



2022/0104(COD)

14.11.2022

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DRAFT REPORT

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 – C9-0144/20222 – 2022/0104(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Radan Kanev

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or ~~strikeout~~. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

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))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2022)0156),
 - having regard to Article 294(2) and Article 192 paragraph 1 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0144/2022),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Czech Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the Economic and Social Committee of 14 July 2022¹,
 - having regard to the opinion of the Committee of the Regions of 17 October 2022²,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Agriculture and Rural Development and the Committee on Industry, Research and Energy,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0000/2022),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

¹ published in the Official Journal of ...

² published in the Official Journal of ...

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) The Union's extractive industry is key to achieving the aims of the European Green Deal and the EU industrial strategy, including its update. Raw materials are of strategic importance for the digital and green transition, the energy, materials and circular economy transformation and to strengthen EU economic resilience. In order to achieve these objectives, sustainable domestic capacities need to be further developed. This requires effective, tailored and *harmonised* measures *to ensure that the best available techniques are established and employed, thus applying processes that are both the most efficient and have the lowest possible impacts on human health and the environment. The governance mechanisms of Directive 2010/75/EU that closely associate industry experts to the development of consensual and tailored environmental requirements will support the sustainable growth of those activities in the Union. The development and availability of commonly agreed standards will level the Union's playing field while ensuring a high level of protection of human health and the environment. It is therefore appropriate to include those activities within the scope of Directive 2010/75/EU.*

Amendment

(3) The Union's extractive industry is key to achieving the aims of the European Green Deal and the EU industrial strategy, including its update. Raw materials are of strategic importance for the digital and green transition, the energy, materials and circular economy transformation and to strengthen EU economic resilience **and autonomy**. In order to achieve these objectives, sustainable domestic capacities **and supply** need to be further developed, **especially in light of the growing global demand, the vulnerability of supply chains and geopolitical tensions**. This requires effective, tailored and *harmonized* measures **for certain mineral extraction processes. In that regard, the Commission should establish an exhaustive list of mineral extraction activities that have a high or significant environmental impact, such as extraction through chemical processing, for the purpose of including those extractive activities in the scope of this Directive.**

Or. en

Amendment 2

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) Rearing of pigs, poultry and cattle cause significant pollutant emissions into

Amendment

(4) Rearing of pigs, poultry and cattle, **while contributing to food security**, cause

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.

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 *industrial-scale* pigs and poultry installations are included within the scope of Directive 2010/75/EU and to include also *industrial-scale* 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.

Or. en

Amendment 3

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) A significant increase in the number of large-scale installations for the production of batteries for electric vehicles will likely take place within the Union up to **2040**, increasing the Union's share of the global battery production. Whilst several of the activities of the batteries value chain are already regulated by Directive 2010/75/EU **and** batteries are regulated **as products** by Regulation (EU) .../... of the European Parliament and of the Council* +, it is still necessary to include in the scope of the Directive large installations manufacturing batteries, **ensure that they** are also covered by the

Amendment

(5) A significant increase in the number of large-scale installations for the production of batteries for electric vehicles will likely take place within the Union up to **2030**, increasing the Union's share of the global battery production. Whilst several of the activities of the batteries value chain are already regulated by Directive 2010/75/EU, **other activities, such as the assembly of battery modules and battery packs fall clearly outside of its scope. Furthermore,** batteries **as products** are regulated by Regulation (EU) .../... of the European Parliament and of the Council* +. **However,** it is still necessary

requirements set out in Directive 2010/75/EU and therefore contribute to a more sustainable growth of batteries manufacturing. Including large installations manufacturing batteries in the scope of Directive 2010/75/EU will improve in a holistic way the sustainability of batteries and minimise their impact on the environment throughout their life cycle.

to include in the scope of the Directive large installations manufacturing batteries, ***except for installations assembling battery modules and battery packs, thereby ensuring that such large manufacturing installations*** are also covered by the requirements set out in Directive 2010/75/EU and therefore contribute to a more sustainable growth of batteries manufacturing. Including large installations manufacturing batteries in the scope of Directive 2010/75/EU will improve in a holistic way the sustainability of batteries and minimise their impact on the environment throughout their life cycle

Or. en

Amendment 4

Proposal for a directive Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Renewable hydrogen will be key to replacing fossil fuels in hard-to-decarbonise, energy-intensive industries and transport, diversifying the Union's energy mix and boosting the progress towards climate neutrality by 2050 at the latest. Since hydrogen production through water electrolysis has a much lower environmental impact than its production in conventional hydrogen plants and it offers great potential for self-sufficiency to small and medium-sized enterprises, installations with a capacity of 18 tonnes per hour/50 MW or lower should be exempted from the lengthier permitting procedure provided for in Chapter II. In addition, the process of ammonia cracking has great potential.

Or. en

Amendment 5

Proposal for a directive

Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) Certain industrial technologies, such as Climate Change, Mitigation and Adaptation (CCMA) technologies, are key to achieving one or more of the strategic objectives of the Union and especially the 2030 targets of Regulation (EU) 2021/1119 (the European Climate law). Yet, their current development in the Union is only at a very early stage. Given the importance, complexity and potential environmental impact of such technologies, as well as the very significant capital investment needed for their deployment, it is necessary to ensure that BATs are defined and relevant BREFs are issued in a timely manner to reduce uncertainty for producers and investors. It is also necessary to ensure that the industries concerned can benefit from fast and effective permitting procedures in all Member States.

Or. en

Amendment 6

Proposal for a directive

Recital 5 c (new)

Text proposed by the Commission

Amendment

(5c) To ensure the effective take-up of CCMA technologies on a wide industrial scale and in a rapid manner which are essential for the climate and digital transition and the achievement of other strategic objectives of the Union, to ensure a level playing field exists and to avoid misclassification of enabling techniques by different national competent authorities, it is of the utmost

importance that a list of CCMA technologies is approved at Union level and that national permit procedures follow a harmonized protocol.

Or. en

Amendment 7

Proposal for a directive Recital 6

Text proposed by the Commission

(6) With a view to further strengthening public access to environmental information, it is necessary to clarify that permits for installations granted pursuant to Directive 2010/75/EU are to be made available to the public on the Internet, free of charge and without restricting access to registered users. A uniform summary of permits should also be made available to the public under the same conditions.

Amendment

(6) With a view to further strengthening public access to environmental information, it is necessary to clarify that permits for installations granted pursuant to Directive 2010/75/EU are to be made available to the public on the Internet, free of charge and without restricting access to registered users, ***while ensuring that sensitive business information is safeguarded.*** A uniform summary of permits should also be made available to the public under the same conditions.

Or. en

Amendment 8

Proposal for a directive Recital 9

Text proposed by the Commission

(9) In order to foster energy efficiency of installations within the scope of Directive 2010/75/EU which are carrying out activities listed in Annex I to Directive 2003/87/EC, it is appropriate to submit those installations to energy efficiency requirements in respect of combustion units or other units emitting carbon dioxide on the site.

Amendment

(9) In order to foster energy efficiency of installations within the scope of Directive 2010/75/EU which are carrying out activities listed in Annex I to Directive 2003/87/EC, it is appropriate to submit those installations to energy efficiency requirements in respect of combustion units or other units emitting carbon dioxide on the site. ***The higher energy intensity of***

decarbonisation activities should be taken into account by Member States when specifying those requirements.

Or. en

Amendment 9

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) The evaluation of Directive 2010/75/EU concluded that there is a need to strengthen the links between that Directive and Regulation (EC) No 1907/2006⁷¹, to better address the risks of the use of chemicals in installations within the scope of Directive 2010/75/EU. In order to develop synergies between the work carried out by the European Chemicals Agency (ECHA) on chemicals and the preparation of BAT reference documents under Directive 2010/75/EU, ECHA should be given a formal role in such preparation of BAT reference documents.

⁷¹ Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency (ECHA) (OJ L 396, 30.12.2006, p.1).

Amendment

(10) The evaluation of Directive 2010/75/EU concluded that there is a need to strengthen the links between that Directive and Regulation (EC) No 1907/2006⁷¹, to better address the risks of the use of chemicals in installations within the scope of Directive 2010/75/EU. In order to develop synergies between the work carried out by the European Chemicals Agency (ECHA) on chemicals and the preparation of BAT reference documents under Directive 2010/75/EU, ECHA should be given a formal **advisory** role in such preparation of BAT reference documents.

⁷¹ Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency (ECHA) (OJ L 396, 30.12.2006, p.1).

Or. en

Amendment 10

Proposal for a directive

Recital 13

Text proposed by the Commission

Amendment

(13) With a view to continuously improving the environmental performance and safety of the installation, including by preventing waste generation, optimising resource use and water reuse, and preventing or reducing risks associated with the use of hazardous substances, the operator should establish and implement an environmental management system (EMS) in **accordance with** relevant BAT conclusions, and should make **it** available to the public. The EMS should also cover the management of risks related to the use of the hazardous substances and an analysis of the possible substitution of hazardous substances by safer alternatives.

(13) With a view to continuously improving the environmental performance and safety of the installation, including by preventing waste generation, optimising resource use and water **reclaiming and** reuse, and preventing or reducing risks associated with the use of hazardous substances, the operator should **be encouraged to** establish and implement an environmental management system (EMS), **where such a system is not already included** in relevant BAT conclusions, and should make **its non-confidential parts** available to the public. The EMS should also cover the management of risks related to the use of the hazardous substances and an analysis of the possible substitution of hazardous substances by safer alternatives.

Or. en

Amendment 11

Proposal for a directive Recital 15

Text proposed by the Commission

(15) Providing a high level of protection of human health and the environment as a whole requires inter alia the establishment in permits of emission limit values at a level that ensures compliance with the applicable emission levels associated with the best available techniques set out in the BAT conclusions. Emission levels associated with the best available techniques (BAT-AELs) are usually expressed as ranges, rather than as single values, to reflect the differences within a given type of installations that result in variations in the environmental performances achieved when applying BAT. For example, a given BAT will not deliver the same performance for different installations, some BATs may not be suitable for use in certain installations, or a combination of BATs may be more

Amendment

(15) Providing a high level of protection of human health and the environment as a whole requires inter alia the establishment in permits of emission limit values at a level that ensures compliance with the applicable emission levels associated with the best available techniques set out in the BAT conclusions. Emission levels associated with the best available techniques (BAT-AELs) are usually expressed as ranges, rather than as single values, to reflect the differences within a given type of installations that result in variations in the environmental performances achieved when applying BAT. For example, a given BAT will not deliver the same performance for different installations, some BATs may not be suitable for use in certain installations, or a combination of BATs may be more

effective on some pollutants or environmental media than others. The achievement of a high level of protection of human health and the environment as a whole has been jeopardised by the practice of setting emission limit values at the laxest end of the range of emission levels associated with the best available techniques, without considering the potential of a given installation to achieve lower emission levels through the application of best available techniques. Such practice discourages frontrunners from implementing more effective techniques, and hinders the achievement of a level-playing field at a high level of protection of human health and the environment. Competent authorities should therefore be required to set in permits the lowest *possible* emission limit values which reflect the performance of BAT for the specific installations, taking into consideration the whole range of BAT-AELs and aiming at the *best* environmental performance *possible* for the installations; unless the operator demonstrates that applying best available techniques as described in the BAT conclusions *only* allows the concerned installation to *meeting* less strict emission limit values.

effective on some pollutants or environmental media than others. The achievement of a high level of protection of human health and the environment as a whole has been jeopardised by the practice of setting emission limit values at the laxest end of the range of emission levels associated with the best available techniques, without considering the potential of a given installation to achieve lower emission levels through the application of best available techniques. Such practice discourages frontrunners from implementing more effective techniques, and hinders the achievement of a level-playing field at a high level of protection of human health and the environment. Competent authorities should therefore be required to set in permits the lowest *feasible* emission limit values *or combination of limit values for different pollutants defined in accordance with the 'lowest trade-off' principle*, which reflect the performance of BAT for the specific installations, taking into consideration the whole range of BAT-AELs and aiming, *where possible*, at the *optimal* environmental performance for the installations; unless the operator demonstrates that applying best available techniques as described in the BAT conclusions allows the concerned installation to *only meet* less strict emission limit values *or could cause considerable cross-media effects*.

Or. en

Amendment 12

Proposal for a directive Recital 16

Text proposed by the Commission

(16) The contribution of Directive 2010/75/EU to resource and energy efficiency and circular economy in the

Amendment

(16) The contribution of Directive 2010/75/EU to resource and energy efficiency and circular economy in the

Union should be made more effective, taking into consideration the ‘Energy Efficiency First’ as a guiding principle of the Union energy policy. Therefore, the permits should establish, where possible, mandatory environmental performance limit values on consumption and resource efficiency levels, including on the use of water, energy and recycled materials, based on the environmental performance levels associated with the best available techniques (BAT AEPLs) set out in decisions on BAT conclusions.

Union should be made more effective, taking into consideration the ‘Energy Efficiency First’ as a guiding principle of the Union energy policy, ***while fully taking into account the higher energy consumption related to certain decarbonisation and depollution activities and processes***. Therefore, the permits should establish, where possible, mandatory environmental performance limit values on consumption and resource efficiency levels, including on the use of water, energy and recycled materials, based on the environmental performance levels associated with the best available techniques (BAT AEPLs) set out in decisions on BAT conclusions.

Or. en

Amendment 13

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) The evaluation of Directive 2010/75/EU concluded that there was some discrepancy in compliance assessment approaches for installations covered by Chapter II of that Directive. In order to achieve a high level of protection of the environment as a whole, ensure a consistent implementation of Union law and a level-playing field throughout the Union, while minimising the administrative burden on businesses and public authorities, the Commission should set common rules for assessing compliance with emission limit values and validation of measured levels for both air and water emissions based on best available techniques. Those compliance assessment rules should take precedent over the rules set out in Chapters III and IV on assessment of compliance with emission limit values contained in Annexes V and

Amendment

(18) The evaluation of Directive 2010/75/EU concluded that there was some discrepancy in compliance assessment approaches for installations covered by Chapter II of that Directive. In order to achieve a high level of protection of the environment as a whole, ensure a consistent implementation of Union law and a level-playing field throughout the Union, while minimising the administrative burden on businesses and public authorities ***and preventing corruption risks***, the Commission should set common rules for assessing compliance with emission limit values and validation of measured levels for both air and water emissions based on best available techniques. Those compliance assessment rules should take precedent over the rules set out in Chapters III and IV on assessment of compliance with emission limit values contained in

Amendment 14

Proposal for a directive Recital 20

Text proposed by the Commission

(20) Permit conditions should be regularly reviewed and, where necessary, updated by the competent authority to ensure compliance with relevant legislation. Such review or update should also take place where it is necessary for the installation to comply with an environmental quality standard, including in the case of a new or revised environmental quality standard or where the status of the receiving environment requires a revision of the permit in order to achieve compliance with plans and programmes set under Union legislation, such as the river basin management plans under Directive 2000/60/EC of the European Parliament and of the Council⁷².

⁷² Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000).

Amendment

(20) Permit conditions should be regularly reviewed and, where necessary, updated by the competent authority to ensure compliance with relevant legislation, ***while respecting the need to ensure legal certainty and investment cycles***. Such review or update should also take place where it is necessary for the installation to comply with an environmental quality standard, including in the case of a new or revised environmental quality standard or where the status of the receiving environment requires a revision of the permit in order to achieve compliance with plans and programmes set under Union legislation, such as the river basin management plans under Directive 2000/60/EC of the European Parliament and of the Council⁷².

⁷² Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000).

Amendment 15

Proposal for a directive Recital 20 a (new)

(20a) Given the general principle of the non-retroactive application of a law, new requirements for the emission limit values and the environmental performance limit values should only apply to new installations when a permit update is required due to a substantial change or when a new BAT Conclusion is adopted after the end date for transposition of this Directive.

Or. en

Amendment 16

Proposal for a directive Recital 24

Text proposed by the Commission

(24) The evaluation of Directive 2010/75/EU found that, even if it should foster the transformation of European industry, it is not dynamic enough and does not sufficiently support the deployment of innovative processes and technologies. It is therefore appropriate to facilitate the testing and deployment of emerging techniques with improved environmental performance, to facilitate cooperation with researchers and industries in publicly funded research projects subject to the conditions foreseen in the relevant European and national funding instruments, as well as to set up a dedicated centre to support innovation by collecting and analysing information on innovative techniques, including emerging techniques, relevant to activities within the scope of that Directive and to characterise their level of development from research to deployment (technology readiness level or ‘TRL’) and their environmental performance. This will also inform the exchange of information on drawing up, reviewing and updating BAT reference

Amendment

(24) The evaluation of Directive 2010/75/EU found that, even if it should foster the transformation of European industry, it is not dynamic enough and does not sufficiently support the deployment of innovative processes and technologies, **including those that are essential for the twin green and digital transitions and the achievement of the European Climate Law targets (‘enabling technologies’)**. It is therefore appropriate to facilitate the testing and deployment of emerging techniques with improved environmental performance, **to promote enabling technologies and** to facilitate cooperation with researchers and industries in publicly funded research projects subject to the conditions foreseen in the relevant European and national funding instruments, as well as to set up a dedicated centre to support innovation by collecting and analysing information on innovative techniques, including emerging techniques **and enabling technologies**, relevant to activities within the scope of that Directive and to characterise their level of

documents. Innovative techniques to be collected and analysed by the centre should be at least at the level of technology demonstrated in relevant environment (industrially relevant environment in the case of key enabling technologies) or system prototype demonstration in operation environment (TRL 6-7).

development from research to deployment (technology readiness level or ‘TRL’) and their environmental performance. This will also inform the exchange of information on drawing up, reviewing and updating BAT reference documents. Innovative techniques to be collected and analysed by the centre should be at least at the level of technology demonstrated in relevant environment (industrially relevant environment in the case of key enabling technologies) or system prototype demonstration in operation environment (TRL 6-7).

Or. en

Amendment 17

Proposal for a directive Recital 25

Text proposed by the Commission

(25) Achieving Union objectives regarding a clean, circular and climate neutral economy by 2050 calls for a deep transformation of the Union economy. Consistently with the 8th Environmental Action Programme, operators of installations covered by Directive 2010/75/EU should therefore be required to include transformation plans in their environmental management systems. Such transformation plans will also complement the Corporate Sustainability Reporting requirements under **Directive 2013/34/EU** of the European Parliament and of the Council⁷⁵ **by providing a means for concrete implementation of these requirements at installation level**. The first priority is the transformation of energy-intensive activities listed in Annex I. Therefore, the operators of energy-intensive installations should produce transformation plans by 30 June 2030. Operators of installations carrying out other activities listed in Annex I should be

Amendment

(25) Achieving Union objectives regarding a clean, circular and climate neutral economy by 2050 calls for a deep transformation of the Union economy. Consistently with the 8th Environmental Action Programme, operators of installations covered by Directive 2010/75/EU should therefore be required to include **indicative** transformation plans **at company or installation level** in their environmental management systems. Such transformation plans will also complement the Corporate Sustainability Reporting requirements under **Directive 2013/34/EU** of the European Parliament and of the Council⁷⁵, **while including information or data that are already required to be reported under other Union legislation, such as the Corporate Sustainability Reporting Directive [OJ: please insert the reference number for 2021/0104(COD)]^{75a} or the Directive on corporate sustainability due diligence [OJ: please insert the reference number for**

required to produce transformation plans as part of the permit reconsideration and update following the publication of decisions on BAT conclusions published after 1 January 2030. Whilst the transformation plans should remain indicative documents prepared under the responsibility of the operators, the audit organisation contracted by the operators as part of their environmental management systems should check that they contain the minimum information to be set by the European Commission in an implementing act, and the operators should make the transformation plans public.

2022/0051(COD)J^{75b}, should not be required in the transformation plans. The first priority is the transformation of energy-intensive activities listed in Annex I. Therefore, the operators of energy-intensive installations should produce transformation plans by 30 June 2030. Operators of installations carrying out other activities listed in Annex I should be required to produce transformation plans as part of the permit reconsideration and update following the publication of decisions on BAT conclusions published after 1 January 2030. Whilst the transformation plans should remain indicative documents prepared under the responsibility of the operators, the audit organisation contracted by the operators as part of their environmental management systems should check that they contain the minimum information to be set by the European Commission in an implementing act, and the operators should make the transformation plans public, **while respecting confidentiality and not disclosing sensitive business information** .

⁷⁵ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC; OJ L 182, 29.6.2013, p. 19–76.

⁷⁵ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC; OJ L 182, 29.6.2013, p. 19–76.

^{75a} **Proposal for a directive of the European Parliament and of the Council amending Directive 2013/34/EU, Directive 2004/109/EC, Directive 2006/43/EC and Regulation (EU) No 537/2014, as regards corporate sustainability reporting**

^{75b} **Proposal for a directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU)**

Amendment 18**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 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.

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, ***while not adversely affecting sustainable European farming, based on the principles of respecting animal welfare, healthy and sustainable food production and promotion of small-scale and family farming,*** 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 ***industrial-scale*** rearing of poultry, pigs and cattle. ***Small-scale extensive farming, small-scale family farming and organic farming should be excluded from the scope of this Directive. General definitions of small-scale extensive farming, small-scale family farming and organic farming should be laid down in this Directive, and detailed national definitions should be established, reflecting national and regional particularities. In the preparation of the operating rules, the Commission should also ensure that sustainable forms of industrial-scale farming, respecting animal welfare principles and local traditions in sustainable farming, will benefit from either a registration regime or simplified administrative procedures.*** 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.

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 19

Proposal for a directive Recital 30

Text proposed by the Commission

(30) In order to ensure uniform conditions for the implementation of Directive 2010/75/EU, implementing powers should be conferred on the Commission as regards the establishment of (i) the format to be used for the permit summary; (ii) a standardised methodology for assessing the disproportionality between the costs of implementation of the BAT conclusions and the potential environmental benefits, (iii) the measuring method for assessing compliance with emission limit values set out in the permit with regard to emissions to air and water, (iv) the detailed arrangements necessary for the establishment and functioning of the innovation centre for industrial

Amendment

(30) In order to ensure uniform conditions for the implementation of Directive 2010/75/EU, implementing powers should be conferred on the Commission as regards the establishment of (i) the format to be used for the permit summary; (ii) a standardised methodology for assessing the disproportionality between the costs of implementation of the BAT conclusions and the potential environmental benefits, (iii) the measuring method for assessing compliance with emission limit values set out in the permit with regard to emissions to air and water, (iv) the detailed arrangements necessary for the establishment and functioning of the innovation centre for industrial

transformation and emissions, **and** (v) the format to be used for transformation plans. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁷⁸.

⁷⁸ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

transformation and emissions, (v) the format to be used for transformation plans, **(vi) a list of EU-50 technologies, benefiting from 'fast-track' permit procedures and (vii) establishing the format of the uniform digital permitting application in the context of technical assistance to Member States' competent authorities.** Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁷⁸

⁷⁸ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13)

Or. en

Amendment 20

Proposal for a directive Recital 32

Text proposed by the Commission

(32) Where damage to human health has occurred as a result of a violation of national measures adopted pursuant to Directive 2010/75/EU, Member States should ensure that the individuals affected are able to claim and obtain compensation for that damage from the relevant natural or legal persons and, **where appropriate**, from the relevant competent authorities responsible for the infringement. Such rules on compensation contribute to pursuing the objectives of preserving, protecting and improving the quality of the environment and protecting human health as laid down in Article 191 TFEU. They also underpin the right to life, integrity of

Amendment

(32) Where damage to human health has occurred as a result of a violation of national measures adopted pursuant to Directive 2010/75/EU, Member States should ensure that the individuals affected are able to claim and obtain compensation for that damage from the relevant natural or legal persons and from the relevant competent authorities responsible for the infringement. Such rules on compensation contribute to pursuing the objectives of preserving, protecting and improving the quality of the environment and protecting human health as laid down in Article 191 TFEU. They also underpin the right to life, integrity of the person and health care laid

the person and health care laid down in Article 2, 3 and 35 of the Charter of Fundamental Rights of the European Union and the right to an effective remedy as laid down in Article 47 of the Charter. Moreover, Directive 2004/35/EC of the European Parliament and of the Council does not give private parties a right of compensation as a consequence of environmental damage or of an imminent threat of such damage.

down in Article 2, 3 and 35 of the Charter of Fundamental Rights of the European Union and the right to an effective remedy as laid down in Article 47 of the Charter. Moreover, Directive 2004/35/EC of the European Parliament and of the Council does not give private parties a right of compensation as a consequence of environmental damage or of an imminent threat of such damage.

Or. en

Amendment 21

Proposal for a directive Recital 33

Text proposed by the Commission

(33) It is therefore appropriate for Directive 2010/75/EU to address the right for compensation for damages suffered by individuals. To ensure that individuals can defend their rights against damages to health caused by violations of Directive 2010/75/EU and thereby ensure a more efficient enforcement of that Directive, non-governmental organisations promoting the protection of human health or the environment, including those promoting the protection of consumers and meeting any requirements under national law, as members of the public concerned, should be empowered to engage in proceedings, as the Member States so determine, ***either on behalf or or*** in support of any victim, without prejudice to national rules of procedure concerning representation and defence before the courts. Member States usually enjoy procedural autonomy to ensure an effective remedy against violations of Union law, subject to the respect of the principles of equivalence and effectivity. However, experience shows that while there is overwhelming epidemiologic evidence on the negative

Amendment

(33) It is therefore appropriate for Directive 2010/75/EU to address the right for compensation for damages suffered by individuals. To ensure that individuals can defend their rights against damages to health caused by violations of Directive 2010/75/EU and thereby ensure a more efficient enforcement of that Directive, non-governmental organisations promoting the protection of human health or the environment, including those promoting the protection of consumers and meeting any requirements under national law, as members of the public concerned, should be empowered to engage in proceedings, as the Member States so determine, in support of any victim, without prejudice to national rules of procedure concerning representation and defence before the courts. Member States usually enjoy procedural autonomy to ensure an effective remedy against violations of Union law, subject to the respect of the principles of equivalence and effectivity. However, experience shows that while there is overwhelming epidemiologic evidence on the negative health impacts of pollution on

health impacts of pollution on the population, in particular as regards air, it is difficult for the victims of violations of Directive 2010/75/EU under the procedural rules on the burden of proof generally applicable in the Member States to demonstrate a causality link between the suffered harm and the violation. As a result, in the majority of cases, victims of violations of Directive 2010/75/EU do not have an effective way to obtain compensation for the harm caused by such violations. To strengthen the rights of individuals to obtain compensation for violations of Directive 2010/75/EU and to contribute to a more efficient enforcement of its requirements throughout the Union, it is necessary to adapt the burden of proof applicable to such situations. Therefore, ***when an individual can provide sufficiently robust evidence to give rise to a presumption that the violation of Directive 2010/75/EU is at the origins of the damage caused to the health of an individual, or has significantly contributed to it, it should be for the defendant to rebut that presumption in order to escape his liability.***

the population, in particular as regards air, it is difficult for the victims of violations of Directive 2010/75/EU under the procedural rules on the burden of proof generally applicable in the Member States to demonstrate a causality link between the suffered harm and the violation. As a result, in the majority of cases, victims of violations of Directive 2010/75/EU do not have an effective way to obtain compensation for the harm caused by such violations. To strengthen the rights of individuals to obtain compensation for violations of Directive 2010/75/EU and to contribute to a more efficient enforcement of its requirements throughout the Union, it is necessary to adapt ***national legislation on*** the burden of proof applicable to such situations. Therefore ***each Member State should establish a clear framework on compensation for damage caused by the breach of environmental legislation, including relevant provisions on the burden of proof in the case of violation of Directive 2010/75/EU, ensuring that the causation link between pollution and damage caused is either presumed or easily demonstrated.***

Or. en

Amendment 22

Proposal for a directive Recital 35

Text proposed by the Commission

(35) The implementation of Directive 2010/75/EU has shown divergent applications across Member States concerning the coverage of installations for the manufacturing of ceramic products by firing, because the wording of the definition of this activity allowed Member States to decide whether to apply both or only one of the two criteria on production capacity and kiln capacity. With a view to

Amendment

(35) The implementation of Directive 2010/75/EU has shown divergent applications across Member States concerning the coverage of installations for the manufacturing of ceramic products by firing, because the wording of the definition of this activity allowed Member States to decide whether to apply both or only one of the two criteria on production capacity and kiln capacity. With a view to

ensuring a more consistent implementation of that Directive and securing a level-playing field throughout the Union, ***such installations should be included*** within the scope of *that* Directive ***whenever any one of those two criteria is met.***

ensuring a more consistent implementation of that Directive, ***compliance with Directive 2003/87/EC*** and securing a level-playing field throughout the Union, ***clear and unambiguous criteria for the inclusion of industrial-scale manufacturing of ceramic products by firing*** within the scope of *Directive 2010/75/EU* ***should be laid down. Those criteria should correspond to the criteria laid down in Directive 2003/87/EC.***

Or. en

Amendment 23

Proposal for a directive Recital 37

Text proposed by the Commission

(37) Although landfills are included within the scope of Directive 2010/75/EU, no BAT conclusions exist for landfills since that activity falls within the scope of Council Directive 1999/31/EC⁸⁰ and the requirements of the latter Directive are deemed to constitute BAT. Due to the technical developments and innovation that have taken place since the adoption of Directive 1999/31/EC, more effective techniques for protecting human health and the environment are now available. ***The adoption of BAT conclusions under Directive 2010/75/EU would allow addressing the key environmental issues related to the operation of waste landfills, including significant emissions of methane.*** Directive 1999/31/EC should therefore ***allow for the adoption of BAT conclusions on landfills under*** Directive 2010/75/EU.

⁸⁰ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182 16.7.1999, p. 1).

Amendment

(37) Although landfills are included within the scope of Directive 2010/75/EU, no BAT conclusions exist for landfills since that activity falls within the scope of Council Directive 1999/31/EC⁸⁰ and the requirements of the latter Directive are deemed to constitute BAT. Due to the technical developments and innovation that have taken place since the adoption of Directive 1999/31/EC, more effective techniques for protecting human health and the environment are now available. Directive 1999/31/EC should therefore ***be amended, to ensure there is coherence with*** Directive 2010/75/EU.

⁸⁰ Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182 16.7.1999, p. 1).

Amendment 24**Proposal for a directive****Recital 38**

Text proposed by the Commission

(38) Directives 2010/75/EU and 1999/31/EC should therefore be amended accordingly.

Amendment

deleted

Or. en

Amendment 25**Proposal for a directive****Recital 38 a (new)**

Text proposed by the Commission

Amendment

(38a) The procedures under Directive 2010/75/EU, including BAT preparation and national permit procedures, are considered by the industries involved as too lengthy, due to insufficient administrative capacity. Therefore, the significant extension of the scope of Directive 2010/75/EU represents a further challenge for the Commission, the Forum under Article 13 and, especially, for the national competent authorities in this respect. The Commission should present an action plan for enhancing administrative capacity at Union and national level, thus enabling the acceleration of procedures provided for under the Directive, such as enabling technologies. The Commission should, furthermore, provide technical assistance to the Member States in complying with the new legislative and technical procedures, such as by means of a uniform digital tool for applying for permits.

Amendment 26**Proposal for a directive
Recital 38 b (new)***Text proposed by the Commission**Amendment*

(38b) From the entry into force of this amending act, Member States should take adequate measures to ensure that the competent authorities are able to handle the increased workload related to implementing Directive 2010/75/EU as amended by this Directive and ensure a swift efficient and smooth permitting process, thus, reducing the uncertainty for business to a minimum.

Or. en

Amendment 27**Proposal for a directive
Article 1 – paragraph 1 – point 3 – point b
Directive 2010/75/EU
Article 3 – paragraph 1 – point 12***Text proposed by the Commission**Amendment*

(12) ‘BAT conclusions’ means a document containing the parts of a BAT reference document laying down the conclusions on best available techniques, their description, information to assess their applicability, the emission levels associated with the best available techniques, the environmental performance levels associated with the best available techniques, the minimum content of an environmental management system including benchmarks associated with the best available techniques, associated monitoring, associated consumption levels and, where appropriate, relevant site

(12) “‘BAT conclusions’ means a document containing the parts of a BAT reference document laying down the conclusions on best available techniques, their description, information to assess their applicability, the emission levels associated with the best available techniques, ***consideration of cross-media effects***, the environmental performance levels associated with the best available techniques, the minimum content of an environmental management system including ***non-confidential*** benchmarks associated with the best available techniques, associated monitoring, associated consumption levels and, where

remediation measures;

appropriate, relevant site remediation measures.

Or. en

Amendment 28

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point c

Directive 2010/75/EU

Article 3 – paragraph 1 – point 13 a

Text proposed by the Commission

(13a) ‘environmental performance levels associated with the best available techniques’ means the range of environmental performance levels, except emission levels, obtained under normal operating conditions using a **BAT** or a combination of **BATs**;

Amendment

(13a) environmental performance levels associated with the best available techniques’ means the range of environmental performance levels **for processes that are highly homogeneous across the Union**, except emission levels, obtained under normal operating conditions using a **best available technique** or a combination of **best available techniques**.

Or. en

Amendment 29

Proposal for a directive

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

Directive 2010/75/EU

Article 3 – paragraph 1 – point 14 a (new)

Text proposed by the Commission

Amendment

(ca) the following point (14a) is inserted:

(14a) “EU-50 technologies ” means transformative technologies that have a significant impact and enable one of the strategic objectives of the Union and especially the 2030 targets of Regulation (EU) 2021/1119 (European Climate Law) to be achieved in line with the existing best available techniques and emerging

techniques.

Or. en

Amendment 30

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point e

Directive 2010/75/EU

Article 3 – paragraph 1 – point 23c a (new)

Text proposed by the Commission

Amendment

(23ca) ‘small-scale extensive farming’ means animal rearing in small and very small farms as laid down in national definitions, and is characterised by low levels of input per unit area of land;

Or. en

Amendment 31

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point e

Directive 2010/75/EU

Article 3 – paragraph 1 – point 23c b (new)

Text proposed by the Commission

Amendment

(23cb) ‘small-scale family farming’ means animal rearing in small and very small or semi-subsistence farms as laid down in national definitions. Those definitions shall be based on the following criteria: self-ownership, partnership or family ownership of the livestock in which case the owner or the owner’s immediate family exclusively bears the business risk, combined with the owner or the owner’s immediate family, or both, carrying out a predominant share of the farm labour

Or. en

Amendment 32

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point e

Directive 2010/75/EU

Article 3 – paragraph 1 – point 23c c (new)

Text proposed by the Commission

Amendment

(23cc) ‘organic farming’ means an overall system of farm management and food production that combines best environmental and climate action practices, a high level of biodiversity, the preservation of natural resources and the application of high animal welfare standards and high production standards in line with the demand of a growing number of consumers for products produced using natural substances and processes.

Or. en

Amendment 33

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point e

Directive 2010/75/EU

Article 3 – paragraph 1 – point 23c d (new)

Text proposed by the Commission

Amendment

(23cd) ‘industrial-scale livestock rearing’ means rearing of poultry, pigs and cattle, which does not fall under the definitions laid down in points (23cc(new)) to (23d);

Or. en

Amendment 34

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 49 a (new)

Text proposed by the Commission

Amendment

(49a) ‘construction minerals’ means minerals primarily used directly in construction or in the production of construction materials, their extraction and processing, and which have a low environmental impact, typically limited to emission of dust;

Or. en

Amendment 35

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 50

Text proposed by the Commission

Amendment

(50) ‘emission levels associated with emerging techniques’ means the range of emission levels obtained under normal operating conditions using an emerging technique or a combination of emerging techniques, expressed as an average over a given period of time, under specified reference conditions;

(50) ‘emission levels associated with emerging techniques’ means the **expected** range of emission levels obtained under normal operating conditions using an emerging technique or a combination of emerging techniques, **as described in BAT conclusions**, expressed as an average over a given period of time, under specified reference conditions;

Or. en

Amendment 36

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 51

Text proposed by the Commission

Amendment

(51) ‘environmental performance levels associated with emerging techniques’ means the range of environmental performance levels, except emission levels, obtained under normal operating

(51) ‘environmental performance levels associated with emerging techniques’ means the range of environmental performance levels, except emission levels, obtained under normal operating

conditions using an emerging technique or
a combination of emerging techniques;

conditions using an emerging technique or
combination of emerging techniques **for
processes that are highly homogenous
across the Union;**

Or. en

Amendment 37

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 53 a (new)

Text proposed by the Commission

Amendment

**(53a) ‘water reuse system’ means a
water reuse system as defined in point 15
of Article 3 of Regulation (EU) 2020/741
of the European Parliament and of the
Council^{1a};**

**^{1a} Regulation (EU) 2020/741 of the
European Parliament and of the Council
of 25 May 2020 on minimum
requirements for water reuse**

Or. en

Amendment 38

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 53 b (new)

Text proposed by the Commission

Amendment

**(53b) ‘reclaimed water’ means reclaimed
water as defined in point 4 of Article 3 of
Regulation (EU) 2020/741;**

Or. en

Amendment 39

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 53 c (new)

Text proposed by the Commission

Amendment

(53c) ‘water reuse’ means the process through which water is reclaimed from previous use and converted through a water reuse system into water that can be reused for a variety of purposes.

Or. en

Amendment 40

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

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 Chapter VIa.’

By way of derogation from the first subparagraph, Member States may set a procedure for the registration of installations **for the production of hydrogen from water-electrolysis below a capacity of 18 tonnes per hour/50 MW of thermal input and installations** covered only by Chapter V or Chapter VIa

Or. en

Amendment 41

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2010/75/EU

Article 5 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Member States shall ensure that permits

Member States shall ensure that **non-**

granted pursuant to this Article are made available on the Internet, free of charge and without restricting access to registered users. In addition, a summary of each permit shall be made available to the public under the same *conditions*. That summary shall include at least the following:

confidential information included in the permits granted pursuant to this Article are made available on the Internet, free of charge and without restricting access to registered users. In addition, a summary of each permit shall be made available to the public under the same *conditions*. That summary shall include at least the following:

Or. en

Amendment 42

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2010/75/EU

Article 5 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

(b) the emission limit values and environmental performance limits values;

Amendment

(b) the emission limit values and environmental performance limits values, *if applicable*;

Or. en

Amendment 43

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2010/75/EU

Article 5 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission shall adopt an implementing act to establish the format to be used for the summary referred to in the second subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2)..

Amendment

The Commission shall adopt an implementing act to establish the format to be used for the summary referred to in the second subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2). *Upon adoption and publication of the implementing act, the requirement for a permit summary as set out in the first subparagraph of this*

paragraph shall apply.

Or. en

Amendment 44

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2010/75/EU

Article 5 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States shall develop rules for the granting of a permit in a shorter time frame than the current practices in the Member States for EU-50 technologies used by the installation in accordance with Article 27, , based on the conclusions of the exchange under Article 13(2 - d -new) on a fast-track procedure. Member States shall ensure that the duration of the procedure for the granting of permits for EU-50 technologies referred to in this Article does not exceed 18 months. However, Member States may, where extraordinary circumstances so require, extend that period by up to 12 months. In such a case, Member States shall clearly inform the operator about the extraordinary circumstances that justify the need for an extension.

Or. en

Amendment 45

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2010/75/EU

Article 5 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Member States shall set up or designate one or more EU-50 contact

points. Those contact points shall, upon request by the applicant or the operator, provide guidance on, and facilitate the entire administrative permit application and granting process. The applicant/operator shall not be required to contact more than one contact point for the entire permit application and granting process. The contact point shall verify that deadlines for the “fast-tracking” permit-granting procedures are respected and report to the Commission in the event of significant delays. Applicants shall submit permit applications in a uniform digital form for the entire Union. By [OJ: please insert the date 12 months from entry into force of this Directive] Member States shall ensure that all procedures, concerning the application or granting of EU-50 permits are carried out in an electronic format.

Or. en

Amendment 46

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2010/75/EU

Article 5 – paragraph 4 c (new)

Text proposed by the Commission

Amendment

4c. The rules referred to in paragraphs 4a and 4b shall also apply where an operator applies for a permit covering more than one installation under Article 4(2), as well as in the case provided for in Article 20(3a-new)

Or. en

Amendment 47

Proposal for a directive

Article 1 – paragraph 1 – point 6

Text proposed by the Commission

Amendment

In the event of pollution affecting drinking water resources, including transboundary resources, or affecting waste water infrastructure in the case of indirect discharge, the competent authority shall inform the drinking water and wastewater operators affected of the measures taken to prevent or remedy damage caused by that pollution to human health and the environment.

Or. en

Amendment 48

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2010/75/EU
Article 7 – paragraph 2

Text proposed by the Commission

Amendment

In the event of any incident or accident significantly affecting human health or the environment in another Member State, the Member State in whose territory the accident or incident has occurred shall ensure that the competent authority of the other Member State is immediately informed. Transboundary and multidisciplinary cooperation between the affected Member States shall aim at limiting the consequences ***on*** the environment and human health and to prevent further possible incidents or accidents.

In the event of any incident or accident significantly affecting human health or the environment in another Member State, the Member State in whose territory the accident or incident has occurred shall ensure that the competent authority of the other Member State is immediately informed. Transboundary and multidisciplinary cooperation between the affected Member States shall aim at limiting the consequences ***for*** the environment and human health and to prevent further possible incidents or accidents.

Or. en

Amendment 49

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2010/75/EU
Article 8 – title

Text proposed by the Commission

Amendment

Non-compliance

Compliance

Or. en

Amendment 50

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2010/75/EU
Article 8 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

They shall also adopt compliance assurance measures **to** to promote, monitor and enforce compliance with obligations placed on natural or legal persons under this Directive.

They shall also adopt compliance assurance measures to promote, monitor and enforce compliance with obligations placed on natural or legal persons under this Directive at the **latest 3 years after the transposition of this Directive**.

Or. en

Amendment 51

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2010/75/EU
Article 8 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

In the event of a breach of the permit conditions, Member States shall ensure that:

In the event of a **severe** breach of the permit conditions, Member States shall ensure that:

Or. en

Amendment 52

Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2010/75/EU
Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In the event of a breach of compliance affecting drinking water resources, including transboundary resources, or affecting waste water infrastructure in the case of an indirect discharge, the competent authority shall inform the drinking water and waste water operators affected of the measures taken to prevent or remedy the damage caused to human health and the environment.

Or. en

Amendment 53

Proposal for a directive
Article 1 – paragraph 1 – point 7 Directive 2010/75/EU
Article 9 – paragraph 2

Text proposed by the Commission

Amendment

(7) In Article 9, paragraph (2) is **deleted**.

(7) In Article 9, paragraph 2 is **replaced by the following:**

(2) For activities listed in Annex I to Directive 2003/87/EC, Member States may choose not to impose requirements relating to energy efficiency in respect of combustion units or other units emitting carbon dioxide on the site, only where those installations are covered by the obligation to conduct an energy audit and implement an energy management system pursuant to Article 8 of Directive 2012/27/EU (EED) or the operator implements equivalent measures.

Or. en

Amendment 54

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2010/75/EU

Article 11 – paragraph 1 – point f b

Text proposed by the Commission

(fb) the overall life-cycle environmental performance of the supply chain is taken into account ***as appropriate***;

Amendment

(fb) the overall life-cycle environmental performance of the supply chain is taken into account ***to the extent required by Regulation (EU) No 537/2014 as regards corporate sustainability reporting and other relevant Union legislation, if applicable***;

Or. en

Amendment 55

Proposal for a directive

Article 1 – paragraph 1 – point 8 a (new)

Directive 2010/75/EU

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(8a) In Article 11, the following paragraph is added:

To support the Member States in taking the measures referred to in paragraph 1, the Technical Working Group of the European Integrated Pollution Prevention and Control Bureau (EIPPCB) shall evaluate the principles of energy efficiency referred to in point (f) and those listed in points (fa) and (fb), and shall advise the permitting authorities on prioritisation in case, for instance, of cross-media effects in order to facilitate compliance with this Article;

Or. en

Amendment 56

Proposal for a directive

Article 1 – paragraph 1 – point 8 b (new)

Directive 2010/75/EU

Article 12 – paragraph 1 – subparagraph 1 – point k a (new)

Text proposed by the Commission

Amendment

(8b) In Article 12 (1), the following point is added in the first subparagraph:

(ka) any request for a fast-track procedure under Art. 5, if applicable, along with a detailed justification.

Or. en

Amendment 57

Proposal for a directive

Article 1 – paragraph 1 – point 9 – point a

Directive 2010/75/EU

Article 13 – paragraph 1

Text proposed by the Commission

Amendment

1. In order to draw up, review and, where necessary, update BAT reference documents, the Commission shall organise an exchange of information between Member States, the industries concerned, non-governmental organisations promoting environmental protection, the European Chemicals Agency and the Commission.

1. In order to draw up, review and, where necessary, update BAT reference documents, the Commission shall organise an exchange of information between Member States, the industries concerned, non-governmental organisations promoting environmental protection, the European Chemicals Agency and the Commission. ***The European Chemicals Agency shall act as an observer of the process, only providing scientific technical input for updating documents, and shall not have a role in the decision making process.***

Or. en

Amendment 58

Proposal for a directive

Article 1 – paragraph 1 – point 9 – point a a (new)

Directive 2010/75/EU

Article 13 – paragraph 2 – point b

Present text

Amendment

(b) the techniques used, associated monitoring, cross-media effects, economic and technical viability and developments therein;

(aa) In Article 13(2), point (b) is replaced as follows:

(b) the techniques used, associated monitoring, cross-media effects, ***including the interplay between pollutant emissions and GHG emissions***, economic and technical viability and developments therein;

Or. en

Amendment 59

Proposal for a directive

Article 1 – paragraph 1 – point 9 – point a b (new)

Directive 2010/75/EU

Article 13 – paragraph 2 – point c a (new)

Present text

Amendment

(ab) In Article 13(2), the following point is inserted:

(ca) the relevance and justifiability of any fast-track requests under Article 5 (4a) and (4c) and Article 27e, made by the participants.

Or. en

Amendment 60

Proposal for a directive

Article 1 – paragraph 1 – point 9 – point b

Directive 2010/75/EU

Article 13 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Without prejudice to Union competition law, information considered as confidential business information or commercially sensitive information shall only be shared with the Commission and with the following individuals having signed a confidentiality and non-disclosure agreement: civil servants and other public

Without prejudice to Union competition law, information considered as confidential business information or commercially sensitive information shall only be shared with the Commission and with the following individuals having signed a confidentiality and non-disclosure agreement: civil servants and other public

employees representing Member States or Union agencies, and representatives of non-governmental organisations promoting the protection of human health or the environment. The exchange of information considered as confidential business information or sensitive commercial information shall remain limited to what is required to draw up, review and, where necessary, update BAT reference documents, and such confidential business information or sensitive commercial information shall not be used for other purposes..

employees representing Member States or Union agencies, and representatives of non-governmental organisations promoting the protection of human health or the environment. The exchange of information considered as confidential business information or sensitive commercial information shall remain limited to what is required to draw up, review and, where necessary, update BAT reference documents, and such confidential business information or sensitive commercial information shall not be used for other purposes. ***Regulation (EC) No. 1049/2001, Regulation (EC) No. 1367/2006 and Directive 2003/4/EC shall apply to any request for access to information held by an authority pursuant to the exchange referred to in Article 13(1) of this Directive.***

Or. en

Amendment 61

Proposal for a directive

Article 1 – paragraph 1 – point 9 – point b a (new)

Directive 2010/75/EU

Article 13 – paragraph 3 – subparagraph 2 – point d

Present text

(d) guidance on the drawing up of BAT reference documents and on their quality assurance including the suitability of their content and format.

Amendment

(ba) In Article 13 (3), point (d) is replaced as follows:

(d) guidance on the drawing up of BAT reference documents and on their quality assurance including the suitability of their content and format ***as well as a clear indication of the appropriate instrument, such as benchmarks or limit values, for the purpose of environmental performance.***

Or. en

Amendment 62

Proposal for a directive

Article 1 – paragraph 1 – point 9 – point b b (new)

Directive 2010/75/EU

Article 13 – paragraph 5

Present text

5. Decisions on the BAT conclusions shall be adopted in accordance with the regulatory procedure referred to in Article 75(2).

Amendment

(bb) In Article 13, paragraph 5 is replaced as follows:

5. The exchange of information for the preparation, review and, if necessary, updating, of a BREF document shall not exceed a period of three years. The opinion of the forum referred to in paragraph 3 on the proposed content of a BREF shall be submitted within 6 months of the final meeting of the expert group responsible for the revision of the BREF.

Decisions on the BAT conclusions shall be adopted in accordance with the regulatory procedure referred to in Article 75(2) ***six months after submission of the opinion by the forum.***

Or. en

Amendment 63

Proposal for a directive

Article 1 – paragraph 1 – point 9 – point b c (new)

Directive 2010/75/EU

Article 13 – paragraph 7

Present text

7. Pending the adoption of a relevant decision in accordance with paragraph 5, the conclusions on best available techniques from BAT reference documents adopted by the Commission prior to the date referred to in Article 83 shall apply as BAT conclusions for the purposes of this Chapter ***except for Article 15(3) and (4).***

Amendment

(bc) In Article 13, paragraph 7 is replaced as follows:

7. Pending the adoption of a relevant decision in accordance with paragraph 5, the conclusions on best available techniques from BAT reference documents adopted by the Commission prior to the date referred to in Article 83 shall apply as BAT conclusions for the purposes of this Chapter.

Amendment 64**Proposal for a directive****Article 1 – paragraph 1 – point 10 – point a – point iii**

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 2 – point a a

Text proposed by the Commission

(aa) environmental performance limit values;;

Amendment(aa) environmental performance limit values, ***if applicable***;

Or. en

Amendment 65**Proposal for a directive****Article 1 – paragraph 1 – point 11**

Directive 2010/75/EU

Article 14a – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall require the operator to prepare and implement, for each installation falling within the scope of this Chapter, an environmental management system ('EMS'). The EMS shall comply with the provisions included in relevant BAT conclusions that determine aspects to be covered in the EMS.

Amendment

Member States shall require the operator to prepare and implement, for each installation, ***including, pursuant to Article 4(2), for jointly covered installations by the permit***, falling within the scope of this Chapter, an environmental management system ('EMS'). ***The level of detail and the degree of formalization of the EMS shall correspond to the nature, scale and complexity of the site and the installations the EMS relates to, and the range of environmental impacts it may have.*** The EMS shall comply with the provisions included in relevant BAT conclusions that determine aspects to be covered in the EMS, ***based on the standardised text decided by the forum provided for in Article 13.***

Or. en

Amendment 66

Proposal for a directive
Article 1 – paragraph 1 – point 11
Directive 2010/75/EU
Article 14a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. An EMS shall be based on internationally accepted corporate reporting standards, such as EN ISO 14001/50001 or those provided for in EMAS regulation. The EMS shall be reviewed periodically to ensure that it continues to be suitable, adequate and effective.

Or. en

Amendment 67

Proposal for a directive
Article 1 – paragraph 1 – point 11
Directive 2010/75/EU
Article 14a – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. The EMS shall include at least the following:

2. In cases where no EMS is included in BAT conclusions, the EMS shall include at least the following *non-confidential information*:

Or. en

Amendment 68

Proposal for a directive
Article 1 – paragraph 1 – point 11
Directive 2010/75/EU
Article 14a – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) objectives and performance indicators in relation to significant environmental aspects, which shall take into account benchmarks set out in the

(b) ***indicative*** objectives and performance indicators in relation to significant environmental aspects, which shall take into account benchmarks set out

relevant BAT conclusions *and the life-cycle environmental performance of the supply chain*;

in the relevant BAT conclusions.

Or. en

Amendment 69

Proposal for a directive

Article 1 – paragraph 1 – point 11

Directive 2010/75/EU

Article 14a – paragraph 2 – point d

Text proposed by the Commission

(d) a chemicals inventory of the hazardous substances present in the installation as such, as constituents of other substances or as part of mixtures, a risk assessment of the impact of such substances on human health and the environment *and an analysis of the possibilities to substitute them with safer alternatives*;

Amendment

(d) a chemicals inventory of the **relevant** hazardous substances present in the installation as such, as constituents of other substances or as part of mixtures, a risk assessment of the impact of such substances on human health and the environment *or a reference to existing company documents, including that information, such as that included as part of a REACH registration or required by Council Directive 89/391/EEC^{1a}*;

^{1a} Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work

Or. en

Amendment 70

Proposal for a directive

Article 1 – paragraph 1 – point 11

Directive 2010/75/EU

Article 14a – paragraph 2 – point e

Text proposed by the Commission

(e) measures taken to achieve the environmental objectives and avoid risks for human health or the environment,

Amendment

(e) measures taken to achieve the **indicative** environmental objectives and avoid risks for human health or the

including corrective and preventive measures where needed;

environment *or a reference to existing company documents that include that information*, including corrective and preventive measures where needed;

Or. en

Amendment 71

Proposal for a directive

Article 1 – paragraph 1 – point 11

Directive 2010/75/EU

Article 14a – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Information that is subject to mandatory reporting under other relevant Union legislation shall not be required under the EMS. Where such reporting is not public or reporting is required at company level, rather than installation level, a reference to the non-confidential parts of the respective reports shall be included in reporting under the EMS.

Or. en

Amendment 72

Proposal for a directive

Article 1 – paragraph 1 – point 11

Directive 2010/75/EU

Article 14a – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. In cases where an EMS is included in a BAT conclusion but the EMS does not cover elements set out in Article 14a(2), points (a) to (e), the forum referred to in Article 13 shall justify why those elements are not covered and record it in the BAT conclusion.

Or. en

Amendment 73

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The competent authority shall set the strictest possible emission limit values that are consistent with the lowest emissions achievable by applying BAT in the installation, **and that** ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques (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 **analysing the feasibility of** meeting the **strictest end of** the BAT-AEL range **and demonstrating the best** performance the installation can achieve by applying BAT as described in BAT conclusions. The emission limit values shall be set through either of the following:

Amendment

Without prejudice to Article 21 (3) and (5), and subject to the publication of new or amended BAT conclusions after the transposition of this Directive and taking into account Commission Implementing Decision 2012/119/EU (“The BREF Guidance”) the competent authority shall set the strictest possible emission limit values that are consistent with the lowest emissions achievable by applying BAT in the installation. Those limit values shall take into account the balance between heterogeneous emissions at the installation, as well as the balance between pollutant emissions and GHG emissions, and to ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques (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 whole BAT-AEL range. The competent authorities shall assess any non-feasibility claims by the operator when it comes to meeting the lowest possible emission limit within the BAT-AEL range. The conclusion of such an assessment of the competent authority shall reflect the optimal performance the installation can achieve under standard operating conditions by applying BAT as described in BAT conclusions, while taking into account fluctuations of the performance of the best available techniques and the circumstances where the installation operates at the highest end of the emission values range. The

emission limit values shall be set through either of the following:

Or. en

Amendment 74

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 3a

Text proposed by the Commission

3a. The competent authority **shall** set environmental performance limit values that ensure that, under normal operating conditions, such performance limits values do not exceed the environmental performance levels associated with BATs as laid down in the decisions on BAT conclusions referred to in Article 13(5).

Amendment

3a. ***Subject to the publication of new or amended BAT conclusions under this Directive, and after its transposition taking into account Commission Implementing Decision 2012/119/EU (“The BREF Guidance”), the competent authority may also set environmental performance limit values that ensure that, under normal operating conditions, such performance limits values do not exceed the environmental performance levels associated with BATs as laid down in the decisions on BAT conclusions referred to in Article 13(5) considering the cross-media effects in installations with heterogeneous emissions and the balance thereof, as well as the balance between pollutant emissions, energy efficiency and GHG emissions.***

Or. en

Amendment 75

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

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

By way of derogation from paragraph 3 **and 3a**, and without prejudice to Article 18, the competent authority may, in specific cases, set less strict emission limit values **or environmental performance limit values (EPLVs)**. Such derogation may apply only where an assessment shows that the achievement of emission levels **or EPLVs** associated with the best available techniques as described in BAT conclusions would lead to disproportionately higher costs compared to the environmental benefits due to:

Or. en

Amendment 76

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

(b) the technical characteristics of the installation concerned.

Amendment

(b) the technical characteristics of the installation concerned;

Or. en

Amendment 77

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 4 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) an agreed closure plan in line with the deadlines set out in Member States' national climate and energy plans or in companies' plans; or

Or. en

Amendment 78

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 4 – subparagraph 1 – point b b (new)

Text proposed by the Commission

Amendment

(bb) the investment cycle related to the sustainability transition of the operator's group.

Or. en

Amendment 79

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 4 – subparagraph 6

Text proposed by the Commission

Amendment

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)..***

The Commission shall adopt an implementing act, to establish 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 ***and considering the investment cycle related to the sustainability transition of the operator's group, based on exchanges in the framework of the forum under Article 13 and pursuant to Article 75(2).***

Or. en

Amendment 80

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/75/EU

Article 18 – paragraph 1

Text proposed by the Commission

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.

Amendment

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 ***initial*** permit, with a view to reducing the specific contribution of the installation to the pollution occurring in the relevant area. ***The competent authority shall grant adequate periods to operators for the implementation of those additional measures and shall evaluate the effectiveness of such additional measures.***

Or. en

Amendment 81

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/75/EU

Article 18 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

When an industrial installation discharges wastewater directly or indirectly into surface water, thereby affecting a drinking water source, a risk assessment on the effect of the discharge on the drinking water source shall be conducted by the operator of the installation that discharges the waste water. The results of this assessment shall be shared with the drinking water operator and the authority in charge of the risk assessment pursuant to Article 8 of the Directive (EU) 2020/2184. If the assessment finds that the quality of the raw water is negatively affected, the operator shall take appropriate measures to eliminate this risk.

Or. en

Amendment 82

Proposal for a directive

Article 1 – paragraph 1 – point 15 a (new)

Directive 2010/75/EU

Article 20 – paragraph 3 a (new)

Present text

Amendment

(15a) In Article 20, the following paragraph is inserted:

(3a) In the event of an energy, security or health crisis, leading to severe disruption of energy supplies or shortage of essential resources, materials or equipment, any changes of an installation that require a permit shall be dealt with in accordance with the fast-track procedure, as provided for in Article 5 (4a new)-(4c new). Member states shall process those requests as a matter of utmost priority.

Or. en

Amendment 83

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2010/75/EU

Article 21 – paragraph 5 – point c

Text proposed by the Commission

Amendment

(c) where it is necessary to comply with an environmental quality standard referred to in Article 18, ***including*** in the case of a new or revised quality standard or where the status of the receiving environment requires a revision of the permit in order to achieve compliance with plans and programmes set under Union legislation..

(c) where it is necessary to comply with an environmental quality standard referred to in Article 18, ***especially*** in the case of a new or revised quality standard or where the status of the receiving environment requires a revision of the permit in order to achieve compliance with plans and programmes set under Union legislation..

Or. en

Amendment 84

Proposal for a directive

Article 1 – paragraph 1 – point 17 – point b – point i

Directive 2010/75/EU

Article 24 – paragraph 2 – subparagraph 1

Text proposed by the Commission

2. When a decision on granting, reconsideration or updating of a permit has been taken, the competent authority shall make available to the public, including systematically via the Internet, free of charge and without restricting access to registered users, in relation to points (a), (b) and (f), the following information;

Amendment

2. When a decision on granting, reconsideration or updating of a permit has been taken, the competent authority shall make available to the public, including systematically via the Internet, free of charge and without restricting access to registered users, in relation to points (a), (b) and (f), the following ***non-confidential*** information;

Or. en

Amendment 85

Proposal for a directive

Article 1 – paragraph 1 – point 18 a (new)

Directive 2010/75/EU

Article 25 – paragraph 3

Present text

3. What constitutes a sufficient interest and impairment of a right shall be determined by Member States, consistently with the objective of giving the public concerned wide access to justice.

To this end, the interest of any non-governmental organisation promoting environmental protection and meeting any requirements under national law shall be deemed sufficient for the purpose of paragraph 1(a).

Such organisations shall also be deemed to have rights capable of being impaired for

Amendment

(18a) In Article 25, paragraph 3 is replaced as follows:

3. What constitutes a sufficient interest and impairment of a right shall be determined by Member States, consistently with the objective of giving the public concerned wide access to justice.

To this end, the interest of any non-governmental organisation promoting environmental protection and meeting any requirements under national law ***and the interest of any sub-national public authority whose territory or population could be adversely affected by lack of compliance with this Directive*** shall be deemed sufficient for the purpose of paragraph 1(a).

Such organisations ***and authorities*** shall also be deemed to have rights capable of being impaired for the purpose of

the purpose of paragraph 1(b).

paragraph 1(b).

Or. en

Amendment 86

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27a – paragraph 2

Text proposed by the Commission

2. The centre shall collect and analyse information on innovative techniques, including emerging techniques relevant to activities within the scope of this Directive, and characterise their level of development and their environmental performance. The **Commission shall take into account the findings** of the centre **when preparing the work programme** for the exchange of information referred to in Article 13(3), point (b), and when drawing up, reviewing and updating the BAT reference documents referred to in Article 13(1).

Amendment

2. The centre shall collect and analyse information on innovative techniques, including emerging techniques relevant to activities within the scope of this Directive, and characterise their level of development and their environmental performance. The **representatives** of the centre **shall participate, along with the Commission, in** the exchange of information referred to in Article 13(3), point (b), and **assist the Commission** when drawing up, reviewing and updating the BAT reference documents referred to in Article 13(1).

Or. en

Amendment 87

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27a – paragraph 3

Text proposed by the Commission

3. The centre shall be assisted by:

Amendment

3. The centre shall be assisted by **the participants in the exchange of information referred to in Article 13(3), point (b) and:**

Or. en

Amendment 88

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/75/EU
Article 27a – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) representatives of Member States; *deleted*

Or. en

Amendment 89

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/75/EU
Article 27a – paragraph 3 – point e

Text proposed by the Commission

Amendment

(e) representatives of the industries concerned; *deleted*

Or. en

Amendment 90

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/75/EU
Article 27a – paragraph 3 – point g

Text proposed by the Commission

Amendment

(g) non-governmental organisations promoting environmental protection; *deleted*

Or. en

Amendment 91

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/75/EU
Article 27a – paragraph 3 – point h

Text proposed by the Commission

Amendment

(h) the Commission.

deleted

Or. en

Amendment 92

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27b – paragraph 1

Text proposed by the Commission

Amendment

Without prejudice to Article 18, the competent authority may grant temporary derogations from the requirements set out in Article 15(2) **and (3)** and from the principles set out in Article 11, points (a) and (b), for the testing of emerging techniques for a total period of time not exceeding **24** months.

Without prejudice to Article 18, the competent authority may grant temporary derogations from the requirements set out in Article 15(2), **(3) and (3a)** and from the principles set out in Article 11, points (a) and (b), for the testing of **innovation techniques, including** emerging techniques, **identified by INCITE**, for a total period of time not exceeding **36** months, **subject to additional extensions being granted in the light of the level of technology readiness of the specific technique, provided that, after the period specified, the technique is either no longer used or the activity achieves at least the emission levels associated with the best available techniques.**

Or. en

Amendment 93

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27c – paragraph 1

Text proposed by the Commission

Amendment

By way of derogation from Article 21(3), the competent authority may set emission

By way of derogation from **Article 15(3) and (3a) and** Article 21(3), the competent

limit values that ensure that, within 6 years of publication of a decision on BAT conclusions in accordance with Article 13(5) relating to the main activity of an installation, emissions shall not, under normal operating conditions, exceed emission levels associated with emerging techniques as laid down in the decisions on BAT conclusions.

authority may set emission limit values that ensure that, within 6 years of publication of a decision on BAT conclusions in accordance with Article 13(5) relating to the main activity of an installation, ***subject to an additional extension being granted in the light of the technology readiness level of the emerging technique***, emissions shall not, under normal operating conditions, exceed emission levels associated with emerging techniques as laid down in the decisions on BAT conclusions.

Or. en

Amendment 94

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27d – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall require that by 30 June 2030 the operator includes in its environmental management system referred to in Article 14a ***a*** transformation plan for each installation carrying out any activity listed in points 1, 2, 3, 4, 6.1 a, and ***6.1 b*** of Annex I. The transformation plan shall contain information on how the ***installation will*** transform ***itself*** during the 2030-2050 period in order to contribute to the emergence of a sustainable, clean, circular and climate-neutral economy by 2050, using the format referred to in paragraph 4.

Amendment

Member States shall require that by 30 June 2030 the operator includes in its environmental management system referred to in Article 14a ***an indicative*** transformation plan for each installation carrying out any activity listed in points 1, 2, 3, 4, 6.1 a, and ***6.1b*** of Annex I, ***an integrated transformation plan for two or more installations as referred to in Article 4 (2), or a consolidated transformation plan at corporate level, for all the undertakings in the group. Where a corporate entity has not developed a consolidated transformation plan at corporate level, the development of transformation plans for each installation shall be mandatory.*** The transformation plan shall contain ***non-confidential*** information on how the ***corporate entity would*** transform ***its installations*** during the 2030-2050 period in order to contribute to the emergence of a sustainable, clean, circular and climate-neutral economy by

2050, using the format referred to in paragraph 4.

Or. en

Amendment 95

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27d – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

By way of derogation from the first subparagraph, installations that are operated by undertakings covered by [OJ please insert the reference number for 2021/0104(COD)] carrying out any activity listed in Annex I, may use the description of the undertaking's business model and strategy adopted under Article 19a of Directive 2013/34/EU instead of the consolidated corporate-level transformation plan indicated in the first subparagraph of this paragraph.

Or. en

Amendment 96

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27d – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall require that, as part of the review of the permit conditions pursuant to Article 21(3) following the publication of decisions on BAT conclusions after 1 January 2030, the operator includes in its environmental management system referred to in Article 14a a transformation plan ***for each***

Member States shall require that, as part of the review of the permit conditions pursuant to Article 21(3) following the publication of decisions on BAT conclusions after 1 January 2030, the operator includes in its environmental management system referred to in Article 14a a transformation plan ***as set out*** in

installation carrying out any activity listed in Annex I that is not referred to in paragraph 1. The transformation plan shall contain information on how the installation will transform itself during the 2030-2050 period in order to contribute to the emergence of a sustainable, clean, circular and climate-neutral economy by 2050, using the format referred to in paragraph 4.

paragraph 1 *of this Article.*

Or. en

Amendment 97

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27d – paragraph 3

Text proposed by the Commission

3. The operator shall make its transformation plan as well as the results of the assessment referred to in paragraphs 1 and 2 public, as part of the publication of its environmental management system.

Amendment

3. The operator shall make **a summary of** its transformation plan as well as the **non-confidential** results of the assessment referred to in paragraphs 1 and 2 public, as part of the publication of its environmental management system.

Or. en

Amendment 98

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27d – paragraph 4

Text proposed by the Commission

4. The Commission shall by 30 June 2028, adopt an implementing act establishing the format for the transformation plans. This implementing act shall be adopted in accordance with the examination procedure referred to in

Amendment

4. The Commission shall by 30 June 2028, adopt an implementing act establishing the format for the transformation plans, **including the integration of the description of the undertaking's business model and**

Article 75(2)..

strategy adopted under Art. 19a of Directive 2013/34/EU. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).

Or. en

Amendment 99

Proposal for a directive

Article 1 – paragraph 1 – point 22 a (new)

Directive 2010/75/EU

Article 27 e (new)

Present text

Amendment

(22a) The following Article is inserted:

Article 27e

EU 50 technologies

1. Member States shall, where appropriate, encourage the development and application of EU-50 technologies as defined in Article 3, (point) (14) (a) new, such as Climate Change Mitigation and Adaptation technologies (CCMA) , that facilitate the achievement of the Union’s strategic objectives by 2030 and 2050. For that purpose, Member States shall ensure that the procedures laid out in Article 5(4a new) - 4c new(7) apply to installations that plan to develop and apply such technologies.

2. The technologies shall be included in the EU50 Technologies list, approved via implementing act by the Commission, based on the exchange in the forum referred to in Article 13 and in accordance with Article 75.

The EU-50 Technologies included on the list shall comply with the following conditions:

(a) the technology makes a concrete important contribution to the Union’s objectives or strategies and has a

significant impact on achieving one of the objectives of one of the following:

- (i) the European Green Deal, or the Union’s objective to become climate neutral by 2050 the latest;*
 - (ii) the Digital Strategy, the Digital Decade and European Strategy for Data;*
 - (iii) the Raw Materials Act and other priority future projects of the Commission agenda, regarding 2030/2050 objectives;*
 - (iv) the European Health Union; or*
 - (v). the “Fit For 55 package”, namely the 2030 objectives.*
- (b) the technology is of a transformative character which entails or is capable of causing a change that contributes to a climate-neutral, more competitive, economically autonomous Union.*

Or. en

Amendment 100

Proposal for a directive

Article 1 – paragraph 1 – point 23

Directive 2010/75/EU

Article 42 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) the incineration **does not cause** emissions **higher** than the combustion of the least polluting fuels available on the market that could be combusted in the installation;

(a) the incineration **causes** emissions **lower** than the combustion of the least polluting fuels available on the market that could be combusted in the installation;

Or. en

Amendment 101

Proposal for a directive

Article 1 – paragraph 1 – point 23

Directive 2010/75/EU

Article 42 – paragraph 1 – subparagraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the incineration, if situated in or near to a residential area, does not cause olfactory pollution

Or. en

Amendment 102

Proposal for a directive

Article 1 – paragraph 1 – point 23 a (new)

Directive 2010/75/EU

Article 45 – paragraph 1 – point c

Present text

Amendment

(c) the limit values for emissions into air and water.

(23a) In Article 45(1), point c is replaced as follows:

(c) the limit values for emissions into air and water, ***including olfactory pollution;***

Or. en

Amendment 103

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70a – paragraph 1

Text proposed by the Commission

Amendment

This Chapter shall apply to the activities set out in Annex Ia which reach the capacity thresholds set out in that Annex.

This Chapter shall apply to the activities set out in Annex Ia which reach the capacity thresholds set out in that Annex, ***including adjacent micro installations that produce biogases for self-consumption.***

Or. en

Amendment 104

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70b – paragraph 1

Text proposed by the Commission

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.

Amendment

If two or more installations, ***engaged in identical types of rearing activities***, 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, ***except where the existence of separate neighbouring installations is the result of a division of an inherited family farm***, the installations concerned shall be considered as single unit for the purpose of calculating the capacity threshold referred to in Article 70a.

Or. en

Amendment 105

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 installation, ***including adjacent micro installations that produce biogases for self-consumption***

Or. en

Amendment 106

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

Amendment

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.

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

Or. en

Amendment 107

Proposal for a directive

Article 1 – paragraph 1 – point 26

Directive 2010/75/EU

Article 73 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By 30 June 2028 and every 5 years thereafter, the Commission shall submit to the European Parliament and to the Council a report reviewing the implementation of this Directive. The report shall take into account the dynamics of innovation and the review referred to in Article 8 of Directive 2003/87/EC.

Amendment

By 30 June 2028 and every 5 years thereafter, the Commission shall submit to the European Parliament and to the Council a report reviewing the implementation of this Directive. The report shall take into account the dynamics of innovation, ***emerging and enabling techniques, including EU 50 technologies***, and the review referred to in Article 8 of Directive 2003/87/EC.

Or. en

Amendment 108

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

Amendment

deleted

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 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 109

Proposal for a directive

Article 1 – paragraph 1 – point 27

Directive 2010/75/EU

Article 74 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In order for the objectives of this Directive regarding prevention or reduction of pollutant emissions from extractive industry, to be met, the Commission shall, based on an impact assessment, by [OP please insert date the first day of the month following 24 months after the date of entry into force of this Directive] adopt a delegated act in accordance with Article 76 in order to

amend Annex I to this Directive by adding an exhaustive list of non-energy minerals of a high or significant environmental impact.

Or. en

Amendment 110

Proposal for a directive

Article 1 – paragraph 1 – point 29

Directive 2010/75/EU

Article 76 – paragraph 2

Text proposed by the Commission

2. The power to adopt delegated acts referred to in Articles 48(5), Article 70i and Article 74 shall be conferred on the Commission for a period of 5 years from ... [OP please insert the date = the first day of the month following the date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Amendment

2. The power to adopt delegated acts referred to in Articles 48(5), Article 70i and Article 74 shall be conferred on the Commission for a period of 5 years from ... [OP please insert the date = the first day of the month following the date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. ***The power to adopt the delegated acts referred to in Article 74(2a - new) shall be conferred on the Commission for a period of 3 years from ... [OP please insert the date = the first day of the month following the date of entry into force of this Directive].***

Or. en

Amendment 111

Proposal for a directive

Article 1 – paragraph 1 – point 31

Directive 2010/75/EU

Article 79 – paragraph 2

Text proposed by the Commission

2. The penalties referred to in paragraph 1 shall include fines proportionate to the turnover of the legal person or to the income of the natural person having committed the infringement. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for the violation of the economic benefits derived from that violation. The level of the fines shall be gradually increased for repeated infringements. In the case of a violation committed by a legal person, the maximum amount of such fines shall be at least 8 % of the operator's annual turnover in the Member State concerned.

Amendment

2. The penalties referred to in paragraph 1 shall include fines proportionate to the ***nature and gravity of the violation and the relevant installation is based***, or to the turnover of the legal person ***in the Member State, in which the*** income of the natural person having committed the infringement. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for the violation of the economic benefits derived from that violation. The level of the fines shall be gradually increased for repeated infringements. In the case of a violation committed by a legal person, the maximum amount of such fines shall be at least 4 % of the operator's annual turnover in the Member State concerned.

Or. en

Amendment 112

Proposal for a directive

Article 1 – paragraph 1 – point 31

Directive 2010/75/EU

Article 79 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure that funding from penalties is used, as a matter of priority, to compensate for damage caused to local communities, including compensation for the social consequences of ending economic activities, due to permit violations.

Or. en

Amendment 113

Proposal for a directive
Article 1 – paragraph 1 – point 32
Directive 2010/75/EU
Article 79a – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that, where damage to human health has occurred as a result of a violation of national measures that were adopted pursuant to this Directive, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons **and**, where **appropriate**, from the relevant competent authorities responsible for the violation.

Amendment

1. Member States shall ensure that, where damage to human health has occurred as a result of a violation of national measures that were adopted pursuant to this Directive, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons. Where **a violation could be attributed to a failure of the competent authorities to perform their duties under the Directive, either in the process of granting of permits or adequate control, the individual affected shall also have the opportunity to claim and obtain compensation** from the relevant competent authorities responsible for the violation, **without prejudice to regress rights of the authorities against the operator.**

Or. en

Amendment 114

Proposal for a directive
Article 1 – paragraph 1 – point 32
Directive 2010/75/EU
Article 79a – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that, as part of the public concerned, non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law are allowed to represent the individuals affected and bring collective actions for compensation. Member States shall ensure that a claim for a violation leading to a damage cannot be pursued twice, by the individuals affected

Amendment

2. Member States shall ensure that, as part of the public concerned, non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law are allowed to represent the individuals affected and bring collective actions for compensation, **if and to the extent that, the individuals affected have explicitly consented to that legal representation.** Member States shall ensure

and by the non-governmental organisations referred to in this paragraph.

that a claim for a violation leading to a damage cannot be pursued twice, by the individuals affected and by the non-governmental organisations referred to in this paragraph.

Or. en

Amendment 115

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EU

Article 79a – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that national rules and procedures relating to claims for compensation are designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage caused by a violation pursuant to paragraph 1.

Amendment

3. Member States shall ensure that national rules and procedures relating to claims for compensation are designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage caused by a violation pursuant to paragraph, ***whilst protecting defendants from malicious litigation.***

Or. en

Amendment 116

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EU

Article 79a – paragraph 4

Text proposed by the Commission

4. Where there is a claim for compensation in accordance with paragraph 1, supported by ***evidence from which*** a causality link ***may be presumed*** between the damage and the violation, Member States shall ensure that ***the onus is on*** the person responsible for the violation to prove that the violation did not cause or

Amendment

4. Where there is a claim for compensation in accordance with paragraph 1, supported by ***clear scientific data, stating that*** a causality link between the damage and the violation ***is typically consistent***, Member States shall ensure that ***such data are recognised both in substantive and procedural law as***

contribute to the damage.

evidence. Member States may, therefore, include presumptions, establishing the causality link between different types of pollution and respective health conditions in their national law. Such presumptions in national law shall be capable of reversing the burden of proof.

Alternatively, Member States may decide on other ways to guarantee that scientific data on causality links are duly respected by national courts as prima facie evidence. They shall also grant the person responsible for the violation the legal right to prove that the violation did not cause or only partially contributed to the damage.

Or. en

Amendment 117

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EU

Article 79a – paragraph 5

Text proposed by the Commission

5. Member States shall ensure that the limitation periods for bringing actions for compensation referred to in paragraph 1 are not shorter than 5 years. Such periods shall not begin to run before the violation has ceased and the person claiming the compensation knows or can reasonably be expected to know that he or she suffered damage from a violation pursuant to paragraph 1..

Amendment

5. Member States shall ensure that the limitation periods for bringing actions for compensation referred to in paragraph 1 are not shorter than 5 years. Such periods shall not begin to run before the violation has ceased and the person claiming the compensation knows or can reasonably be expected to know that he or she suffered damage from a violation pursuant to paragraph 1. *Where there are new scientific data that demonstrate for the first time a typical causality link between a violation of a permit under this Directive and negative health conditions, the limitation period shall begin after the release of those relevant scientific data.*

Or. en

Amendment 118

Proposal for a directive

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Articles 14a, 15(3), 15(3a) of Directive 2010/75/EU shall apply to permits granted after the first set of BAT conclusions relating to those provisions is adopted after the end date for transposition of this Directive, and to existing permits where those permits are required to be reconsidered or updated, in accordance with Article 21 (3) and (5), after the end date for transposition.

Or. en

Amendment 119

Proposal for a directive

Article 3 b (new)

Text proposed by the Commission

Amendment

Article 3b

Concerning activities, that are added to the scope of Directive 2010/75/EU after the end date for transposition, the provisions of the Directive shall apply after the adoption of the first relevant BAT Conclusions after the end date for transposition.

Or. en

Amendment 120

Proposal for a directive

Annex I – paragraph 1 – point c

Directive 2010/75/EU

Annex 1 – point 2 – point 2.7

Text proposed by the Commission

Amendment

2.7. Manufacture of lithium-ion batteries (***including*** assembling battery cells and battery packs), with a production capacity of 3,5 GWh or more per year.;

2.7. Manufacture of lithium-ion batteries (***excluding*** assembling battery cells and battery packs), with a production capacity of 3,5 GWh or more per year.;

Or. en

Amendment 121

Proposal for a directive

Annex I – paragraph 1 – point e

Directive 2010/75/EU

Annex 1 – point 3 – point 3.6

Text proposed by the Commission

Amendment

3.6. Extraction ***and treatment (operations such as comminution, size control, beneficiation and upgrading) of the following*** non-energy minerals:

3.6. Extraction ***processes for*** non-energy minerals ***that have a high or significant environmental impact, such as extraction through chemical processing, based on an exhaustive list to be established by the Commission by means of delegated acts.***

Or. en

Amendment 122

Proposal for a directive

Annex I – paragraph 1 – point e

Directive 2010/75/EU

Annexe 1 – point 3 – point 3.6 – point a

Text proposed by the Commission

Amendment

(a) industrial minerals, including barite, bentonite, diatomite, feldspar, fluorspar, graphite, gypsum, kaolin, magnesite, perlite, potash, salt, sulphur and talc;

deleted

Or. en

Amendment 123

Proposal for a directive

Annex I – paragraph 1 – point e

Directive 2010/75/EU

Annexe 1 – point 3 – point 3.6 – point b

Text proposed by the Commission

Amendment

(b) metalliferous ores, including bauxite, chromium, cobalt, copper, gold, iron, lead, lithium, manganese, nickel, palladium, platinum, tin, tungsten and zinc.;

deleted

Or. en

Amendment 124

Proposal for a directive

Article 1 – paragraph 1 – point e a (new)

Directive 2010/75/EU

Annex I – point 4 – point 4.2 – point a

Present text

Amendment

(a) gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, sulphur dioxide, carbonyl chloride;

(ea) In Annex I, point 4.2, point (a) is replaced as follows:

(a) gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, **except hydrogen from plants using water electrolysis technologies below 18 tonnes per hour or 50 MW rated thermal input,** sulphur dioxide, carbonyl chloride;

Or. en

Amendment 125

Proposal for a directive

Annex II

Directive 2010/75/EU

Annex Ia – point 1

Text proposed by the Commission

Amendment

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

1. Rearing of cattle, pigs or poultry in installations of **300** livestock units (LSU) or more, *excluding rearing carried out in the context of small scale family farming and organic farming as defined in this Directive.*

Or. en

Amendment 126

Proposal for a directive

Annex II

Directive 2010/75/EU

Annex Ia – point 2

Text proposed by the Commission

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

Amendment

2. Rearing of any mix of the following animals: cattle, pigs, poultry, in installations of **300** LSU or more, *excluding rearing carried out in the context of small scale extensive farming, small scale family farming and organic farming as defined in this Directive.*

Or. en

EXPLANATORY STATEMENT

The Industrial Emissions Directive – is the main EU instrument regulating pollutant emissions from industry. The large agro-industrial installations undertaking the industrial activities under the scope of the IED can only operate if in possession of a permit, granted by national authorities. The IED has a double function: While aiming to reducing and preventing, as far as possible emissions into air, water and soil, it contributes to industrial transformation by setting best available techniques as a standard to achieve for installations.

At the core of IED lies the so-called “Sevilla Process” – a forum for exchange of information, bringing together various stakeholders. The exchange supports the Commission when drawing up, reviewing and, where necessary, updating Best available techniques reference documents (BAT reference documents) by means of an implementing decision (the ‘BAT conclusions’), constituting a foundation of the national permit procedures. Therefore, the Sevilla Process is amongst the most bottom-up effective policy tools in the EU.

The proposed revision of the Industrial Emissions Directive (IED) comes as a natural evolution of the existing legislation, to achieve the objectives of the Green Deal. This revision of aims to promote the twin transition - to a more sustainable and digitally autonomous economy, by fostering innovative and technology-based industrial processes. Therefore, a significant part of the Commission proposal from April 2022 is both anticipated and welcomed by the civil society and largely accepted by industries concerned. On the other hand, parts of the Commission proposal raise either sector-specific objections or horizontal concerns among businesses and Member States representatives. At the same time some stakeholders assess the Commission proposal as adequate in principle, but untimely, due to the extraordinary pressure on EU industries in times of crisis and transformation, as a consequence of the high ambition of the Fit-For-55 legislative package, the problems in global supply chains, the energy crisis and the Russian war on Ukraine. These voices need to be at least partially credited, since there is sometimes inherent conflict between decarbonization and de-pollution measures, and in addition both - decarbonization and de-pollution measures - often require higher energy consumption, while new legislations such as EED and RePowerEU and especially the aggressive war of Putin in Ukraine and the subsequent energy crisis, mandate industries to invest in energy efficiency as a matter of priority.

A number of the concerns are also shared by the European Social and Economic Committee and the Committee of the Regions in their opinions.

In the present report, my principle ambition as a Rapporteur is to keep and even enhance the logic and ambition of the Commission proposal, while addressing the reasonable concerns raised. Whereas most stakeholders involved object to certain articles or principles of the Commission proposal and would like to see them rejected by the co-legislators, my universal approach is to propose a compromise on the disputed parts of the legislative proposal and look for solution of legitimate concerns, while keeping increased ambition in place. This is, in my opinion, the very idea of IED and Sevilla Process – legislation, based on careful compromising between various stakeholders, new techniques and investor security while gradually evolving towards the zero-pollution target.

Among the main concerns, expressed by stakeholders, in this report I have addressed the following:

1. Sector specific:

- Extension of the scope regarding **agricultural activities**

In spite of the very strong position and arguments against the extension of the scope, expressed by the industry representatives, EESC and AGRI opinions, in the report I take into account the relevant data on pollution, caused by animal-rearing activities. Therefore, in a search for compromise, I propose the exclusion of only extensive, organic and family farming under certain scope, defined by national authorities, based on specific national and regional circumstances, and increasing the general threshold from 150 to 300 LSU, where no exemption is applicable.

- Extension of the scope regarding **extraction activities**

Whereas pollution, related on certain mining activities is undisputable and extremely dangerous to human health and environment, in the report I take into account the objections of various mining sectors, whose activities are either not producing hazardous emissions or already fully covered by existing legislation. Therefore, I propose the scope of the Directive to be extended to extraction activities involving chemical processing based on an exhaustive list of processes prepared by the Commission via delegated act. I also take into account the solid arguments of the Commission, regarding transparency and public awareness as ultimate preconditions for the much-needed increase of the extraction and processing of critical raw materials in the EU.

- Extension of the scope to **large-scale battery production**

While battery production and recycling involves a number of hazardous processes, installations, engaged only in assembling components do not, and should, thus, not be covered under the scope.

2. Horizontal:

- **Delegation of powers to the European Commission regarding essential legislative elements beyond technical aspects**

In my report, I do not accept a weakening of the Parliament's role as co-legislator.. Therefore, I propose rejecting the empowerment of the commission for some questions, that go beyond mere technical fine-tuning while encourage the latter to present additional exhaustive list encompassing minerals that have high environmental impact and include these extractive activities in the scope of the Directive.

- Requirement for the competent national authorities to set **emission limit values in permits** at the most stringent (i.e. lowest) end of the relevant BAT-AEL range

The implementation has shown that in most of the cases the competent authority authorities set the emission limit values at the least ambitious end. It is thus, reasonable and timely to incentivize a more thorough reflection of which emission limit values are possible. In light of planning security and the general principle of law of no-retroactivity, it needs to be made clear that this provision applies to new installations or where permits are updated in line with revised BAT-Conclusion after the transposition of this Directive. The Sevilla process is best equipped to deal with issues related to cross-media effects and heterogeneous emissions. Given the heterogeneity of installations, the final decision remains with the competent

authority.

- Inclusion in the Permits of mandatory **environmental performance limit values** based on BAT-associated environmental performance levels.

In line with the Emission limit values, I propose to include the environmental performance levels for new installations and amended BAT Conclusions after the transposition of this Directive, while maintaining the general concept due to its necessity for transformation. The risk of cross-media effects in regards to environmental performance levels are considerably higher and installation-specific, the possibility of setting ranges should thus be kept.

- **Introduction in the permits of a mandatory environmental management system (EMS), in case it doesn't make already part of a BREF document**

In the report, I take into account the fact that EMSs already exist as a binding part of a number of BREFs and propose keeping this link between BREF and EMS. However, respecting the reasons behind the Commission proposal, I suggest a minimum content requirement for EMSs in article 14a where BREFs do not require an EMS. In case where one permit covers several installations, only one EMS should be required.

- **Mandatory transformation plans on installation level**

Now more than ever, it is critically important to make every effort to support our industry in its efforts to become more resilient, efficient and competitive. The logic behind this attempt should be to encourage rather than put an excessive burden on business. It should be thus necessary for each permit to be accompanied by a transformation plan after 2030.

I propose the plans to remain indicative, the opportunity for having one plan under one permit and a new option for the development of consolidated transformation plan on company level, since ambitious transformation, leading to decarbonization of industrial processes is only possible through general investment plans, only possible on company level.

- Possible **overlaps in regards to reporting obligations** under other EU legislative acts

In art 27d, I also propose, that EMS and Transformation plans shall not include information and data already required under other EU legislation, except in the form of a reference.

In my amendments, I have strived to preserve to the largest extent the equilibrium and the organizational logic of the **Sevilla process**, as by the accounts of all stakeholders concerned this is a working formula in the effort to not antagonize pollution reduction with economic efficiency and performance.

3. Fast-track permitting

I also propose a new Article 27e on fast-tracking installations that are key for achieving the Union's strategic goals by 2050 and are of transformative character. The permitting for these installations should go faster.

In light of the energy and health crises we are going through in Europe, we need to have a

permitting, which is crisis ready. The report aims to reflect this.