁷. The EU Chemicals Strategy for Sustainability⁵⁸ of

Amendment

(1) The European Green Deal⁵⁵ is Europe’s strategy to ensure, by 2050, a climate-neutral, clean and circular economy, optimising resource management, minimising pollution while recognising the need for deeply transformative policies. The Union is also committed to the 2030 Agenda for Sustainable Development⁵⁶ and its Sustainable Development Goals⁵⁷. The EU Chemicals Strategy for Sustainability⁵⁸ of

October 2020 and the Zero Pollution Action Plan⁵⁹ adopted in May 2021 specifically address pollution aspects of the European Green Deal. In parallel, the New Industrial Strategy for Europe⁶⁰ further emphasises the potential role of transformative technologies. Other particularly relevant policies for this initiative include the ‘Fit for 55’ package⁶¹, the Methane Strategy⁶² and the Glasgow methane pledge⁶³, the Climate Adaptation Strategy⁶⁴, the Biodiversity Strategy⁶⁵, the Farm to Fork strategy⁶⁶ *and* the Sustainable Products Initiative⁶⁷. Besides, as part of the EU response to the 2022 Russia-Ukraine war, REPowerEU⁶⁸ proposes a Joint European Action to support the diversification of energy supplies, accelerate the transition to renewable energy and improve energy efficiency.

October 2020 and the Zero Pollution Action Plan⁵⁹ adopted in May 2021 specifically address pollution aspects of the European Green Deal. In parallel, the New Industrial Strategy for Europe⁶⁰ further emphasises the potential role of transformative technologies. Other particularly relevant policies for this initiative include the ‘Fit for 55’ package⁶¹, the Methane Strategy⁶² and the Glasgow methane pledge⁶³, the Climate Adaptation Strategy⁶⁴, the Biodiversity Strategy⁶⁵, the Farm to Fork strategy⁶⁶, the Sustainable Products Initiative⁶⁷. ***Also of relevance is the Commission’s Communication entitled ‘A long-term vision for the EU’s rural areas –Towards stronger, connected, resilient and prosperous rural areas by 2040’^{67a}.*** Besides, as part of the EU response to the 2022 Russia-Ukraine war, REPowerEU⁶⁸ proposes a Joint European Action to support the diversification of energy supplies, accelerate the transition to renewable energy and improve energy efficiency.

⁵⁵ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions The European Green Deal; COM(2019) 640 final.

⁵⁶

https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E

⁵⁷ <https://sdgs.un.org/goals>

⁵⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Chemicals Strategy for Sustainability Towards a Toxic-Free Environment COM(2020) 667 final.

⁵⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee

⁵⁵ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions The European Green Deal; COM(2019) 640 final.

⁵⁶

https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E

⁵⁷ <https://sdgs.un.org/goals>

⁵⁸ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Chemicals Strategy for Sustainability Towards a Toxic-Free Environment COM(2020) 667 final.

⁵⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee

and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' COM(2021) 400 final.

⁶⁰ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, A New Industrial Strategy for Europe COM(2020) 102 final.

⁶¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'Fit for 55': delivering the EU's 2030 Climate Target on the way to climate neutrality COM/2021/550 final.

⁶² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on an EU strategy to reduce methane emissions COM(2020) 663 final.

⁶³ <https://www.globalmethanepledge.org/>

⁶⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM(2021) 82 final.

⁶⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU Biodiversity Strategy for 2030 Bringing nature back into our lives COM(2020) 380 final.

⁶⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system

and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' COM(2021) 400 final.

⁶⁰ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, A New Industrial Strategy for Europe COM(2020) 102 final.

⁶¹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'Fit for 55': delivering the EU's 2030 Climate Target on the way to climate neutrality COM/2021/550 final.

⁶² Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on an EU strategy to reduce methane emissions COM(2020) 663 final.

⁶³ <https://www.globalmethanepledge.org/>

⁶⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM(2021) 82 final.

⁶⁵ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU Biodiversity Strategy for 2030 Bringing nature back into our lives COM(2020) 380 final.

⁶⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system

COM(2020) 381 final.

⁶⁷ COM(2022) 142

⁶⁸ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions REPowerEU: Joint European Action for more affordable, secure and sustainable energy; COM(2022) 108 final.

COM(2020) 381 final.

⁶⁷ COM(2022) 142

^{67a} Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ‘A long-term vision for the EU’s rural areas – Towards stronger, connected, resilient and prosperous rural areas by 2040’ (COM(2021)0345).

⁶⁸ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions REPowerEU: Joint European Action for more affordable, secure and sustainable energy; COM(2022) 108 final.

Or. en

Amendment 2

Proposal for a directive Recital 2

Text proposed by the Commission

(2) The European Green Deal announced a revision of Union measures to address pollution from large industrial installations, including reviewing the sectoral scope of the legislation and how to make it fully consistent with climate, energy and circular economy policies. In addition, the Zero Pollution Action Plan, the Circular Economy Action Plan and the Farm to Fork Strategy also call for reducing pollutant emissions at source, including sources not currently within the scope of Directive 2010/75/EU of the European Parliament and of the Council⁶⁹. ***Addressing pollution from certain agro-industrial activities thus requires their inclusion within the scope of that***

Amendment

(2) The European Green Deal announced a revision of Union measures to address pollution from large industrial installations, including reviewing the sectoral scope of the legislation and how to make it fully consistent with climate, energy and circular economy policies. In addition, the Zero Pollution Action Plan, the Circular Economy Action Plan and the Farm to Fork Strategy also call for reducing pollutant emissions at source, including sources not currently within the scope of Directive 2010/75/EU of the European Parliament and of the Council⁶⁹.

Directive.

⁶⁹ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control); OJ L 334, 17.12.2010, p. 17-119.

⁶⁹ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control); OJ L 334, 17.12.2010, p. 17-119.

Or. en

Amendment 3

**Proposal for a directive
Recital 4**

Text proposed by the Commission

(4) Rearing of pigs, poultry **and cattle** cause **significant** pollutant emissions into the air and water. **In order** to reduce **such pollutant** emissions, including ammonia, methane, nitrates and greenhouse gas emissions and thereby improve air, water and soil quality, **it is necessary to lower the threshold above which** pigs and poultry **installations are included within the scope of Directive 2010/75/EU and to include also cattle farming within that scope. Relevant BAT requirements take into consideration the nature, size, density and complexity of these installations, including the specificities of pasture based cattle rearing systems, where animals are only seasonally reared in indoor installations, and the range of environmental impacts they may have. The proportionality requirements in BATs aim to incentivise farmers to implement the necessary transition towards increasingly environmentally friendly agricultural practices.**

Amendment

(4) Rearing of pigs **and** poultry **can** cause pollutant emissions into the **soil, the** air and water **that could be harmful to the environment. Member States should address that risk in their national strategic plan under the Common Agricultural Policy (CAP), which will be in force from 1 January 2023. Furthermore, the Member States, via the CAP, should implement measures to reduce GHG emissions from agriculture, including methane, and reduce ammonia emissions, such as from livestock and fertilizers. In addition to the targets set under the CAP, Directive (EU) 2016/2284 ('NEC')^{1a} set targets to reduce emissions, including ammonia from agriculture. Therefore, in order to avoid creating an administrative burden and unnecessary overlaps in the current legislative framework, the current thresholds for pigs and poultry should remain unchanged.**

^{1a} Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of

Amendment 4

Proposal for a directive Recital 27

Text proposed by the Commission

(27) In light of the high number of **rearing installations** that should be included within the scope of Directive 2010/75/EU, and the relative simplicity of the processes and emissions patterns of such **installations**, it is appropriate to set out specific administrative procedures for issuing permits and for the operation of the relevant activities which are adapted to the sector, without prejudice to requirements related to public information and participation, monitoring and compliance.

Amendment

(27) In light of the high number of **pig and poultry farms** that should be included within the scope of Directive 2010/75/EU, and the relative simplicity of the processes and emissions patterns of such **farms**, it is appropriate to set out specific **simplified** administrative procedures for issuing permits and for the operation of the relevant activities which are adapted to the sector, without prejudice to requirements related to public information and participation, monitoring and compliance.

Amendment 5

Proposal for a directive Recital 29

Text proposed by the Commission

(29) 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, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to

Amendment

(29) 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, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to

supplement that Directive in order to establish operating rules containing requirements for activities relating to rearing of poultry, pigs *and cattle, and to amend Annexes I and Ia to that Directive by adding an agro-industrial activity to ensure that it meets its objectives to prevent or reduce pollutants emissions and achieve a high level of protection of human health and the environment.* It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016⁷⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁷⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making; OJ L 123, 12.5.2016, p. 1–14.

supplement that Directive in order to establish operating rules containing requirements for activities relating to rearing of poultry *and* pigs. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016⁷⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁷⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making; OJ L 123, 12.5.2016, p. 1–14.

Or. en

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2010/75/EU

Article 3 – paragraph 1 – point 3

Text proposed by the Commission

(3) ‘installation’ means a stationary technical unit within which one or more

Amendment

(3) ‘installation’ means a stationary technical unit within which one or more

activities listed in Annex I, *in Annex Ia* or in Part 1 of Annex VII are carried out, and any other directly associated activities on the same site which have a technical connection with the activities listed in those Annexes and which could have an effect on emissions and pollution;

activities listed in Annex I or in Part 1 of Annex VII are carried out, and any other directly associated activities on the same site which have a technical connection with the activities listed in those Annexes and which could have an effect on emissions and pollution;

Or. en

Justification

The definition of 'installation' should not cover agricultural activities. The word 'farm' is better suited when referring to rearing poultry and pigs. These change should apply throughout the text where appropriate and in Chapter VIa in particular.

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point d a (new)

Directive 2010/75/EU

Article 3 – paragraph 1 – point 23

Present text

(23) ‘poultry’ means poultry as defined in *point 1 of Article 2 of Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs**

* *OJ L 303, 31.10.1990, p. 6.*

Amendment

(da) point (23) is replaced by the following:

(23) ‘poultry’ means poultry as defined in *Article 4, point 9, of Regulation (EU) 2016/429 of the European Parliament and of the Council on transmissible animal diseases**;

* *1 OJ L 084, 31.3.2016, p. 1*

Or. en

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point e

Directive 2010/75/EU
Article 3 – paragraph 1 – point 23b

Text proposed by the Commission

Amendment

(23b) ‘cattle’ means domestic animals of the species *Bos taurus*; **deleted**

Or. en

Amendment 9

Proposal for a directive
Article 1 – paragraph 1 – point 3 – point e
Directive 2010/75/EU
Article 3 – paragraph 1 – point 23c

Text proposed by the Commission

Amendment

(23c) ‘livestock unit’ or ‘LSU’ means the grazing equivalent of one adult dairy cow producing 3 000 kg of milk annually, without additional concentrated foodstuffs, which is used to express the size of farms rearing different categories of animals, using the conversion rates, with reference to actual production within the calendar year, set out in Annex II to Commission Implementing Regulation (EU) No 808/2014’.** **deleted**

* **Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (OJ L 47, 18.2.2009, p. 5).**

** **Commission Implementing Regulation (EU) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 227 31.7.2014, p. 18).’;**

Amendment 10

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2010/75/EU

Article 4 – paragraph 1 – subparagraph 2

Text proposed by the Commission

‘By way of derogation from the first subparagraph, Member States may set a procedure for the registration of installations covered only by Chapter V *or Chapter VIa*.’

Amendment

‘By way of derogation from the first subparagraph, Member States may set a procedure for the registration of installations covered only by Chapter V’.

Or. en

Amendment 11

Proposal for a directive

Article 1 – paragraph 1 – point 24

Directive 2010/75/EU

Chapter VIa – title

Text proposed by the Commission

SPECIAL PROVISIONS FOR REARING POULTRY, **PIGS AND CATTLE**

Amendment

SPECIAL PROVISIONS FOR **INTENSIVE** REARING **OF** POULTRY **AND PIGS**

Or. en

Amendment 12

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70a – paragraph 1

Text proposed by the Commission

This Chapter shall apply to the *activities*

Amendment

This Chapter shall apply to the *intensive*

set out in Annex Ia which reach the capacity thresholds set out in that Annex.

rearing of poultry and pigs:

(a) with more than 40 000 places for poultry,

(b) with more than 2 000 places for production pigs (over 30 kg), or

(c) with more than 750 places for sows.

Or. en

Amendment 13

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70b

Text proposed by the Commission

Amendment

Article 70b

deleted

Aggregation rule

If two or more installations are located close to each other and if their operator is the same or if the installations are under the control of operators who are engaged in an economic or legal relationship, the installations concerned shall be considered as a single unit for the purpose of calculating the capacity threshold referred to in Article 70a.

Or. en

Amendment 14

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – title

Text proposed by the Commission

Amendment

Permits

Permits *and simplified registration*

procedure

Or. en

Amendment 15

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. By way of derogation from paragraph 1 of this Article, Member States may provide for a specific procedure for the registration of farms rearing animals covered in this Chapter.

The procedure for registration referred to in the first subparagraph shall be laid down in a binding act and include at least a requirement for a notification to the competent authority by the farmer of the intention to operate its activity.

Member States shall use any similar pre-existing procedure for the registration in order to avoid creating an administrative burden.

Or. en

Justification

The derogation initially proposed in Art. 4 is transferred to this Article.

Amendment 16

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point a

Text proposed by the Commission

- (a) the **installation** and its activities

Amendment

- (a) the **farm, its buildings** and its activities

Or. en

Amendment 17

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point c

Text proposed by the Commission

- (c) the capacity of the **installation**;

Amendment

- (c) the capacity of the **building where the rearing takes place**;

Or. en

Amendment 18

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point d

Text proposed by the Commission

- (d) the sources of emissions from the **installation**;

Amendment

- (d) the sources of emissions from the **building where the rearing takes place**;

Or. en

Amendment 19

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point e

Text proposed by the Commission

(e) the nature and quantities of foreseeable emissions from the **installation** into each medium.

Amendment

(e) the nature and quantities of foreseeable emissions from the **building where the rearing takes place**, into each medium **under normal operating conditions**.

Or. en

Amendment 20

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 4

Text proposed by the Commission

4. Member States shall take necessary measures to ensure that the **operator** informs the competent authority, without delay, of any planned substantial change to the **installations** falling within the scope of this Chapter which may have consequences for the environment. Where appropriate, the competent authority shall reconsider and update the permit.

Amendment

4. Member States shall take necessary measures to ensure that the **farmer** informs the competent authority, without delay, of any planned substantial change to the **farm and farm buildings where the rearing takes place**, falling within the scope of this Chapter which may have consequences for the environment. Where appropriate, the competent authority shall reconsider and update the permit.

Or. en

Justification

Replacing 'operator' by 'farmer' should be applied throughout this Chapter.

Amendment 21

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70d

Article 70d

deleted

Obligations of the operator

1. Member States shall ensure that the operator carries out monitoring of emissions and of associated environmental performance levels in accordance with the operating rules referred to in Article 70i.

The operator shall keep a record of, and process, all monitoring results, for a period of at least 6 years, in such a way as to enable the verification of compliance with the emission limit values and environmental performance limit values set out in operating rules referred to in Article 70i.

2. In the event of non-compliance with the emission limit values and environmental performance limit values set out in the operating rules referred to in Article 70i, Member States shall require that the operator takes the measures necessary to ensure that compliance is restored within the shortest possible time.

3. The operator shall ensure that any land spreading of waste, animal by-products or other residues generated by the installation is undertaken in accordance with the best available techniques, as specified in the operating rules referred to in Article 70i, and other relevant Union legislation and that it does not cause significant pollution of the environment.

Or. en

Justification

The obligations under this article to the farmer are disproportionate and does not add any strong value to the monitoring of the emissions as referred to in Article 70e. Some monitoring could be outsourced or falling outside the responsibility of the farmer.

Amendment 22

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70e – paragraph 3

Text proposed by the Commission

3. The operator shall, without delay, make available the data and information listed in paragraph 2 of this Article to the competent authority upon request. The competent authority may make such a request in order to verify compliance with the operating rules referred to in Article 70i. The competent authority shall make such a request if a member of the public requests access to the data or information listed in paragraph 2 of this Article.

Amendment

3. ***Where appropriate***, the operator shall, without delay, make available the data and information listed in paragraph 2 of this Article to the competent authority upon request. The competent authority may make such a request in order to verify compliance with the operating rules referred to in Article 70i. The competent authority shall make such a request if a member of the public requests access to the data or information listed in paragraph 2 of this Article. ***Nonetheless, without prejudice to Article 4(2), second subparagraph, of Directive 2003/4/EC, at the request of the operator, parts of such reports that involve sensitive commercial or industrial information, or which include personal data within the meaning of Article 4(1) of Regulation (EU)2016/679 that are not strictly necessary for the purpose of this Article, shall not be published.***

Or. en

Justification

With the deletion of Art. 70d, some monitoring could be outsourced or falling outside the responsibility of the farmer. The addition to sensitive commercial or industrial information should be added.

Amendment 23

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU
Article 70g – paragraph 2 – point d

Text proposed by the Commission

(d) the reports of inspections of the installations falling within the scope of this Chapter.

Amendment

(d) the reports of inspections of the installations falling within the scope of this Chapter. ***Nonetheless, without prejudice to Article 4(2), second subparagraph, of Directive 2003/4/EC, at the request of the operator, parts of such reports that involve sensitive commercial or industrial information, or which include personal data within the meaning of Article 4(1) of Regulation (EU)2016/679 that are not strictly necessary for the purpose of this article, shall not be published.***

Or. en

Amendment 24

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

The Commission shall establish operating rules containing requirements consistent with the use of best available techniques for the activities ***listed*** in ***Annex Ia***, which shall include the following:

Amendment

The Commission shall establish operating rules containing requirements consistent with the use of best available techniques for the activities ***referred to*** in ***Article 70a***, which shall include the following:

Or. en

Justification

Annex Ia is deleted and its provisions are now included in Art. 70a

Amendment 25

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU
Article 70i – paragraph 1 – subparagraph 2

Text proposed by the Commission

The operating rules shall take into account inter alia the nature, type, size and density of these installations ***and the specificities of pasture based cattle rearing systems, where animals are only seasonally reared in indoor installations.***

Amendment

The operating rules shall take into account inter alia the nature, type, size and density of these installations.

Or. en

Amendment 26

**Proposal for a directive
Article 1 – paragraph 1 – point 27**

Directive 2010/75/EU
Article 74 – paragraph 2

Text proposed by the Commission

2. In order to allow the provisions of this Directive to meet its objectives to prevent or reduce pollutants emissions and achieve a high level of protection of human health and the environment, the Commission shall be empowered to adopt a delegated act, in accordance with Article 76, to amend Annex I ***or Annex Ia by including in those Annexes an agro-industrial activity that meets the following criteria:***

(a) it 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

Amendment

2. In order to allow the provisions of this Directive to meet its objectives to prevent or reduce pollutants emissions and achieve a high level of protection of human health and the environment, the Commission shall be empowered to adopt a delegated act, in accordance with Article 76, to amend Annex I:

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.

Or. en

Amendment 27

Proposal for a directive
Article 1 – paragraph 1 – point 34
Directive 2010/75/EU
Annex Ia (new)

Text proposed by the Commission

Amendment

(34) Annex Ia as set out in Annex II to this Directive is inserted. deleted

Or. en

Amendment 28

Proposal for a directive
Annex II
Directive 2010/75/EU
Annex Ia (new)

Text proposed by the Commission

Amendment

ANNEX Ia deleted

Activities referred to in Article 70a

1. Rearing of cattle, pigs or poultry in installations of 150 livestock units (LSU) or more.

2. Rearing of any mix of the following animals: cattle, pigs, poultry, in installations of 150 LSU or more.

The approximate equivalent in LSU is based on the conversion rates established in Annex II to Commission Implementing

Regulation (EU) No 808/2014*.

**** Commission Implementing Regulation (EU) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (OJ L 227, 31.07.2014, p.18).***

Or. en