



Plenary sitting

A9-0216/2023

19.6.2023

*****I**

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 – C9-0144/2022 – 2022/0104(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Radan Kanev

Rapporteurs for the opinions of associated committees pursuant to Rule 57 of the Rules of Procedure:

Tomas Tobé, Committee on Industry, Research and Energy

Benoît Lutgen, Committee on Agriculture and Rural Development

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 Industry, Research and Energy and the Committee on Agriculture and Rural Development,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A9-0216/2023),
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.

¹ published in the Official Journal of

² published in the Official Journal of

Amendment 1
Proposal for a directive
Recital 1

Text proposed by the Commission

(1) The European Green Deal⁵⁵ is Europe's strategy to ensure, by 2050, a climate-neutral, clean and circular economy, optimising resource management, minimising pollution while recognising the need for deeply transformative policies. The Union is also committed to the 2030 Agenda for Sustainable Development⁵⁶ and its Sustainable Development Goals⁵⁷. The EU Chemicals Strategy for Sustainability⁵⁸ of October 2020 and the Zero Pollution Action Plan⁵⁹ adopted in May 2021 specifically address pollution aspects of the European Green Deal. In parallel, the New Industrial Strategy for Europe⁶⁰ further emphasises the potential role of transformative technologies. Other particularly relevant policies for this initiative include the 'Fit for 55' package⁶¹, the Methane Strategy⁶² and the Glasgow methane pledge⁶³, the Climate Adaptation Strategy⁶⁴, the Biodiversity Strategy⁶⁵, the Farm to Fork strategy⁶⁶ and the Sustainable Products Initiative⁶⁷. Besides, as part of the EU response to the 2022 Russia-Ukraine war, REPowerEU⁶⁸ proposes a Joint European Action to support the diversification of energy supplies, accelerate the transition to renewable energy and improve energy efficiency.

⁵⁵ Communication from the Commission to the European Parliament, the European

Amendment

(1) The European Green Deal ⁵⁵ is Europe's strategy to ensure, by 2050, a climate-neutral, clean and circular economy, optimising resource *(re-)use and* management, minimising pollution while recognising the need for deeply transformative policies, *a just transition and the need to protect the health and well-being of citizens from environment-related risks and impacts*. The Union is also committed to *the Paris Agreement*^{55a}, the 2030 Agenda for Sustainable Development ⁵⁶ and its Sustainable Development Goals⁵⁷ *and its involvement in the WHO*. The EU Chemicals Strategy for Sustainability ⁵⁸ of October 2020 and the Zero Pollution Action Plan ⁵⁹ adopted in May 2021 specifically address pollution aspects of the European Green Deal. In parallel, the New Industrial Strategy for Europe ⁶⁰ further emphasises the potential role of transformative technologies. Other particularly relevant policies for this initiative include the *European Climate law*^{60a}, 'Fit for 55' package ⁶¹, the Methane Strategy ⁶² and the Glasgow methane pledge ⁶³, the Climate Adaptation Strategy ⁶⁴, the Biodiversity Strategy⁶⁵, the Farm to Fork strategy ⁶⁶ *the Soil Strategy*^{66a} and the Sustainable Products Initiative ⁶⁷. Besides, as part of the EU response to the 2022 Russia-Ukraine war, REPowerEU ⁶⁸ proposes a Joint European Action to support the diversification of energy supplies, accelerate the transition to renewable energy and improve energy efficiency.

⁵⁵ Communication from the Commission to the European Parliament, the European

Council, the Council, the European Economic and Social Committee and the Committee of the Regions The European Green Deal; COM(2019) 640 final.

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

⁵⁷ <https://sdgs.un.org/goals>

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

⁵⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' COM(2021) 400 final.

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

⁶¹ Communication from the Commission to the European Parliament, the Council, the

Council, the Council, the European Economic and Social Committee and the Committee of the Regions The European Green Deal; COM(2019) 640 final.

^{55a} Council Decision (EU) 2016/1841 of 5 October 2016 on the conclusion, on behalf of the European Union, of the Paris Agreement adopted under the United Nations Framework Convention on Climate Change (OJ L 282, 19.10.2016, p. 4)

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

⁵⁷ <https://sdgs.un.org/goals>

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

⁵⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' COM(2021) 400 final.

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

^{60a} Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law')

⁶¹ Communication from the Commission to the European Parliament, the Council, the

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

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

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

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

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

⁶⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system COM(2020) 381 final.

⁶⁷ COM(2022) 142

⁶⁸ Communication from the Commission to the European Parliament, the European

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

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

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

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

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

⁶⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system COM(2020) 381 final.

^{66a} *Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: EU Soil Strategy for 2030 Reaping the benefits of healthy soils for people, food, nature and climate; COM(2021)0699.*

⁶⁷ COM(2022) 142

⁶⁸ Communication from the Commission to the European Parliament, the European

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

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

Amendment 2
Proposal for a directive
Recital 2

Text proposed by the Commission

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

Amendment

(2) The European Green Deal announced a revision of Union measures to address pollution from large industrial installations, including reviewing the sectoral scope of the legislation and how to make it fully consistent with climate, energy, ***water, air quality*** and circular economy policies ***while protecting the health and well-being of citizens, and protecting animals, from environmental - related risks and impacts and taking into account interconnections between human health and animal health.*** In addition, the Zero Pollution Action Plan, the Circular Economy Action Plan and the Farm to Fork Strategy also call for ***improving resource efficiency and reuse while*** reducing pollutant emissions at source, including sources not currently within the scope of Directive 2010/75/EU of the European Parliament and of the Council⁶⁹. Addressing pollution from certain agro-industrial activities ***while promoting sustainable agricultural practices that have multiple co-benefits for the environmental and climate objectives of the European Green Deal*** thus requires their inclusion within the scope of that Directive.

⁶⁹ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and

⁶⁹ Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and

Amendment 3
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 the the environment and human health. 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 *only for activities concerning certain metalliferous ores and specific industrial ores which have a significant impact on the environment and/or consumption of water and energy such as chemical processing, confirmed by an impact assessment*, 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 Commission should, based on an impact assessment, establish an exhaustive list of such activities concerning certain industrial ores*. 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 *as well as to empower the Commission to adopt a delegated act in order to amend the relevant provisions of Annex I to Directive 2010/75/EU, in the event of new large discoveries of minerals in the Union that have a significant environmental impact.*

Amendment 4
Proposal for a directive
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) Persistent problems with odours ('olfactory pollution') as well as problems with the discharge of industrial waste water that can be aggravated by seasonal fluctuations of environmental conditions, are a matter of particular concern in numerous areas within the Union and they are not adequately addressed in existing Union legislation. This amending act should take into account the impact of olfactory and industrial water discharges pollution on the health, quality of the environment and quality of life of Union citizens.

Amendment 5
Proposal for a directive
Recital 4

Text proposed by the Commission

Amendment

(4) Rearing of pigs, poultry and cattle cause significant pollutant emissions into the air and water. In order to reduce such pollutant emissions, including ammonia, methane, nitrates and greenhouse gas emissions and thereby improve air, water and soil quality, it is necessary to lower the threshold above which pigs and poultry installations are included within the scope

(4) Rearing of pigs, poultry and cattle, **while contributing to food security**, cause significant pollutant emissions into the air and water. In order to reduce such pollutant emissions, including ammonia, methane, nitrates and greenhouse gas emissions and thereby improve air, water and soil quality, it is necessary to lower the threshold above which **large** pigs and poultry installations

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.

are included within the scope of Directive 2010/75/EU and to include also *large* 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. ***High environmental standards in both industrial activities and intensive animal rearing tend to increase the production value of products, complying with the requirements of Union environmental legislation. It is therefore essential, in order to promote higher environmental standards worldwide, to introduce reciprocity with producers outside of the Union, thus incentivising the import onto the internal market of products complying with similar environmental obligations, starting with agricultural production under Annex Ia as provided for in this Directive and potentially extending such reciprocity to industrial activities***

Amendment 6
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)

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**

.../... 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 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.

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 to include in the scope of the Directive large installations manufacturing batteries, **except for installations exclusively 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

Amendment 7
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. Hydrogen production through water electrolysis has a much lower environmental impact than its production in conventional hydrogen plants, with the water footprint being a crucial, and a very location-specific parameter dependent on the local water availability, consumption, degradation, and pollution. Although it requires high quality water for its production, hydrogen as an energy carrier offers great potential for self-sufficiency to small and medium-sized enterprises.

Amendment 8
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 confidential business information is safeguarded**. A uniform summary of permits should also be made available to the public under the same conditions. **To that end, the Commission should establish guidelines on the publication of permits.**

Amendment 9
Proposal for a directive
Recital 8

Text proposed by the Commission

(8) Member States should also adopt compliance assurance measures to promote, monitor and enforce compliance with obligations placed on natural or legal persons under Directive 2010/75/EU. As part of compliance assurance measures, competent authorities should **be able to** suspend the operation of an installation where a continued breach of the permit conditions and the non-implementation of the findings of the inspection report pose or risk causing a danger to human health or a significant adverse effect upon the environment, **in order to stop that danger**.

Amendment

(8) Member States should also adopt compliance assurance measures to promote, monitor and enforce compliance with obligations placed on natural or legal persons under Directive 2010/75/EU. As part of compliance assurance measures, **in order to stop that danger**, competent authorities should suspend the operation of an installation where a continued breach of the permit conditions and the non-implementation of the findings of the inspection report pose or risk causing a danger to human health or a significant adverse effect upon the environment **of one or several Member States, for instance, through waste water discharges, and adversely affects ecosystem services, such as the provision of drinking water. The competent authority should improve the communication with affected stakeholders**

and inform drinking water and waste water operators and cross-border competent authorities affected by a breach.

Amendment 10
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 **apply the ‘energy efficiency-first’ principle and submit installations that fail to implement a certified energy management system, or those that fail to implement the results of a certified energy audit**, to energy efficiency requirements in respect of combustion units or other units emitting carbon dioxide on the site. The **REPowerEU Plan states that energy efficiency measures can improve resilience in the event of disruption of energy imports from third countries to the Union and its member states, particularly in the event of geopolitical conflicts.**

Amendment 11
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 1907/2006**⁷¹, to better address the risks of the use of chemicals in installations **whithin** the scope of Directive 2010/75/EU. In order to develop synergies between the work carried out by the European Chemicals Agency (ECHA) on

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 1907/2006**⁷¹, 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, **in particular on minimizing emissions of persistent, bioaccumulative and toxic substances,**

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.

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 *in* such preparation of BAT reference documents. ***In addition, this process would benefit from the expertise of the European Environment Agency.***

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).

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 12

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) In order to facilitate the exchange of information supporting the determination of emission levels and environmental performance levels associated with best available techniques (BAT), while maintaining the integrity of confidential business information, the procedures for the handling of information qualifying as confidential business information or sensitive commercial information, and as collected from the industry in the context of the exchange of information organised by the Commission for the purpose of drafting, reviewing or updating BAT reference documents should be specified. It should be ensured that individuals participating in the exchange of information do not share information qualifying as confidential business information or sensitive commercial information with any representative of undertakings or trade associations having an economic interest in the concerned

Amendment

(11) In order to facilitate the exchange of information supporting the determination of emission levels and environmental performance levels associated with best available techniques (BAT), while maintaining the integrity of confidential business information, the procedures for the handling of information qualifying as confidential business information or sensitive commercial information, and as collected from the industry in the context of the exchange of information organised by the Commission for the purpose of drafting, reviewing or updating BAT reference documents should be specified. It should be ensured, ***including, for example, by means of confidentiality and non-disclosure agreements and anonymisation of data,*** that individuals participating in the exchange of information do not share information qualifying as confidential business information or sensitive

industrial activities and related markets. Such exchange of information is without prejudice to Union competition law, in particular Article 101 of the Treaty on the Functioning of the European Union (TFEU).

commercial information with any representative of undertakings or trade associations having an economic interest in the concerned industrial activities and related markets. Such exchange of information is without prejudice to Union competition law, in particular Article 101 of the Treaty on the Functioning of the European Union (TFEU).

Amendment 13
Proposal for a directive
Recital 12

Text proposed by the Commission

(12) To ensure the protection of human health and the environment as a whole, synergies and coordination with other relevant Union environmental legislation are necessary, at all stages of its **implementation. Therefore**, all relevant competent authorities that ensure compliance with relevant Union environmental legislation should be duly consulted before the granting of a permit under Directive 2010/75/EU.

Amendment

(12) To ensure the protection of human health and the environment as a whole synergies and coordination with other relevant Union environmental legislation are necessary, at all stages of its implementation. Therefore, all relevant competent authorities that ensure compliance with relevant Union environmental legislation, **in particular with Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016**, should be duly consulted before the granting of a permit under Directive 2010/75/EU.

Amendment 14
Proposal for a directive
Recital 13

Text proposed by the Commission

(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

Amendment

(13) With a view to continuously improving the environmental performance and safety of the installation, including by preventing waste generation, optimising resource and water **use and** 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.

conclusions. **The EMS should be developed in a way that reflects the nature, scale and complexity of the installation, as well as the environmental impacts it may have. The EMS should be audited and made freely** available to the public **on the internet**. 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.

Amendment 15
Proposal for a directive
Recital 14

Text proposed by the Commission

(14) It is necessary to specify further the conditions under which the competent authority, when setting emission limit values applicable to pollutant releases to water in a permit granted under Directive 2010/75/EU, may take account of the downstream treatment processes in a waste water treatment plant, in order to ensure that such releases do not lead to an increased load of pollutants in receiving waters when compared to a situation where the installation applies BAT and meets emission levels associated with the best available techniques for direct releases.

Amendment

(14) It is necessary to specify further the conditions under which the competent authority, when setting emission limit values applicable to pollutant releases to water in a permit granted under Directive 2010/75/EU, may take account of the downstream treatment processes in a waste water treatment plant, in order to ensure that such releases do not lead to an increased load of pollutants in receiving waters **or impede the capacity or potential to recover resources from the waste water treatment stream** when compared to a situation where the installation applies BAT and meets emission levels associated with the best available techniques for direct releases.

Amendment 16
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

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.

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. ***Therefore, the competent authority should set emission limit values, taking into account the entire range of the BAT AELs, at the strictest achievable level for the specific installation. The emission limit values should take into account cross-media effects, should be based on an assessment by the operator analysing the feasibility of meeting the strictest end of the BAT AEL range and aiming at the best overall environmental performance for the specific installation under standard normal operating conditions, while taking into consideration standard operating fluctuations in cases of short-term averages,*** 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.

Amendment 17
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 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.

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, **indicative** environmental performance limit values, **provided that the lower performing end of the mandatory range is ensured** 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, **while taking into account the higher energy consumption related to certain decarbonisation and depollution activities and processes, and to emerging and innovative techniques and the whole industrial ecosystem. Competent authorities should be able to grant temporary derogations only where an assessment shows that the achievement of environmental performance limit values with the best available techniques as described in BAT conclusions would lead to disproportionately higher costs compared to the environmental benefits and cross-media effects, and when a high level of protection of the environment as a whole is achieved.**

Amendment 18
Proposal for a directive
Recital 17

Text proposed by the Commission

(17) With a view to preventing or minimising the emission of pollutants by installations within the scope of Directive 2010/75/EU and to levelling the playing field across the Union, the conditions under which derogations from emissions limit values can be granted should be better framed through general principles, in order to ensure a more harmonized implementation of such derogations throughout the Union. Moreover, derogations from emissions limit values should not be granted where they may put at risk compliance with environmental quality standards.

Amendment 19
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

Amendment

(17) With a view to preventing or minimising the emission of pollutants by installations within the scope of Directive 2010/75/EU and to levelling the playing field across the Union, the conditions under which derogations from emissions limit values can be granted should be better framed through general principles. ***Clear criteria, including the maximum duration and timeline for revision of derogations, need to be provided*** in order to ensure a more harmonized implementation of such derogations throughout the Union. Moreover, derogations from emissions limit values should not be granted where they may put at risk compliance with environmental quality standards.

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

set out in Chapters III and IV on assessment of compliance with emission limit values contained in Annexes V and VI to Directive 2010/75/EU.

precedent over the rules set out in Chapters III and IV on assessment of compliance with emission limit values contained in Annexes V and VI to Directive 2010/75/EU.

Amendment 20
Proposal for a directive
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) Member States, with the support of the Commission, should ensure that harmonised environmental monitoring methods, including emerging monitoring techniques, for example via honeybee colonies, for the detection of relevant pollutants, are streamlined.

Amendment 21
Proposal for a directive
Recital 19

Text proposed by the Commission

Amendment

(19) Environmental quality standards refer to all the requirements set out in Union law, such as Union legislation on air and water; which must be fulfilled at a given time by a given environment or particular part thereof. Therefore it is appropriate to clarify that when granting a permit to an installation, competent authorities should not only set out conditions to ensure compliance of the installation's operations with the best available techniques conclusions, but should also, where appropriate with a view to reducing the specific contribution of the installation to the pollution occurring in the relevant area, include specific additional conditions in the permit stricter than those set in relevant BAT conclusions, so as to ensure the installation's compliance with environmental quality standards. Such conditions may consist in setting stricter

(19) Environmental quality standards refer to all the requirements set out in Union law, such as Union legislation on air, and water; which must be fulfilled at a given time by a given environment or particular part thereof. Therefore it is appropriate to clarify that when granting a permit to an installation, competent authorities should not only set out conditions to ensure compliance of the installation's operations with the best available techniques conclusions, but should also, where appropriate with a view to reducing the specific contribution of the installation to the pollution occurring in the relevant area, ***and taking into consideration the cumulative effect of the installations in the same geographical area***, include specific additional conditions in the permit stricter than those set in relevant BAT conclusions, so as to ensure

emission limit values or limiting the operation or capacity of the installation.

the installation's compliance with environmental quality standards. Such conditions may consist in setting stricter emission limit values or limiting the operation or capacity of the installation.

Amendment 22
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 23
Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20) **To ensure that permits granted under Directive 2010/75/EU address the need to improve performance**, permit conditions should be regularly reviewed, and, where necessary, updated by the competent authority to ensure compliance with relevant legislation. **The frequency of such reviews should be 8 years. Such reconsiderations of the permit** 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).

(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 installations when a permit update is required as a result of the adoption of a new BAT Conclusion after the end date for transposition of this directive, or when the environmental quality standards or the operational safety of the installation require a permit update and at the latest by 10 years after entry into force. Conversely, for new installations which have started the application procedure after the date of transposition of this directive the new requirements for emission limit values should be applicable.

Amendment 24
Proposal for a directive
Recital 23

Text proposed by the Commission

(23) Transboundary cooperation should take place prior to the granting of permits where more than one Member State may be affected by the operation of an installation, and should include prior information and consultation of the public concerned and competent authorities in the other Member States which may be affected.

Amendment

(23) Transboundary cooperation ***through appropriate regional communication channels*** should take place prior to ***reconsideration or*** the granting of permits where more than one Member State may be affected by the operation of an installation, and should include prior information and consultation of the public concerned and competent authorities in the other Member States which may be affected.

Amendment 25
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

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. 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 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).

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 transition and the achievement of the objectives of the European Climate Law. Without prescribing the use of any technique or specific technology,*** 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 ***assess the level of the environmental performance of those techniques, while taking into account any potential limitation with regard to the availability of data.*** 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).

Amendment 26
Proposal for a directive
Recital 25

Text proposed by the Commission

(25) Achieving Union objectives regarding a clean, circular and climate

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 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 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.

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 group, corporate 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, **whereas for transformation plans, information or data that are already reported under other Union legislation, such as Directive (EU) 2022/2464 of the European Parliament and of the Council^{75a} or the Directive on corporate sustainability due diligence [OJ: please insert the reference number for 2022/0051(COD)]^{75b} it should be possible to simply make a reference if they are compliant with the elements of the transformation plans** The first priority is the transformation of energy-intensive activities listed in Annex I. Therefore, the operators of energy-intensive installations, **for which a derogation is granted or which are among the 200 most polluting installations except for installations with a closure plan for 2035** should produce transformation plans by 30 June 2027 **at installation level. The second priority is that all other operators of energy-intensive installations should produce transformation plans by 30 June 2029 at group or corporate level with reference to each installation. Similarly** operators of installations carrying out other activities listed in Annex I should be required to produce transformation plans **by 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 *a delegated act*, and the operators should make the transformation plans public, *while respecting confidentiality and not disclosing sensitive business information. The Commission should carry out a mid-term review of the delegated act of the transformation plan in 2035, following which it should revise the transformation plans.*

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} *Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting (OJ L 322, 16.12.2022, p.15).*

^{75b} *Proposal for a directive of the European Parliament and of the Council on Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937*

Amendment 27
Proposal for a directive
Recital 25 a (new)

Text proposed by the Commission

Amendment

(25a) Considering the water-related risks for, and risks to water by, industrial activities, especially taking into account the current situation regarding droughts and floods in Europe or the rising sea

levels, digital tools such as digitalized management systems might help to quantitatively and qualitatively assess, manage water-related risks and help operators in the transformation of their installations.

Amendment 28
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, 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, *irrespective of their permitting or registration procedures, to large-scale rearing of animals under Annex Ia to this Directive.* 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.

Amendment 29
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 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.

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 ***taking into consideration the ‘Value of Statistical Life’ (VSL) method, if appropriate***, (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

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).

implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment 30
Proposal for a directive
Recital 31

Text proposed by the Commission

(31) In order to ensure the effective implementation and enforcement of the obligations set out in Directive 2010/75/EU, it is necessary to specify the minimum content of effective, proportionate and dissuasive penalties. Disparities in penalties regimes, the fact that imposed penalties are deemed in many cases too low to truly have a deterrent effect on illegal behaviours, and the lack of uniform implementation across Member States, undermine the level playing field on industrial emissions throughout the Union. Account should be taken of Directive 2008/99/EC on the protection of the environment through criminal law where a detected infringement under this Directive constitutes an offence within the scope Directive 2008/99/EC.

Amendment

(31) In order to ensure the effective implementation and enforcement of the obligations set out in Directive 2010/75/EU, it is necessary to specify the minimum content of effective, proportionate and dissuasive penalties. Disparities in penalties regimes, the fact that imposed penalties are deemed in many cases too low to truly have a deterrent effect on illegal behaviours, and the lack of uniform implementation across Member States, undermine the level playing field on industrial emissions throughout the Union. ***The Commission should support the Member States in the uniform implementation by adopting guidelines. Such guidelines should include the principle of compensating, as a priority, local communities in which the harm was caused. Member States should respect the provisions of the Charter of Fundamental Rights of the European Union, in particular the ne bis in idem principle and the proportionality principle.*** Account should be taken of Directive 2008/99/EC on the protection of the environment through criminal law where a detected infringement under this Directive constitutes an offence within the scope Directive 2008/99/EC.

Amendment 31
Proposal for a directive
Recital 32

Text proposed by the Commission

(32) Where damage to human health has

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Amendment

(32) Where damage to human health has

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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 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.

Amendment 32
Proposal for a directive
Recital 32 a (new)

Text proposed by the Commission

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 ***when a decision, act or omission of the authority caused or contributed to the damage***. 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 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.

Amendment

(32a) In case of exceptional circumstances like the COVID-19 pandemic or the Russian war against Ukraine, where an installation faces a persistent interruption in the supply of raw materials or fuels or a disruption of an abatement technique's elements due to force majeure, it could be necessary to temporarily set less strict emission or environmental performance limit values, while ensuring the overall protection of the environment .

Amendment 33
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 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

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, either on behalf or in support of any victim, without prejudice to national rules of procedure concerning representation and defence before the courts. Member States enjoy procedural autonomy to ensure an effective remedy against violations of Union law, subject to the respect of the principles of equivalence and effectivity. Experience shows that while there is overwhelming epidemiologic evidence on the negative 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 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

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.***

throughout the Union, it is necessary to adapt ***national legislation on rebuttable presumptions*** applicable to such situations. ***Rebuttable presumptions are a common mechanism for alleviating a claimant's evidential difficulties, while preserving the rights of the defendant. Rebuttable presumptions are only applicable provided that certain conditions are fulfilled. In order to maintain a fair apportionment of risk, and to avoid a reversal of the burden of proof, a claimant should be required to demonstrate sufficiently relevant evidence, including scientific data, that give rise to a presumption that the violation has caused or contributed to the damage. In light of the evidentiary challenges faced by injured persons, especially in complex cases, the rebuttable presumption mechanism would achieve a fair balance for the individual suffering from damage to their health, industry and, where appropriate, authorities. It should also be possible to use relevant scientific data, irrespective of whether they are published on the Portal, as evidence in accordance with the national law. Where such relevant scientific data are not available, it should be possible to use other evidence to support the claim in accordance with the national law.***

Amendment 34
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, ***as well as 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. Such criteria should correspond to the criteria laid down in Directive 2003/87/EC.***

Amendment 35
Proposal for a directive
Recital 36

Text proposed by the Commission

(36) When setting emission limit values for polluting substances, the competent authority should consider all substances, including substances of emerging concern, which may be emitted from the concerned installation and may have a significant impact on the environment or human health. In doing so, the hazard characteristics, quantity and nature of the substances emitted and their potential to pollute any environmental media should be considered. The BAT conclusions, where relevant, are the reference point for selecting the substances for which emission limit values are to be set, although the competent authority may decide to select additional substances. Currently, individual polluting substances are listed in a non-exhaustive way in Annex II to Directive 2010/75/EU; which is not compatible with the holistic approach of that Directive and does not reflect the need for competent authorities to take into account all relevant polluting substances, including those of emerging concern. The non-exhaustive list of polluting substances should therefore be deleted. Instead, reference should be made to the list of pollutants in Annex II to Regulation (EC) No 166/2006⁷⁹.

Amendment

(36) When setting emission limit values for polluting substances, the competent authority should consider all substances, including substances of emerging concern ***and olfactory pollution***, which may be emitted from the concerned installation ***to air, soil, surface and ground water*** and may have a significant impact on the environment or human health. In doing so, the hazard characteristics, quantity and nature of the substances emitted and their potential to pollute any environmental media should be considered ***as well as seasonal environmental fluctuations, which should be also taken into account.*** The BAT conclusions, where relevant, are the reference point for selecting the substances for which emission limit values are to be set, although the competent authority may decide to select additional substances. Currently, individual polluting substances are listed in a non-exhaustive way in Annex II to Directive 2010/75/EU; which is not compatible with the holistic approach of that Directive and does not reflect the need for competent authorities to take into account all relevant polluting substances, including those of emerging concern. The non-exhaustive list of polluting substances should therefore be

deleted. Instead, reference should be made to the list of pollutants in Annex II to Regulation (EC) No 166/2006⁷⁹.

⁷⁹ Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 establishing a European Pollutant Release and Transfer Register (OJ L 33, 4.2.2006, p. 1).

⁷⁹ Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 establishing a European Pollutant Release and Transfer Register (OJ L 33, 4.2.2006, p. 1).

Amendment 36
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
Proposal for a directive

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. 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. ***Directives 2010/75/EU and 1999/31/EC should therefore be amended accordingly.***

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

Recital 38

Text proposed by the Commission

Amendment

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

deleted

Amendment 38

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 concerned to be too lengthy and cause uncertainty for the public concerned, which is, to a large extent, due to insufficient administrative capacity. In this respect, the considerable 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. 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, in particular for 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 39

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, in particular, in the case of fast-track permits for installations applying emerging techniques, thus, reducing the uncertainty for businesses to a minimum and supporting transformation towards a clean, circular and climate-neutral industry, while safeguarding the health and rights of the public concerned.

Amendment 40

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2010/75/EU

Article 1 – paragraph 2

Text proposed by the Commission

It also lays down rules designed to prevent or, where that is not practicable, to reduce emissions into air, water and land and to prevent the generation of waste, in order to achieve a high level of protection of human health and the environment taken as a whole..

Amendment

It also lays down rules designed to prevent or, where that is not practicable, to ***continuously*** reduce emissions into air, water and land and to prevent the generation of waste, in order to achieve a high level of protection of human health and the environment taken as a whole.

Amendment 41

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2010/75/EU

Article 1 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

In addition, it lays down rules designed to improve resource efficiency in order to reduce the use of water, energy, and raw materials.

Amendment 42

Proposal for a directive

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

Directive 2010/75/EU

Article 3 – paragraph 1 – point 2

Present text

(2) ‘pollution’ means the direct or indirect introduction, as a result of human activity, of substances, vibrations, heat **or** noise into air, water or land which may be harmful to human health or the quality of the environment, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment;

Amendment

(-a) point 2 is replaced as follow:

"(2) ‘pollution’ means the direct or indirect introduction, as a result of human activity, of substances, vibrations, heat, noise **or odours** (**‘olfactory pollution’**) into air, water or land which may be harmful to human health or the quality of the environment, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment;"

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 43

Proposal for a directive

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

Directive 2010/75/EU

Article 3 – paragraph 1 – point 2 a (new)

Text proposed by the Commission

Amendment

(-aa) the following point is inserted:

(2a) ‘olfactory pollution’ means pollution produced by gaseous emissions in the atmosphere which may cause injuries to, or a condition of general significant unwellness or sickness in, persons living in the proximity of the installation.

Amendment 44

Proposal for a directive

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

Directive 2010/75/EU

Article 3 – paragraph 1 – point 5 a (new)

(ab) the following point is inserted:

(5a) ‘environmental performance limit value’ means the indicative environmental performance value within the binding range of environmental performance levels, including consumption levels, resource efficiency levels covering materials, water and energy resources, waste, and other levels obtained under specified reference conditions, where the range may not be exceeded during one or more periods of time.

Amendment 45

Proposal for a directive

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

Directive 2010/75/EU

Article 3 – paragraph 1 – point 9

Present text

(9) ‘substantial change’ means a change in the nature or functioning, or an extension, of an installation or combustion plant, waste incineration plant or waste co-incineration plant which may have significant negative effects on human health or the environment;

Amendment

(ac) point 9 is replaced by the following:

"(9) ‘substantial change’ means a change in the nature or functioning, **an extension** or an extension **of duration of the permit** of an installation or combustion plant, waste incineration plant or waste co-incineration plant which may have significant negative effects on human health or the environment;"

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 46

Proposal for a directive

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

Directive 2010/75/EU

Article 3 – paragraph 1 – point 10 – point b and c

Present text

Amendment

(b) ‘available techniques’ means those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages, whether or not the techniques are used or produced inside the **Member State in question**, as long as they are reasonably accessible to the operator;

(c) ‘best’ means most effective in achieving a high general level of protection of the environment as a whole;

(ad) points b and c of point 10 are replaced by the following:

"(b) ‘available techniques’ means those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages whether or not the techniques are used or produced inside the **Union**, as long as they are reasonably accessible to the operator;

(c) ‘best’ means most effective in achieving a high general level of protection of the environment as a whole, **including human health and climate protection;**"

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 47

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

(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 remediation measures;;

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, **emission levels associated with emerging techniques, environmental performance levels associated with emerging techniques,** associated monitoring, associated consumption levels and, where appropriate, relevant site remediation measures;

Amendment 48

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point c

Directive 2010/75/EU

Article 3 – paragraph 1 – point 13a

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 **binding** range of environmental performance levels **for installations within the same sectoral activities and having similar characteristics, such as energy carriers, raw materials, production units and final products, when the data made available in the exchange of information supporting the determination of BAT are sufficiently robust across the Union, which shall include consumption and resource efficiency levels, for BAT Conclusions following the first conclusion after [insert the end date for transposition of this amending Directive], reuse levels for water, energy, and raw materials**, except emission levels, obtained under normal operating conditions using a BAT or a combination of BATs **as described in BAT conclusions, expressed as an average over a given period of time, under specified reference conditions**;

Amendment 49

Proposal for a directive

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

Directive 2010/75/EU

Article 3 – paragraph 1 – point 13 a a (new)

Text proposed by the Commission

Amendment

(ca) the following point is inserted:
(13aa) "Industrial Waste Water Treatment Plant" means a waste water treatment plant covered by Directive

Amendment 50

Proposal for a directive

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

Directive 2010/75/EU

Article 3 – paragraph 1 – point 13 a b (new)

Text proposed by the Commission

Amendment

(cb) the following point is inserted:

(13ab) "Urban Waste Water Treatment Plant" means a waste water treatment plant covered by Directive 91/271/EEC;

Amendment 51

Proposal for a directive

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

Directive 2010/75/EU

Article 3 – paragraph 1 – point 14

Present text

Amendment

(14) 'emerging technique' means a novel technique for an industrial activity that, if commercially developed, could provide either a higher general level of protection of the environment or at least the same level of protection of the environment and higher cost savings than existing best available techniques;

(cc) point 14 is replaced by the following:

"(14) 'emerging technique' means a novel technique for an industrial activity that, if commercially developed, could provide either a higher general level of protection of the environment **and human health** or at least the same level of protection of **human health and** the environment and higher cost savings than existing best available techniques;"

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 52

Proposal for a directive

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

Directive 2010/75/EU

Article 3 – paragraph 1 – point 23

Present text

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

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

Amendment 53

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

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

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

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

Amendment

(23ca) ‘Operating rules’ means the rules for registrations or included in permits or general binding rules for the registration or permit for the operation of activities referred to in Annex Ia, containing the emission limit values, the environmental performance limit values, associated monitoring requirements, and where relevant land spreading practices, pollution prevention and mitigation practices, nutritional management, feed preparation, housing, manure management (collection, storage, processing, land spreading) and storage of dead animals, which are consistent with the use of best available techniques and other relevant measures consistent with Annex III.

Amendment 54

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) ‘extensive farming’ refers to a type of animal rearing characterised by low levels of input per unit area of land, based on extensive practices, with livestock unit density equal to or less than 2.0 LSU per hectare (LSU/ha density) used for grazing, or based on farming practices certified in accordance with Directive 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products, with livestock unit density equal to or less than 2.0 LSU per hectare (LSU/ha density) used for grazing or foraging, or rearing practices where livestock is subject to transhumance practices at least 180 days per year or as long as climatic conditions allow, in particular in alpine regions.

Amendment 55

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 48

Text proposed by the Commission

Amendment

(48) ‘industrial minerals’ means minerals used in industry for the production of semi-finished or finished products, with the exception of metalliferous ores, energy minerals, construction minerals and precious stones;

deleted

Amendment 56

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 49

Text proposed by the Commission

Amendment

(49) ‘metalliferous ores’ means ores that yield metals or metallic substances;

deleted

Amendment 57

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 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;

Amendment 58

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

(51) ‘environmental performance levels associated with emerging techniques’ means the **indicative** range of environmental performance levels, except emission levels, **including consumption levels of materials, water and energy**, obtained under normal operating conditions using an emerging technique or a combination of emerging techniques, **for installations within the same sectoral activities and having similar characteristics, such as energy carriers, raw materials, production units and final products, expressed as an average over a given period of time, under specified**

reference conditions;

Amendment 59

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 53 – point a

Text proposed by the Commission

Amendment

(a) consumption levels;

(a) consumption levels *of energy and water* ;

Amendment 60

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 53 – point b

Text proposed by the Commission

Amendment

(b) *resource* efficiency levels *and* reuse levels *covering* materials, *water and energy resources*;

(b) efficiency levels *of water, energy, and raw materials*; reuse levels *of water, energy, and raw materials*;

Amendment 61

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 53 – point f

Present text

Amendment

(e) waste and other levels obtained under specified reference conditions

(e) waste and other levels obtained under specified reference conditions *as described in BAT conclusions, expressed as an average over a given period of time.*

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 62

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 the infrastructure and other technical elements necessary for producing, supplying and using reclaimed water; it comprises all the elements from the starting point of the production process to the point where reclaimed water is used, including distribution and storage infrastructure, where relevant;

Amendment 63
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 water that has been reclaimed from previous uses and is reused for a different beneficial purpose;

Amendment 64
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;

Amendment 65
Proposal for a directive
Article 1 – paragraph 1 – point 3 a (new)
Directive 2010/75/EU

(3a) The following Article 3a is inserted:

Article 3a

Confidential business information

- 1. In accordance with Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC and with Directive (EU) 2016/943 of the European Parliament and of the Council, only non-confidential information shall be made publicly available under the provisions of this Directive.**
- 2. Irrespective of who publishes the information, Member States shall ensure that the operators are given an opportunity before publication to request in a proportionate manner the confidential treatment of relevant elements and within a reasonable and clearly defined period by the competent authority. Information may be redacted, or if that is not possible, excluded in the case of confidential business information.**
- 3. No later than one month after a request made pursuant to paragraph 2, the competent authority shall assess the request and notify the operator on its decision. If no agreement is reached, the operator may challenge the decision in the competent judicial or administrative authority of the Member State no later than one month after the decision of the competent authority.**
- 4. If the operator requests confidential treatment, the competent authority shall only suspend the publication of the contested elements until an agreement with the competent authorities is reached or final decision by**

the competent judicial or administrative authority of the Member State is taken.

Amendment 66

Proposal for a directive

Article 1 – paragraph 1 – point 4 a (new)

Directive 2010/75/EU

Article 5 – paragraph 2

Present text

Amendment

2. Member States shall take the measures necessary to ensure that the conditions of, and the procedures for the granting of, the permit are fully coordinated where more than one competent authority or more than one operator is involved or more than one permit is granted, in order to guarantee an effective integrated approach by all authorities competent for this procedure.

(4a) In Article 5, paragraph 2 is replaced by the following:

"2. Member States shall take the measures necessary to ensure that the conditions of, and the procedures for the granting of, the permit are fully coordinated where more than one competent authority or more than one operator is involved or more than one permit is granted. In order to guarantee an effective integrated approach by all authorities competent for this procedure, ***an electronic permitting system shall be put in place.***"

(32010L0075)

Amendment 67

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2010/75/EU

Article 5 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) an overview of the main permit conditions;

(a) an overview of the main permit conditions, ***including emissions monitoring requirements;***

Amendment 68

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

By 31 December 2024, the Commission shall adopt an implementing act to establish the format to be used for the summary referred to in the second subparagraph ***and guidelines on the publication of the permits as referred to in the first subparagraph***. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).

Amendment 69

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. By 31 December 2024, Member States shall submit to the Commission an assessment on the measures needed due to the changes of this Directive, including a prognosis and estimations of the accrued workload of the competent authorities in order to ensure they have proper administrative capacity to provide a timely, efficient and smooth permitting process.

Amendment 70

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. Without prejudice to other relevant Union law, Member States shall ensure that the process for granting fast-track permits for installations applying an emerging technique related to the main

activity of the installation in accordance with Article 27c, does not exceed 18 months, unless exceptional circumstances arise.

If an extension of up to six months is necessary, the Member State shall inform the operator about the exceptional circumstances that justify the extension.

Competent authorities shall complete the processing of the permit applications no later than 90 days after receipt.

Within 90 days of the applicant submitting a respective request, the competent authority shall issue an opinion on the scope and level of detail of information to be included in the environmental impact assessment. If other Union legislation also requires an assessment of the effects on the environment, the national competent authority shall provide coordinated and joint procedures that meet the requirements of that Union legislation.

Within 12 months of the operator submitting a permit request, competent authorities shall complete the public consultation part of the environmental impact assessment of the project.

Amendment 71
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 paragraph 4a shall also apply where an operator applies for a permit covering more than one installation under Article 4(2).*

Amendment 72
Proposal for a directive
Article 1 – paragraph 1 – point 5 a (new)

Directive 2010/75/EU
Article 6 – paragraph 2

Present text

Where general binding rules are adopted, the permit may *simply* include a reference to such rules.

Amendment

(5a) In Article 6, paragraph 2 is replaced by the following:

"Where general binding rules are adopted, the permit may include a reference to such rules. ***When adopting general binding rules, Member States shall ensure an integrated approach and a high level of environmental protection equivalent to that achievable with individual permit conditions.***"

(32010L0075)

Amendment 73
Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2010/75/EU
Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Amendment 74
Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2010/75/EU
Article 7 – paragraph 2

Text proposed by the Commission

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.

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 *via the established communication channels as referred to in Article 26(5)*. 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.

Amendment 75

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2010/75/EU

Article 8 – title

Text proposed by the Commission

Non-compliance

Amendment 76

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

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

Amendment

Compliance

Amendment

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

Amendment 77

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

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

Amendment

In the event of a breach of the permit conditions **resulting from this Directive**, Member States shall ensure that:

Amendment 78

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2010/75/EU

Article 8 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Where the breach of the permit conditions poses an immediate danger to human health or threatens to cause an immediate significant adverse effect upon the environment, and until compliance is restored in accordance with the first subparagraph, points (b) and (c), the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof shall be suspended without any delay.

Amendment

Where the breach of the permit conditions poses an immediate danger to human health, **drinking water intake** or threatens to cause an immediate significant adverse effect upon the environment, and until compliance is restored in accordance with the first subparagraph, points (b) and (c), the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof shall be suspended without any delay.

Amendment 79

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 wastewater infrastructure in the case of an indirect discharge, the competent authority shall inform the drinking water and wastewater operators, and all relevant authorities that

ensure compliance with environmental legislation affected, including transboundary authorities, of the breach and the measures taken to prevent or remedy the damage caused to human health and the environment.

Amendment 80
Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2010/75/EU
Article 8 – paragraph 3

Text proposed by the Commission

Where the breach of the permit conditions continues to cause a danger to human health or a significant adverse effect upon the environment, and where the necessary action for restoring compliance identified in the inspection report referred to in Article 23(6) have not been implemented, the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof **may** be suspended by the competent authority until compliance with the permit conditions is restored.

Amendment

Where the breach of the permit conditions continues to cause a danger to human health or a significant adverse effect upon the environment, and where the necessary action for restoring compliance identified in the inspection report referred to in Article 23(6) have not been implemented, the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof **shall** be suspended by the competent authority until compliance with the permit conditions is restored.

Amendment 81
Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2010/75/EU
Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The suspension referred to in paragraphs 2 and 3 of this Article shall be enforced in an effective manner and shall not be postponed or ceased by any means, including if the operator challenges the suspension decision through any administrative or judicial means, unless there is a definitive judicial decision concluding that the operation can be

resumed.

Amendment 82
Proposal for a directive
Article 1 – paragraph 1 – point 6
Directive 2010/75/EU
Article 8 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. In the event of any breach of the permit conditions affecting human health or the environment in another Member State, the Member State in whose territory the breach of the permit conditions has occurred shall ensure that the competent authority of the other Member State is informed via the established communication channels as referred to in Article 26(5).

Amendment 83
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:**

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 or implement an energy management system pursuant to Article 11 of Directive 2012/27/EU (EED) and if the recommendations of the audit report are implemented and/or if the certified energy management system is implemented. Pursuant to the audit referred to in Article

14a, the environmental verifier shall inform the competent authority in case the recommendation as referred to in this Article is not implemented.

Amendment 84

Proposal for a directive

Article 1 – paragraph 1 – point 7 a (new)

Directive 2010/75/EU

Article 11 – paragraph 1 – point c

Present text

Amendment

(c) no significant pollution is caused;

(7a) Article 11, point (c) is replaced by the following:

"(c) no significant pollution is caused, including olfactory pollution;"

(32010L0075)

Amendment 85

Proposal for a directive

Article 1 – paragraph 1 – point 7 b (new)

Directive 2010/75/EU

Article 11 – paragraph 1 – point f

Present text

Amendment

(f) energy is used efficiently;

(7b) In Article 11, point (f) is replaced by the following:

"(f) energy is used efficiently and the use and production of renewable energy is promoted;"

(32010L0075)

Amendment 86

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2010/75/EU

Article 11 – paragraph 1 – point fa

Text proposed by the Commission

Amendment

(fa) material resources and water are used efficiently, including through re-use;

(fa) material resources and water are used efficiently, including through re-use **and recycling**;

Amendment 87

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2010/75/EU

Article 11 – paragraph 1 – point fb

Text proposed by the Commission

Amendment

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

deleted

Amendment 88

Proposal for a directive

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

Directive 2010/75/EU

Article 11 – paragraph 1 – point g

Present text

Amendment

(g) the necessary measures are taken to prevent accidents and limit their consequences;

(8a) In Article 11, (1), point (g) is replaced by the following:

"(g) the necessary measures are taken to **protect human health**, prevent accidents, and limit their consequences;"

(32010L0075)

Amendment 89

Proposal for a directive

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

Directive 2010/75/EU

Article 12 – paragraph 1 – point b

Present text

Amendment

(8b) In Article 12, (1), point b is

(b) the raw and auxiliary materials, other substances **and** the energy used in or generated by the installation;

replaced b the following:

"(b) the raw and auxiliary materials, other substances, the energy **and water** used in or generated by the installation;"

(32010L0075)

Amendment 90

Proposal for a directive

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

Directive 2010/75/EU

Article 12 – paragraph 1 – point c

Present text

Amendment

(c) the sources of emissions from the installation;

(8c) In Article 12, (1), point c is replaced by the following:

"(c) the sources of emissions from the installation, **including olfactory emissions**;"

(32010L0075)

Amendment 91

Proposal for a directive

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

Directive 2010/75/EU

Article 12 – paragraph 1 – point f

Present text

Amendment

(f) the nature and quantities of foreseeable emissions from the installation into each medium as well as identification of significant effects of the emissions on the environment;

(8d) In Article 12(1), point f is replaced by the following:

"(f) the nature and quantities of foreseeable emissions, **including olfactory emissions as concentrations, and where possible, at least for water, in loads**, from the installation into each medium as well as identification of significant effects of the emissions on the environment;"

(32010L0075)

Amendment 92

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

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.

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 **human health and** environmental protection, the European Chemicals Agency, **the European Environmental Agency**, and the Commission.

Amendment 93

Proposal for a directive

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

Directive 2010/75/EU

Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

aa. the following paragraph is inserted:

1a. The Commission shall, by the end date for transposition of this Directive amend Implementing Decision 2012/119/EU and provide both the Seville technical working group and the Forum referred to in Article 13 of this Directive with the necessary resources, and shall adapt their structure, competences and financing in line with the extension of scope of this Directive.

Amendment 94

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

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..

Amendment

By way of derogation from Article 3a , and without prejudice to Union competition law, information considered as confidential business information or commercially sensitive information shall only be shared with the Commission. ***This information shall be anonymised, not referring to a particular operator or installation, before being shared*** with the following individuals having signed a confidentiality, and non-disclosure agreement: civil servants and other public employees representing Member States or Union agencies, representatives of non-governmental organisations promoting the protection of human health or the environment ***and representatives of associations representing the relevant industrial sectors***. The exchange of information considered as confidential business information or sensitive commercial information shall remain limited to what is ***technically*** 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. ***The Commission shall adopt an implementing act providing the model for the confidentiality and non-disclosure agreement enabling the exchange of information in accordance with this paragraph.***

Amendment 95

Proposal for a directive

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

Directive 2010/75/EU

Article 13 – paragraph 3 – subparagraph 1

Present text

Amendment

(ba) in paragraph 3, the first subparagraph is replaced by the

The Commission shall establish and regularly convene a forum composed of representatives of Member States, the industries concerned and non-governmental organisations promoting *environmental* protection.

following:

"The Commission shall establish and regularly convene a *balanced* forum composed of representatives of Member States, the industries concerned and non-governmental organisations promoting *the protection of human health or the environment.*"

(32010L0075)

Amendment 96

Proposal for a directive

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

Directive 2010/75/EU

Article 13 – paragraph 3 – subparagraph 2 – point d

Present text

Amendment

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

(bb) paragraph (3), point (d) is replaced by the following:

"(d) guidance on the drawing up of BAT reference documents, *including on cross media effects, taking into consideration increased legislative ambition on decarbonisation and energy independence*, and on their quality assurance including the suitability of their content and format *as well as an indication of the appropriate instrument, such as benchmarks or environmental performance levels, taking into account the recommendations of the technical working group.*"

(32010L0075)

Amendment 97

Proposal for a directive

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

Directive 2010/75/EU

Article 13 – paragraph 5

Present text

Amendment

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

(bc) paragraph 5 is replaced by the following:

"5. The exchange of information for the preparation, review and, if necessary, updating, of a BREF document shall not exceed a period of four 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). **BAT reference documents shall be reviewed and, where necessary updated, at least every 8 years."**

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 98

Proposal for a directive

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

Directive 2010/75/EU

Article 13 – paragraph 6

Present text

Amendment

6. After the adoption of a decision in accordance with paragraph 5, the Commission shall ***without delay*** make the BAT reference document publicly available ***and ensure that BAT conclusions are made available*** in all the official languages of the Union.

(bd) paragraph 6 is replaced by the following:

"6. After the adoption of a decision in accordance with paragraph 5, the Commission shall *within one month* make the BAT reference document *and the BAT conclusions*** publicly available ***on an easy to find webpage. The BAT conclusion shall be published*** in all the official languages of the Union ***and shall be made available online on the Industrial Emissions Portal.***"**

(32010L0075)

Amendment 99

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a – point i a (new)

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

(ia) the following subparagraph is inserted after the first subparagraph:

When an industrial installation discharges wastewater directly or indirectly into surface water, drinking water and wastewater operators shall be consulted, prior to the granting of the permit, on the potential consequences of emissions on their infrastructure and the protection of human health and the environment. The authorities shall take that information duly into account when defining the permit conditions. Such procedure shall not delay the granting of the permit unduly.

Amendment 100

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a – point ii

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

(a) emission limit values for polluting substances listed in Annex II of Regulation (EC) No 166/2006*, and for other polluting substances, which are likely to be emitted from the installation concerned in significant quantities, having regard to their nature and their potential to transfer pollution from one medium to another;

(a) emission limit values for polluting substances listed in Annex II of Regulation (EC) No 166/2006*, and for other polluting substances, ***in particular odour emissions and substances of very high concern in Annex XIV to Regulation (EC) No 1907/2006, designated as priority substances under Directives 2000/60/EC or 2008/105/EC, on the watch lists established in the framework of Directives 2006/118/EC or 2008/105/EC, or other substances that are subject to limit values or other restrictions under Directives 2008/50/EC, 2004/107/EC or 2006/118/EC, until the adoption of the***

*delegated act expanding Annex II to the Industrial Emissions Portal Regulation, which are likely to be emitted from the installation concerned in significant quantities having regard to their nature and their potential to transfer pollution from one medium to another, **take into account seasonal environmental fluctuations**;*

* Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (OJ L 33, 4.2.2006, p. 1).’;

* Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (OJ L 33, 4.2.2006, p. 1).’;

Amendment 101

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

Amendment

(aa) environmental performance limit values;;

(aa) environmental performance limit values, *as referred to in Article 3 and Article 15 (3a)*;

Amendment 102

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a – point iv

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) appropriate requirements ensuring protection of the soil, groundwater and surface water, and measures concerning the monitoring and management of waste generated by the installation;;

(b) appropriate requirements ensuring protection of the soil, groundwater and surface water, and measures concerning the monitoring and management of waste generated by the installation, *with specific attention given to the production of drinking water*;

Amendment 103

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a – point v

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 2 – point ba

Text proposed by the Commission

Amendment

(ba) appropriate requirements for an environmental management system ***as laid down*** in Article 14a;

(ba) appropriate requirements ***laying down the general characteristics*** for an environmental management system in ***accordance with*** Article 14a;

Amendment 104

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a – point vi a (new)

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 2 – point c – subpoint ii a (new)

Text proposed by the Commission

Amendment

(via) in point (c), the following subpoint (ii a new) is added:

(ii a) requirements for quality control of laboratories performing the monitoring, based on international standards such as ISO 17025.

Amendment 105

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a – point vii a (new)

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 2 – point e

Present text

Amendment

(e) appropriate requirements for the regular maintenance and surveillance of measures taken to prevent emissions to soil and groundwater pursuant to point (b) and appropriate requirements concerning the periodic monitoring of soil and groundwater in relation to relevant hazardous substances likely to be found on

(vii a) point e is replaced by the following:

"(e) appropriate requirements for the regular maintenance and surveillance of measures taken to prevent emissions to soil, ***surface*** and groundwater pursuant to point (b) and appropriate requirements concerning the periodic monitoring of soil, ***surface*** and groundwater in relation to relevant hazardous substances likely to be

site and having regard to the possibility of soil and groundwater contamination at the site of the installation;

found on site and having regard to the possibility of soil, **surface** and groundwater contamination at the site of the installation;"

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 106

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a (new)

Directive 2010/75/EU

Article 14 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(aa) the following paragraph is inserted:

2a. Member States may grant derogations from the measure referred to in paragraph 1 subparagraph 2, point (bb) for up to twelve months. Such a derogation may apply only after the granting of the permit, provided that sufficient efforts have already been undertaken to finalise the EMS within that time period.

Amendment 107

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

Amendment

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.

Member States shall require the operator to prepare and implement, for each installation, **including, pursuant to Article 4(2), for jointly covered installations by a permit**, falling within the scope of this Chapter, an environmental management system ('EMS'). **Member States shall ensure that requirements to be mentioned in the permit conditions concerning the characteristics of the EMS**

are of a general nature only.

The EMS shall comply with the provisions included in relevant BAT conclusions that determine aspects to be covered in the EMS *in the form of a standardised text as published by the European Commission in BREFs based upon an opinion by the forum referred to in Article 13.*

Amendment 108

Proposal for a directive

Article 1 – paragraph 1 – point 11

Directive 2010/75/EU

Article 14a – paragraph 1 – subparagraph 2

Text proposed by the Commission

The EMS shall *be reviewed periodically to ensure that it continues to be suitable, adequate and effective.*

Amendment

The EMS shall *be audited at least every 3 years by an environmental verifier, as defined in Article 2(20) of Regulation 1221/2009, who verifies the conformity of the EMS, and of its implementation, with this article. The licence or accreditation referred to in Article 2(20) of Regulation 1221/2009 shall include the requirements set out in this Article.*

Amendment 109

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

2. The EMS shall include at least the following:

Amendment

2. The EMS shall include at least the following *information*:

Amendment 110

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

(b) objectives and performance indicators in relation to significant environmental aspects, which shall take into account benchmarks set out in the relevant BAT conclusions ***and the life-cycle environmental performance of the supply chain***;

Amendment 111

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 112

Proposal for a directive

Article 1 – paragraph 1 – point 11

Directive 2010/75/EU

Article 14a – paragraph 2 – subparagraphs 2, 3, and 4

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 relevant BAT conclusions;

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 and an analysis of the possibilities to substitute them with safer alternatives;

Amendment

The level of detail of the EMS shall be consistent with the nature, scale and complexity of the installation, and the range of environmental impacts it may have.

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), Member States shall require the operator to prepare and

implement the EMS by 12 months after the end date of transposition of this Directive.

Where elements of the EMS, or the related performance indicators, objectives, measures have already been developed in other relevant Union legislation and comply with this paragraph, a reference in the EMS to the relevant documents shall be sufficient.

Amendment 113

Proposal for a directive

Article 1 – paragraph 1 – point 11

Directive 2010/75/EU

Article 14a – paragraph 3

Text proposed by the Commission

3. The EMS of an installation shall be made available on the Internet, free of charge and without restricting access to registered users..

Amendment

3. The EMS of an installation shall be made available on the Internet, free of charge and without restricting access to registered users *in accordance with Article 4a of this Directive.*

Amendment 114

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

With regard to indirect releases of polluting substances into water, the effect of *a* waste water treatment plant outside the installation may be taken into account when determining the emission limit values of the installation concerned, provided that the operator ensures that all of the following requirements are fulfilled:

Amendment

With regard to indirect releases of polluting substances into water, *in the first instance the effect on an urban or industrial wastewater treatment plant, as applicable, outside the installation shall be taken into account when determining the emission limit values of the installation concerned in accordance with Article 14 of Directive [Urban Wastewater Treatment Directive (recast)]. As a second step* the effect of an urban or industrial waste water treatment plant outside the installation may be taken into account

when determining the emission limit values of the installation concerned. *The steps, as referred to in this paragraph, shall be undertaken provided that an equivalent level of protection of the environment as a whole is guaranteed, that such steps do not lead to higher levels of pollution in the environment and provided* the operator ensures that all of the following requirements are fulfilled:

Amendment 115

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

(a) the released polluting substances do not impede the operation of the waste water treatment plant;

Amendment

(a) the released polluting substances do not impede the operation of the waste water treatment plant *or the capacity to recover resources from the waste water treatment stream*;

Amendment 116

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 3 – subparagraph 1 – introductory part

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

Amendment

Subject to the publication of new or amended BAT conclusions, after the transposition of this Directive in accordance with Article 21 (3), or when the permit is granted or updated pursuant to Article 21(5), or [date of the first day of the month following 10 years after the date of entry into force of this Directive], whichever is the sooner and for operators which have filed for application of a permit after the date of transposition of this Directive and taking into account Commission Implementing Decision 2012/119/EU (“The BREF Guidance”)

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:

the competent authority shall set the strictest *achievable* emission limit values *for the specific installation* that are consistent with the lowest emissions achievable by applying BAT in the installation. *Those limit values shall take into account cross-media effects and 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, analysing the feasibility of meeting the strictest end of the BAT-AEL range and demonstrating the best overall performance the specific installation can achieve under normal operating conditions, while taking into consideration standard operating fluctuations in cases of short-term averages, by applying BAT as described in BAT conclusions. The emission limit values shall be set through either of the following:*

Amendment 117

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 3 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

If general binding rules are adopted concerning Article 15(3), Member States shall set general binding rules on the strictest achievable emission limit values by applying BAT only for categories of installations within the same sectoral activities that have similar characteristics, and based on an assessment by the Member States analysing the feasibility of meeting the strictest end of the range achievable.

Amendment 118
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 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) ***considering the cross-media effects in installations, including with heterogeneous emissions and industrial emissions.***

Amendment 119
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, ***including in the case of an agreed closure plan of the installation, within 4 years of the publication of BAT conclusion.***

Amendment 120
Proposal for a directive
Article 1 – paragraph 1 – point 12
Directive 2010/75/EU

Article 15 – paragraph 4 – subparagraph 4

Text proposed by the Commission

Derogations referred to in this paragraph shall respect the principles set out in Annex II. The competent authority shall in any case ensure that no significant pollution is caused and that a high level of protection of the environment as a whole is achieved. Derogations shall not be granted where they may put at risk compliance with environmental quality standards referred to in Article 18.

Amendment

Derogations ***granted after the transposition of this Directive*** referred to in this paragraph ***shall be granted for a maximum of five years and*** in compliance with the principles set out in Annex II. The competent authority shall ***aim to prevent pollution and*** in any case ensure that no significant pollution is caused and that a high level of protection of the environment as a whole is achieved. Derogations shall not be granted, where they may put at risk compliance with environmental quality standards referred to in Article 18.

Amendment 121

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 4 – subparagraph 5

Text proposed by the Commission

The competent authority shall re-assess whether the derogation granted in accordance with this paragraph is justified every **4** years or as part of each reconsideration of the permit conditions pursuant to Article 21, where such reconsideration is made earlier than **4** years after the derogation was granted.

Amendment

The competent authority shall re-assess whether the derogation granted in accordance with this paragraph is justified every **5** years or as part of each reconsideration of the permit conditions pursuant to Article 21, where such reconsideration occurs earlier than **5** years after the derogation was granted.

Amendment 122

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 4 a (new) – subparagraphs 1 and 2

Text proposed by the Commission

Amendment

4a. By way of derogation from paragraph 3a, and without prejudice to Article 18, the competent authority, in specific cases, may set environmental

performance limit values, which are less strict than the mandatory upper end of the range. Such a derogation may apply only where an assessment shows that the achievement of environmental performance limit values with the best available techniques as described in BAT conclusions would lead to disproportionately higher costs compared to the environmental benefits and cross-media effects due to:

(a) the geographical location or local climatic conditions of the installation concerned; or

(b) technical characteristics of the installation concerned, including in a situation of an agreed closure plan of the installation, within 4 years of the publication of the BAT conclusions.

The derogation from water-related environmental performance limit values, referred to in the first subparagraph, shall be conditional upon a robust assessment of a present and future water risk for the installation.

Amendment 123

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 4 a (new) – subparagraph 3

Text proposed by the Commission

Amendment

The competent authority shall document in an annex to the permit conditions the reasons for the application of the first subparagraph including the result of the assessment and the justification for the conditions imposed.

Amendment 124

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 4 a (new) – subparagraph 4

Text proposed by the Commission

Amendment

The competent authority shall in any case ensure that no significant environmental impact is caused and that a high level of protection of the environment as a whole is achieved. Derogations shall not be granted where they could put at risk compliance with environmental quality standards referred to in Article 18.

Amendment 125

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 4 a (new) – subparagraph 5

Text proposed by the Commission

Amendment

The competent authority shall re-assess whether the derogation granted in accordance with this paragraph is justified every 5 years or as part of each reconsideration of the permit conditions pursuant to Article 21, where such reconsideration is carried out earlier than 5 years after the derogation was granted.

Amendment 126

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 4 a (new) – subparagraph 5

Text proposed by the Commission

Amendment

The Commission shall adopt an implementing act to establish a standardised methodology for assessing the elements referred to in the first subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).

Amendment 127
Proposal for a directive
Article 1 – paragraph 1 – point 12
Directive 2010/75/EU
Article 15 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Without prejudice to Article 18, by way of derogation from paragraphs 3 and 3a, the competent authority may, in cases where an installation faces a persistent interruption in the supply of raw materials or fuels or a disruption of abatement technique's elements due to force majeure, establish less strict emission limit values and environmental performance levels, for a maximum of 3 months, which may be extended by 3 months where the extraordinary circumstances as referred to in this paragraph persist, subject to a simplified assessment justifying the reasons and period for this temporary adjustment. As soon as the supply or abatement conditions are restored, the Member State shall ensure that this derogation ceases to have effect.

Member States shall inform the Commission of any derogation granted under the extraordinary circumstances as referred to in the first subparagraph.

The Commission shall assess whether the use of the derogation clause is justified having due regard to the criteria set in this subparagraph. If the Commission raises objections, the Member States shall, without delay, revise the derogation provided accordingly. As soon as the supply conditions are restored then the derogation shall cease to apply.

Amendment 128
Proposal for a directive
Article 1 – paragraph 1 – point 13

Directive 2010/75/EU
Article 15a – paragraph 1

Text proposed by the Commission

1. For the purpose of assessing compliance with emission limit values in accordance with Article 14(1), point (h), the correction made to measurements to determine the validated average emission values shall not exceed the measurement uncertainty **of the measuring** method.

Amendment

1. For the purpose of assessing compliance with emission limit values in accordance with Article 14(1), point (h), the correction made to measurements to determine the validated average emission values shall not exceed the measurement uncertainty **determined according to the method in the EIPPCB Reference Report on Monitoring.**

The EIPPCB Reference Report on Monitoring shall be updated by [OP please insert date = the first day of the month following 18 months after the date of entry into force of this Directive].

Amendment 129
Proposal for a directive
Article 1 – paragraph 1 – point 13
Directive 2010/75/EU
Article 15a – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Commission shall 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 an implementing act establishing the **measuring** method for assessing compliance with emission limit values set out in the permit with regard to emissions to air and water. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).

Amendment

The Commission shall 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 an implementing act establishing the method for assessing compliance with emission limit values set out in the permit with regard to emissions to air and water. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).

Amendment 130
Proposal for a directive
Article 1 – paragraph 1 – point 13
Directive 2010/75/EU
Article 15a – paragraph 2 – subparagraph 2

Text proposed by the Commission

The method referred to in the first subparagraph shall address, as a minimum, the determination of validated average emission values and shall set out how measurement uncertainty and the frequency of exceedance of emission limit values are to be taken into account in the compliance assessment.

Amendment

The method referred to in the first subparagraph shall address, as a minimum, the determination of validated average emission values and shall set out how measurement uncertainty, ***as determined in the EIPPCB Reference Report on Monitoring***, and the frequency of exceedance of emission limit values are to be taken into account in the compliance assessment.

Amendment 131

Proposal for a directive

Article 1 – paragraph 1 – point 13 a (new)

Directive 2010/75/EU

Article 16 – paragraph 2

Present text

2. The frequency of the periodic monitoring referred to in Article 14(1)(e) shall be determined by the competent authority in a permit for each individual installation or in general binding rules.

Without prejudice to the first subparagraph, periodic monitoring shall be carried out at least once every **5** years for groundwater and **10** years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination.

Amendment

(13a) In Article 16, paragraph 2 is replaced by the following:

"2. The frequency of the periodic monitoring referred to in Article 14(1)(e) shall be determined by the competent authority in a permit for each individual installation or in general binding rules.

Without prejudice to the first subparagraph, periodic monitoring shall be carried out ***as set out in the BAT Conclusions, where applicable, and*** at least once every **3** years for groundwater and **7** years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination."

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 132

Proposal for a directive

Article 1 – paragraph 1 – point 13 b (new)

Directive 2010/75/EU

Article 16 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(13b) in Article 16, the following paragraph is added:

2a. The quality control of laboratories performing the monitoring shall be based on international standards, such as ISO 17025.

Amendment 133

Proposal for a directive

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

Directive 2010/75/EU

Article 17 – paragraph 1

Present text

Amendment

1. When adopting general binding rules, Member States shall ensure an integrated approach and a high level of environmental protection equivalent to that achievable with individual permit conditions.

(14a) Article 17, paragraph 1 is replaced by the following:

"1. When adopting general binding rules, Member States shall ensure an integrated approach **in accordance with Article 15(3), subparagraph 2 a (new)**, and a high level of environmental protection equivalent to that achievable with individual permit conditions."

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 134

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/75/EU

Article 18 – paragraph 1

Text proposed by the Commission

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 permit with a view to reducing the specific contribution of the installation to the pollution occurring in the relevant area.

Where, an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, additional measures **such as setting supplementary load limits for the relevant polluting substances** shall be included in the permit, with a view to reducing the specific contribution of the

installation to the pollution occurring in the relevant area *without prejudice to other measures which may be taken to comply with environmental quality standards.*

Amendment 135

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/75/EU

Article 18 – paragraph 2

Text proposed by the Commission

Where stricter conditions have been included in the permit in accordance with the first paragraph, regular monitoring of the concentration of relevant pollutants in the receiving environment resulting from operations of the installations concerned shall be required from the operator, and the results of such monitoring shall be transmitted to the competent authority. Where monitoring and measurement methods for the concerned pollutants are set out in other relevant Union legislation, such methods shall be used for the purpose of the monitoring referred to in this paragraph..

Amendment

Where stricter conditions have been included in the permit in accordance with the first paragraph, regular monitoring of the concentration *and loads* of relevant pollutants in the receiving environment resulting from operations of the installations concerned shall be required from the operator, and the results of such monitoring shall be transmitted to the competent authority *and the downstream drinking water and/or wastewater treatment plants operators, as relevant, within the shortest possible time after the information has been generated, and not later than 1 month after the information has been generated.* Where monitoring and measurement methods for the concerned pollutants, *including so-called cocktail effects,* are set out in other relevant Union legislation, such methods shall be used for the purpose of the monitoring referred to in this paragraph.

Amendment 136

Proposal for a directive

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

Directive 2010/75/EU

Article 19

Present text

Amendment

(15a) Article 19 is replaced by the

following:

Article 19

Developments in best available techniques
Member States shall ensure that the competent authority follows or is informed of developments in best available techniques and of the publication of any new or updated BAT conclusions and shall make that information available to the public concerned.

"Article 19

Developments in best available techniques
Member States shall ensure that the competent authority follows or is informed of developments in best available techniques and of the publication of any new or updated BAT conclusions **or operating rules** and shall make that information available to the public concerned."

(32010L0075)

Amendment 137

Proposal for a directive

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

Directive 2010/75/EU

Article 20 – paragraph 1

Present text

1. Member States shall take the necessary measures to ensure that the operator informs the competent authority of any planned change in the nature or functioning, or an extension of the installation, which may have consequences for the environment. Where appropriate, the competent authority shall update the permit.

Amendment

(15b) In Article 20, paragraph 1 is replaced by the following:

"1. Member States shall take the necessary measures to ensure that the operator informs the competent authority of any planned change in the nature or functioning, or an extension of the installation which may have consequences for the environment, ***at least six months prior to the implementation of any such change or extension.*** Where appropriate, the competent authority shall update the permit ***including the relevant processes for the extension.***"

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 138

Proposal for a directive

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

Directive 2010/75/EU

Article 21 – paragraph 1

Present text

1. Member States shall take the necessary measures to ensure that the competent authority periodically reconsiders in accordance with paragraphs 2 to 5 all permit conditions and, where necessary to ensure compliance with this Directive, updates those conditions.

Amendment

(15c) In Article 21 paragraph 1 is replaced by the following:

"1. Member States shall take the necessary measures to ensure that the competent authority periodically reconsiders in accordance with paragraphs 2 to 5 all permit conditions and, where necessary to ensure compliance with this Directive, updates those conditions.
Member States shall ensure that the competent authorities reconsider the permit at least every 8 years."

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 139

Proposal for a directive

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

Directive 2010/75/EU

Article 21 – paragraph 3 – subparagraph 1 – point a

Present text

(a) all the permit conditions for the installation concerned are reconsidered and, if necessary, updated to ensure compliance with this Directive, in particular, with Article 15(3) and (4), where applicable;

Amendment

(15d) In Article 21, paragraph 3, subparagraph 1, point a is replaced by the following:

"(a) all the permit conditions for the installation concerned are reconsidered and, if necessary, updated to ensure compliance with this Directive, in particular, with Article 15(3), **(3a)** and (4), where applicable;"

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 140

Proposal for a directive

Article 1 – paragraph 1 – point 16 a (new)

Directive 2010/75/EU

Article 22 – paragraph 2 – subparagraphs 1 and 2

2. Where the activity involves the use, production or release of relevant hazardous substances and having regard to the possibility of soil and groundwater contamination at the site of the installation, the operator shall prepare and submit to the competent authority a baseline report before starting operation of an installation or before a permit for an installation is updated for the first time after 7 January 2013.

The baseline report shall contain the information necessary to determine the state of soil and groundwater contamination so as to make a quantified comparison with the state upon definitive cessation of activities provided for under paragraph 3.

(16a) In Article 22, paragraph 2, first and second subparagraphs are replaced by the following:

"2. Where the activity involves the use, production or release of relevant hazardous substances and having regard to the possibility of soil, **surface** and groundwater contamination at the site of the installation, the operator shall prepare and submit to the competent authority a baseline report before starting operation of an installation or before a permit for an installation is updated for the first time after 7 January 2013.

The baseline report shall contain the information necessary to determine the state of soil, **surface** and groundwater contamination so as to make a quantified comparison with the state upon definitive cessation of activities provided for under paragraph 3."

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 141

Proposal for a directive

Article 1 – paragraph 1 – point 16 b (new)

Directive 2010/75/EU

Article 22 – paragraph 3 – subparagraph 1

Upon definitive cessation of the activities, the operator shall assess the state of soil and groundwater contamination by relevant hazardous substances used, produced or released by the installation. Where the installation has caused significant pollution of soil or groundwater by relevant hazardous substances compared to the state established in the baseline report referred

(16 b) In Article 22, paragraph 3, subparagraph 1 is replaced by the following:

"Upon definitive cessation of the activities, the operator shall assess the state of soil and groundwater contamination by relevant hazardous substances used, produced or released by the installation. Where the installation has caused significant pollution of soil, **surface** or groundwater by relevant hazardous substances compared to the state established in the baseline report referred

to in paragraph 2, the operator shall take the necessary measures to address that pollution so as to return the site to that state. For that purpose, the technical feasibility of such measures may be taken into account.

to in paragraph 2, the operator shall take the necessary measures to address that pollution so as to return the site to that state. For that purpose, the technical feasibility of such measures may be taken into account."

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 142

Proposal for a directive

Article 1 – paragraph 1 – point 16 c (new)

Directive 2010/75/EU

Article 23 – paragraph 4 – subparagraph 2

Present text

The period between two site visits shall be based on a systematic appraisal of the environmental risks of the installations concerned and shall not exceed 1 year for installations posing the highest risks and 3 years for installations posing the lowest risks.

Amendment

(16c) In Article 23, paragraph 4, subparagraph 2 is replaced by the following:

"The period between two site visits shall be based on a systematic appraisal of the environmental risks of the installations concerned and shall not exceed 1 year for installations posing the highest risks and 3 years for installations posing the lowest risks. The public shall be informed about the appraisal of the environmental risks of the installations."

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 143

Proposal for a directive

Article 1 – paragraph 1 – point 16 d (new)

Directive 2010/75/EU

Article 23 – paragraph 4 – subparagraph 5

Present text

The Commission *may* adopt guidance on the criteria for the appraisal of

Amendment

(16d) In Article 23(4), subparagraph 5 is replaced by the following:

"By two years after the transposition of this Directive at the latest, the Commission

environmental risks.

shall adopt and, where appropriate, regularly update, guidance on the criteria for the appraisal of environmental risks."

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 144

Proposal for a directive

Article 1 – paragraph 1 – point 17 – point a – point -i (new)

Directive 2010/75/EU

Article 24 – paragraph 1 – point b

Present text

Amendment

(b) the granting of a permit for any substantial change;

(-i) In Article 24(1), point b is replaced by the following:

*"(b) the granting **or reconsidering** of a permit for any substantial change;"*

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 145

Proposal for a directive

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

Directive 2010/75/EU

Article 24 – paragraph 2 – introductory part

Text proposed by the Commission

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 information;

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, ***on its website, on a webpage which is easy to find***, free of charge and without restricting access to registered users, in relation to points (a), (b) and (f) the following information:

Amendment 146

Proposal for a directive

Article 1 – paragraph 1 – point 17 – point b – point i a (new)

Directive 2010/75/EU
Article 24 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(ia) In Article 24(2), point a a (new) is inserted:

(aa) the summary of the permit referred to in Article 5 (4);

Amendment 147

Proposal for a directive

Article 1 – paragraph 1 – point 17 – point b – point ii a (new)

Directive 2010/75/EU

Article 24 – paragraph 2 – point e

Present text

Amendment

(e) how the permit conditions referred to in Article 14, including the emission limit values, have been determined in relation to the best available techniques and emission levels associated with the best available techniques;

(ia) In Article 24, (2), point e is replaced by the following:

"(e) how the permit conditions referred to in Article 14, including the emission limit values **and environmental performance levels**, have been determined in relation to the best available techniques and emission levels **and environmental performance levels** associated with the best available techniques;"

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 148

Proposal for a directive

Article 1 – paragraph 1 – point 17 – point c

Directive 2010/75/EU

Article 24 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. The competent authority shall also make available to the public, including systematically via the Internet, free of charge and without restricting access to registered users, the following:

3. The competent authority shall also make available to the public, including systematically via the Internet, **on its website, on a webpage which is easy to find**, free of charge and without restricting access to registered users the following:

Amendment 149

Proposal for a directive

Article 1 – paragraph 1 – point 17 – point c

Directive 2010/75/EU

Article 24 – paragraph 3 – point b

Text proposed by the Commission

(b) the results of emission monitoring as required under the permit conditions and held by the competent authority;

Amendment

(b) the results of emission monitoring as required under the permit conditions and held by the competent authority ***in a database that allows query-based datasets to be downloaded;***

Amendment 150

Proposal for a directive

Article 1 – paragraph 1 – point 17 a (new)

Directive 2010/75/EU

Article 25 – paragraph 1 – introductory part

Present text

Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, acts or omissions subject to Article 24 when one of the following conditions is met:

Amendment

(17a) In Article 25, paragraph 1, the introductory part is replaced by the following:

"Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, acts or omissions subject to ***Article 14, Article 17(1) to(3), Article 22 and*** Article 24 when one of the following conditions is met:"

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 151

Proposal for a directive

Article 1 – paragraph 1 – point 18

Directive 2010/75/EU

Article 25 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Standing in the review procedure *may* not be conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive.

Amendment

Standing in the review procedure *shall* not be conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive.

Amendment 152

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 the purpose of paragraph 1(b).

Amendment

(18a) In Article 25, paragraph 3 is replaced by the following:

"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 paragraph 1(b)."

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 153

Proposal for a directive

Article 1 – paragraph 1 – point 19

Text proposed by the Commission

1. Where a Member State is aware that the operation of an installation may have significant negative effects on the environment of another Member State, or where a Member State which may be significantly affected so requests, the Member State in whose territory the application for a permit pursuant to Article 4 or Article 20(2) was submitted shall forward to the other Member State any information required to be given or made available pursuant to Annex IV at the same time as it makes it available to the public. On the basis of that information, consultations shall be carried out between the two Member States, while ensuring that the comments from the Member State that may be significantly affected are provided before the competent authority of the Member State in whose territory the application for a permit was submitted reaches its decision. Should no comments be provided by the Member State which may be significantly affected within the period for consultation of the public concerned, the competent authority shall proceed with the permitting procedure.

Amendment

1. Where a Member State is aware that the operation of an installation may have significant negative effects on the environment of another Member State, or where a Member State which may be significantly affected so requests, the Member State in whose territory the application for a permit pursuant to Article 4 or Article 20(2) was submitted, ***or in whose territory a permit was reconsidered pursuant to Article 21***, shall forward to the other Member State any information required to be given or made available pursuant to Annex IV at the same time as it makes it available to the public ***and after three months at the latest***. On the basis of that information, consultations shall be carried out between the two Member States, while ensuring that the comments from the Member State that may be significantly affected are provided before the competent authority of the Member State in whose territory the application for a permit was submitted reaches its decision. Should no comments be provided by the Member State which may be significantly affected within the period for consultation of the public concerned, the competent authority shall proceed with the permitting procedure.

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 154

Proposal for a directive

Article 1 – paragraph 1 – point 19 a (new)

Directive 2010/75/EU

Article 26 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(19a) In Article 26, the following

paragraph is added:

4a. Member States shall ensure that competent authorities establish appropriate regional transboundary communication channels.

Amendment 155

Proposal for a directive

Article 1 – paragraph 1 – point 20

Directive 2010/75/EU

Chapter IIa – title

Text proposed by the Commission

PROMOTING INNOVATION'

Amendment

**ENABLING AND PROMOTING
INNOVATION**

Amendment 156

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/75/EU

Article 27 – paragraph 1

Text proposed by the Commission

Member States shall, where appropriate, encourage the development and application of emerging techniques, in particular where such techniques have been identified in the BAT conclusions, the BAT reference documents or the findings of the innovation centre for industrial transformation and emissions referred to in Article 27a..

Amendment

Without prescribing the use of any technique or specific technology, Member States shall, where appropriate, encourage the development and application of emerging techniques, in particular where such techniques have been identified in the BAT conclusions, the BAT reference documents or the findings of the innovation centre for industrial transformation and emissions referred to in Article 27a.

Amendment 157

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27a – paragraph 2

Text proposed by the Commission

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 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).

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, ***after an assessment by the relevant technical working group in Sevilla***, the BAT reference documents referred to in Article 13(1).

Amendment 158

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27a – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(ea) representatives of the farmers concerned;

Amendment 159

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;

(g) non-governmental organisations promoting ***the protection of human health or the environment***;

Amendment 160

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27b – paragraph 1

Text proposed by the Commission

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.

Amendment 161
Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/75/EU
Article 27c – paragraph 1

Text proposed by the Commission

By way of derogation from Article 21(3), the competent 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, emissions shall not, under normal operating conditions, exceed emission levels associated with emerging techniques as laid down in the decisions on BAT conclusions.

Amendment 162
Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/75/EU
Article 27d – paragraph 1 – subparagraph 1

Amendment

Without prejudice to Article 18 **and Article 2(2)**, 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 **36** months, ***provided that after the period specified, either the technique is stopped or the activity achieves at least the emission levels associated with the best available techniques.***

Amendment

By way of derogation from Article 21(3), ***upon a request by the operator***, the competent 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, emissions shall not, under normal operating conditions, exceed emission levels associated with emerging techniques as laid down in the decisions on BAT conclusions. ***The Member States or the competent authorities shall notify INCITE on the emerging techniques for which a permit has been granted.***

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.

Where a derogation has been granted in accordance with Article 15 (4), Member States shall require that, by 30 June **2027**, the operator includes in its environmental management system ***an indicative*** 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 operators of the 200 most polluting installations in the Union, as referred to in Article 76 paragraph 2, shall also include in their environmental management system an indicative transformation plan for each of those installations, unless the installation has a closure plan for 2035.

The transformation plan shall contain information on how the ***transformation*** 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, ***is intended to take place. The transformation plan shall include a greenhouse gas emissions reduction pathway and roadmap on how the installations plan to become more resource-efficient, in particular as regards energy and water, for example by means of water re-use systems, by laying down the measures that the operator will implement.***

Member States shall require that by 30 June 2029 the operator includes in its environmental management system an indicative 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, a consolidated transformation plan at corporate level for two or more

installations as referred to in Article 4(2), or a consolidated transformation plan for all the undertakings in a group covering the elements referred to in the second and third subparagraphs, and including a reference to each installation.

Amendment 163

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27d – paragraph 1 – subparagraph 2

Text proposed by the Commission

Member States shall take the necessary measures to ensure that **by 31 December 2031**, the audit organisation contracted by the operator as part of its environmental management system assesses the conformity of the transformation plans referred to in the first subparagraph **of paragraph 1** with the requirements set out in the **implementing** act referred to in paragraph 4.

Amendment

Member States shall take the necessary measures to ensure that the audit organisation contracted by the operator as part of its environmental management system assesses, **no later than a year after the deadlines set out in the first subparagraph**, the conformity of the transformation plans referred to in the first subparagraph with the requirements set out in the **delegated** act referred to in paragraph 4, **in order to contribute to the emergence of a sustainable, clean, circular and climate-neutral economy by 2050**.

Amendment 164

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

Where elements of the transformation plans have already been developed elsewhere and are compliant with this provision, a reference may be made in the transformation plan to the relevant documents.

Amendment 165
Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/75/EU
Article 27d – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall take the necessary measures to ensure that the transformation plans mentioned in paragraph 1 are regularly reviewed and, if necessary, revised.

Amendment 166
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 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.

Member States shall require that **by 1 January 2030**, the operator **carrying out any activity listed in Annex I that is not referred to in paragraph 1** includes in its environmental management system referred to in Article 14a a transformation plan **as set out in paragraph 1 of this Article**. 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 167
Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/75/EU
Article 27d – paragraph 2 – subparagraph 2

Text proposed by the Commission

Member States shall take the necessary measures to ensure that the audit organisation contracted by the operator as part of its environmental management system assesses the conformity of the transformation plans referred to in the first subparagraph of paragraph 2 with the requirements set out in the **implementing** act referred to in paragraph 4.

Amendment 168

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 Article 75(2)..**

Amendment 169

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27d – paragraph 4 a (new)

Amendment

Member States shall take the necessary measures to ensure that the audit organisation contracted by the operator as part of its environmental management system assesses the conformity of the **indicative** transformation plans referred to in the first subparagraph of paragraph 2 with the requirements set out in the **delegated** act referred to in paragraph 4.

Amendment

4. The Commission shall by 30 June **2026**, adopt **a delegated act, in accordance with Article 76, to supplement this Directive by** establishing the format for the transformation plans **and the list of the 200 most polluting installations.**

The Commission shall review by 2035 the content and format of the transformation plan, and where necessary add, by means of delegated acts, elements, such as sector-specific milestones, as well as a description of the format for their reporting, where needed, to the transformation plans and, by 2040, the list of the 200 most polluting installations considering after air pollutants also water pollutants.

4a. *Member States shall, where relevant, require operators of installations to assess the benefits of using digital tools in order to improve the environmental performance of their installations.*

Amendment 170

Proposal for a directive

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

Directive 2010/75/EU

Article 30 – paragraph 5

Present text

5. The competent authority may grant a derogation for a maximum of 6 months from the obligation to comply with the emission limit values provided for in paragraphs 2 and 3 for sulphur dioxide in respect of a combustion plant which to this end normally uses low-sulphur fuel, in cases where the operator is unable to comply with those limit values because of an interruption in the supply of low-sulphur fuel resulting from a serious shortage.

Member States shall immediately inform the Commission of any derogation granted under the first subparagraph.

Amendment

(22a) *In Article 30, paragraph 5 is replaced by the following:*

"5. The competent authority may grant a derogation for a maximum of 6 months from the obligation to comply with the emission limit values provided for in paragraphs 2 and 3 for sulphur dioxide in respect of a combustion plant which to this end normally uses low-sulphur fuel, in cases where the operator is unable to comply with those limit values because of an interruption in the supply of low-sulphur fuel resulting from a serious shortage.

Member States shall immediately inform the Commission of any derogation granted under the first subparagraph ***and provide the Commission with the proof of the shortage and a detailed justification of why the derogation is needed.***"

(32010L0075)

Amendment 171

Proposal for a directive

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

Directive 2010/75/EU

Article 30 – paragraph 6 – subparagraph 3

Present text

Amendment

Member States shall inform the Commission immediately of any derogation granted under the first subparagraph.

(22b) In Article 30(6), the third subparagraph is replaced by the following:

"Member States shall inform the Commission immediately of any derogation granted under the first subparagraph **and provide to the Commission proof of the interruption in the supply and a detailed justification of why the derogation is needed.**"

(32010L0075)

Amendment 172

Proposal for a directive

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

Directive 2010/75/EU

Article 30 – paragraph 9 – subparagraph 1 – point c

Present text

Amendment

(c) combustion plants firing gases other than **natural gas**;

(22c) In Article 30(9), subparagraph 1, point c is replaced by the following:

"(c) combustion plants firing gases other than **fossil or biogenic gas**;"

(32010L0075)

Amendment 173

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;

Amendment 174

Proposal for a directive

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

Directive 2010/75/EU

Article 42 – paragraph 2 a (new)

Present text

Amendment

(23a) In Article 42, the following paragraph is added:

2a. Plants referred to in paragraph 2, point (b), shall report to the competent authorities data on total waste incinerated, including quantities and characteristics of hazardous waste referred to in Article 45(2), point (b), emissions into air and water, pH, temperature and flow of waste water discharges.

Amendment 175

Proposal for a directive

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

Directive 2010/75/EU

Article 50 – paragraph 2 a (new)

Present text

Amendment

(23b) In Article 50, paragraph 2a (new) is inserted:

2a. Emissions to air from waste incineration and co-incineration plants shall also be monitored during other than normal operating conditions (OTNOC), particularly emissions of PCDD/F and dioxin-like PCBs during start-up and shut-down operations. The incineration and co-incineration plants shall prevent emissions of PCDD/F and dioxin like-PCBs during all operating times, including OTNOC, inter alia by ensuring that the flue gas cleaning system is in full operation prior to waste feed.

Justification

It has been observed, including in the WI BREF, that start-up operations and other OTNOC are linked to high dioxines emissions that in some cases even equal to emissions from several month of normal operation.

Amendment 176

Proposal for a directive

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

Directive 2010/75/EU

Article 55 – paragraph 2

Present text

2. For waste incineration plants or waste co-incineration plants with a nominal capacity of 2 tonnes or more per hour, the report referred to in Article 72 shall include information on the functioning and monitoring of the plant and give account of the running of the incineration or co-incineration process and the level of emissions into air and water in comparison with the emission limit values. That information shall be made available to the public.

Amendment

(23c) In Article 55, paragraph 2 is replaced by the following:

2. For waste incineration plants or waste co-incineration plants with a nominal capacity of 2 tonnes or more per hour, the report referred to in Article 72 shall include information on the functioning and monitoring of the plant and give account of the running of the incineration or co-incineration process and the level of emissions into air and water in comparison with the emission limit values. ***This should include emissions data given in gross values and original laboratory analysis reports.*** That information shall be made available to the public.

Justification

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02010L0075-20110106&qid=1670312326229>)

Amendment 177

Proposal for a directive

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

Directive 2010/75/EU

Article 58 – paragraph 1

Present text

Substances or mixtures which, because of their content of volatile organic compounds **classified as** carcinogens, mutagens, or toxic to reproduction under Regulation (EC) No 1272/2008, are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F, shall be replaced, as far as possible by less harmful substances or mixtures within the shortest possible time.

Amendment

(23d) In Article 58, paragraph 1 is replaced by the following:

Substances or mixtures which, because of their content of volatile organic compounds carcinogens, mutagens, or toxic to reproduction under Regulation (EC) No 1272/2008, are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F, **or which are classified as persistent, bio accumulative and toxic or endocrine disrupting under Regulation (EC) No 1272/2008** shall be replaced, as far as possible by less harmful substances or mixtures within the shortest possible time.

(32010L0075)

Amendment 178

Proposal for a directive

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

Directive 2010/75/EU

Article 63 – paragraph 2

Present text

2. Where an existing installation undergoes a substantial change, or falls within the scope of this Directive for the first time following a substantial change, that part of the installation which undergoes the substantial change shall be treated ***either as a new installation or as an existing installation, provided that the total emissions of the whole installation do not exceed those that would have resulted had the substantially changed part been treated*** as a new installation.

Amendment

(23e) In Article 63, paragraph 2 is replaced by the following:

"2. Where an existing installation undergoes a substantial change, or falls within the scope of this Directive for the first time following a substantial change, that part of the installation which undergoes the substantial change shall be treated as a new installation."

(32010L0075)

Amendment 179

Proposal for a directive

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

Directive 2010/75/EU

Article 64 – paragraph 2 – point d a) (new)

Present text

Amendment

(23f) In Article 64, paragraph 2, the following point is added:

(da) the barriers to recycling and reuse of organic solvents and ways to remove these barriers.

Amendment 180

Proposal for a directive

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

Directive 2010/75/EU

Article 70 – paragraph 3

Present text

Amendment

3. Monitoring shall be carried out in accordance with CEN standards or, if CEN standards are not available, ISO, national or other international standards which ensure the provision of data of an equivalent scientific quality.

(23g) In Article 70, the third paragraph is replaced by the following:

"3. Monitoring shall be carried out in accordance with CEN standards or, if CEN standards are not available, ISO, national or other international standards which ensure the provision of data of an equivalent scientific quality. ***This applies also to the quality assurance system of the laboratory performing the monitoring.***"

(32010L0075)

Amendment 181

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70a – paragraph 1 a) (new)

Text proposed by the Commission

Amendment

By [the first day of the month following

24 months after the date of entry into force of the delegated act as referred to in paragraph 3] products originating from rearing activities covered by chapter VIa may be placed in the EU market provided that the installation where the rearing activity takes place complies with uniform conditions of the operating rules referred to in this Article, or if the importers provide guarantees of origin from third countries deemed to be comparable in effectiveness. The competent authorities of the Member State where the imports take place shall verify the compliance of the imported products. The Commission shall by [the first day of the month following 24 months after the date of entry into force of this Directive] put forward a delegated act to establish a WTO-consistent methodology laying power the procedure for placing products on the Union market and the verification procedure for competent authority, to ensure a level playing field.

Amendment 182

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

Member States shall adopt measures to ensure that if two or more installations, ***engaged in 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, the installations concerned shall be considered as a single unit for the purpose of calculating the capacity threshold referred to in Article 70a. ***Member States shall ensure that this rule is not used to circumvent the obligations set out in this directive. By ... [the first day of 24 months following the date of entry into force of***

this Directive], the Commission shall publish guidelines, after consulting the Member States, on the criteria to consider different installations as a single unit under paragraph 1.

Amendment 183
Proposal for a directive
Article 1 – paragraph 1 – point 25
Directive 2010/75/EU
Article 70c – title

Text proposed by the Commission

Permits

Amendment

Permits *and registrations*

Amendment 184
Proposal for a directive
Article 1 – paragraph 1 – point 25
Directive 2010/75/EU
Article 70c – paragraph 1

Text proposed by the Commission

Member States shall take the necessary measures to ensure that no installation falling within the scope of this Chapter is operated without a permit and that *its* operation complies with the operating rules referred to in Article 70i.

Amendment

Member States shall take the necessary measures to ensure that no installation falling within the scope of this Chapter is operated without a permit *or without being registered* and that *the operation of all installations as referred to in Annex Ia* complies with the operating rules *in uniform conditions* referred to in Article 70i.

Member States shall use any similar pre-existing procedure for the registration in order to avoid creating an administrative burden. In any case, Member States shall apply a permitting procedure to the intensive rearing of poultry and pigs:

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

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

(c) with more than 750 places for

SOWS.

Amendment 185

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – introductory part

Text proposed by the Commission

2. Applications for permits shall include at least a description of the following elements:

Amendment

2. **Registrations or** applications for permits shall include at least a description of the following elements:

Amendment 186

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point b

Text proposed by the Commission

(b) the animal type

Amendment

(b) the animal type **and livestock density;**

Amendment 187

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point e

Text proposed by the Commission

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

Amendment

(e) the nature and quantities of foreseeable emissions from the installation into each medium **under normal operating conditions;**

Amendment 188

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point ea (new)

Text proposed by the Commission

Amendment

(ea) the approximate number of days animals spent outside the stable.

Amendment 189

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 4

Text proposed by the Commission

Amendment

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

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

Amendment 190

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall, within two years of the full implementation of the operating rules, submit a report to the European Parliament assessing the impact of the system on the economic viability of agricultural installations falling within the scope of this directive, the costs attributed to the permitting and registration systems and the emissions reductions achieved by the measures implemented, taking into account all costs and benefits related to complying with the conditions set out, so as to adapt certain implementing provisions from the

directive accordingly.

Amendment 191

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70 d – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

Member States shall ensure that the operator carries out the monitoring of emissions and of associated environmental performance levels under uniform conditions in accordance with the operating rules ***laid down in the delegated act*** referred to in Article 70i.

Amendment 192

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70d – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

Monitoring data shall be obtained by means of measurement methods or, where not practicable, by calculation methods such as the use of emission factors. Both measurement methods and calculation methods if applicable, shall be described in the operating rules.

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

By [OP please insert the date = the first day of 24 months following the date of entry into force of this Directive], the Commission shall publish guidelines, on the criteria for measurement and

calculation methods, taking into account the specificities and heterogeneity of rearing practices across the Union.

Amendment 193

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70d – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 194

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70d – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 195

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70e – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that suitable monitoring is carried out in accordance with the operating rules referred to in Article 70i.

Amendment

1. Member States shall ensure that suitable monitoring ***under uniform conditions*** is carried out in accordance with the operating rules ***laid down in the delegated act*** referred to in Article 70i.

Amendment 196

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70e – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 197

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70f – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the values for emissions and environmental performance levels monitored in accordance with the operating rules referred to in Article 70i do not exceed the emission limit values and environmental performance limit values set out therein.

Amendment

1. Member States shall ensure that the values for emissions and environmental performance levels monitored in accordance with the operating rules ***in uniform conditions laid down in the delegated act*** referred to in Article 70i do not exceed the emission limit values and environmental performance limit values set

out therein.

Amendment 198

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) in the procedure for registration, in the event that general binding rules are not adopted, and the Member States allow the installation to only be registered.

Amendment 199

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the permit;

(a) the permit **or the registration**;

Amendment 200

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70h – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Standing in the review procedure **may** not be conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive.

Standing in the review procedure **shall** not be conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive.

Amendment 201

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

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

deleted

- (a) emission limit values;***
- (b) monitoring requirements;***
- (c) land spreading practices;***
- (d) pollution prevention and mitigation practices;***
- (e) environmental performance limit values;***
- (f) other measures consistent with Annex III.***

Amendment 202

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall organise an exchange of information between Member States, the sectors concerned, non-governmental organisations promoting environmental protection and the Commission before establishing operating rules on uniform conditions in accordance with paragraph 2.

The exchange of information shall, in particular, address the following:

- (a) the emission and environmental performance levels of installations and techniques in terms of emissions, consumption and the nature of raw materials, water consumption, use of energy and generation of waste, and other measures consistent with Annex III;***

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

(c) best available techniques identified after considering the issues mentioned in points (a) and (b).

Amendment 203

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 2

Text proposed by the Commission

2. The Commission shall 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 to ***supplement this Directive by establishing*** the operating rules ***referred to in paragraph 1.***'

Amendment

2. The Commission shall 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 to ***establish operating rules on uniform conditions for each of the activities referred to in Annex Ia that result from the exchange of information as referred to in this Article.***

Such operating rules in uniform conditions shall be consistent with the use of best available techniques for the activities listed in Annex Ia and shall take into account the nature, type, size and density of these installations, size of herds of single animal types in mixed farms, and the specificities of pasture-based rearing systems, where animals are only seasonally reared in indoor installations.

The operating rules shall incorporate the existence of emerging techniques in animal husbandry and specify the conditions under which the competent authority may grant a permit to an agricultural installation using such techniques.

Amendment 204

Proposal for a directive
Article 1 – paragraph 1 – point 25
Directive 2010/75/EU
Article 70i – paragraph 3

Text proposed by the Commission

3. Member States shall ensure that all the permit conditions for the installations concerned are in compliance with the operating rules referred to in paragraph 1 within 42 months of the entry into force of the delegated act establishing those rules..

Amendment

3. Member States shall ensure that all the permit conditions for the installations concerned **and the installations being registered** are in compliance with the operating rules referred to in paragraph 1 within 42 months of the entry into force of the delegated act establishing those rules.

Amendment 205
Proposal for a directive
Article 1 – paragraph 1 – point 25 a (new)
Directive 2010/75/EU
Article 72 – paragraph 5 (new)

Text proposed by the Commission

Amendment

(25a) In Article 72, the following paragraph is added:

5. Member States shall provide, each year, to the Commission by electronic means the following elements, which shall be published in an easily accessible and user-friendly format on the Portal:

(a) the permit summary in accordance with the implementing act referred to in Article 5(4) of this Directive;

(b) the direct link to the EMS pursuant Article 14a of this Directive;

(c) the direct link to the permit pursuant Article 5(4) of this Directive and where applicable to the Annex to the permit for the application of the second subparagraph of Article 15 of this Directive;

(d) the direct link to the transformation plans pursuant Article 27d of this Directive;

(e) available scientific data as referred

to in Article 79a.

(f) list of non-compliant installations pursuant to Article 79 of this Directive following the final decision on the non-compliance by the competent judicial or administrative authority of the Member State concerned in accordance with national law;

(g) the direct link to the website of public notices for each installation of the competent authorities .

The Commission shall incorporate the information reported by Member States into the Portal within two months from receipt of the information referred to in the first subparagraph.

The Commission shall incorporate the following information into the Portal within two months of publication:

(a) the BAT Conclusion as referred to in Article 13(6) of this Directive.

Amendment 206

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 techniques, the need for further pollution prevention measures while taking into consideration the need for a just and inclusive industrial transition*** and the review referred to in Article 8 of Directive 2003/87/EC.

Amendment 207

Proposal for a directive

Article 1 – paragraph 1 – point 26

Directive 2010/75/EU

Article 73 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

That report shall include an assessment of the need for Union action through the establishment or updating of Union-wide minimum requirements for emission limit values and for rules on monitoring and compliance for activities within the scope of the BAT conclusions adopted during the previous five-year period, on the basis of the following criteria:

Amendment

That report shall include an assessment of the need for Union action through the establishment or updating of Union-wide minimum requirements for emission limit values, ***including activities for which no BAT conclusions have been adopted pursuant to Article 13(7) of this Directive*** and for rules on monitoring and compliance for activities within the scope of the BAT conclusions adopted during the previous five-year period, on the basis of the following criteria:

Amendment 208

Proposal for a directive

Article 1 – paragraph 1 – point 26

Directive 2010/75/EU

Article 73 – paragraph 1 – subparagraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the level playing field with regard to environmental performance requirements of the industry within the Union and in third countries.

Amendment 209

Proposal for a directive

Article 1 – paragraph 1 – point 27

Directive 2010/75/EU

Article 74 – paragraph 2

Text proposed by the Commission

Amendment

2. In order to allow the provisions of this Directive to meet its objectives to prevent or reduce pollutants emissions and achieve a high level of protection of human health and the environment, the Commission shall be empowered to adopt

deleted

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.*

Amendment 210

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. By [OP please insert date the first day of the month following 24 months after the date of entry into force of this Directive] the Commission shall, based on an impact assessment, adopt a delegated act in accordance with Article 76 in order to amend point 3.6. of Annex I by adding an exhaustive list of extraction and treatment processes for the non-energy industrial minerals barite, bentonite, diatomite, feldspar, fluorspar, graphite, kaolin, magnesite, perlite, potash, salt, sulphur and talc, where the extraction and treatment processes for such minerals have a significant environmental impact

regarding emissions and/or consumption of water and energy with the relevant thresholds.

Amendment 211
Proposal for a directive
Article 1 – paragraph 1 – point 27
Directive 2010/75/EU
Article 74 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. *After [OP please insert date the first day of the month following 24 months after the date of entry into force of this Directive] and based on an impact assessment, the Commission may adopt a delegated act in accordance with Article 76 in order to amend point 3.6. of Annex I by adding non-energy minerals newly discovered in the Union, if their extraction and treatment have a significant environmental impact regarding emissions and/or consumption of water and energy.*

Amendment 212
Proposal for a directive
Article 1 – paragraph 1 – point 29
Directive 2010/75/EU
Article 76 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *The Commission shall, based on the report of the European Environmental Agency ETC/ATNI 2020/4, by 30 June 2026 [OP please insert date as referred to in paragraph 4 subparagraph 1] adopt a delegated act in accordance with Article 76 in order to establish a list of the 200 most polluting installations, based on marginal damage costs for the air pollutants (PM2.5, PM10, SO2, NH3, NOX, NMVOCs, As, Cd, CrVI, Pb, Hg, Ni, 1,3 butadiene, benzene, formaldehyde, benzo(a)pyrene, dioxins and furans) and*

greenhouse gases (CO₂, CH₄ and N₂O) in line with the report . When establishing the list, the Commission may consider pollution by respective pollutants in the water environment, where applicable.

Amendment 213

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 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 **4 %** of the operator's annual turnover in the *financial year preceding the year in which the fine is imposed in the Union*.

Amendment 214

Proposal for a directive

Article 1 – paragraph 1 – point 31

Directive 2010/75/EU

Article 79 – paragraph 3 – point c

Text proposed by the Commission

(c) the population or the environment affected by the violation, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment.

Amendment

(c) the population or the environment affected by the violation, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment, *including the reversibility of any damage caused as a result of the*

violation and the length of time necessary for such damage to be reversed.

Amendment 215

Proposal for a directive

Article 1 – paragraph 1 – point 31

Directive 2010/75/EU

Article 79 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) relevant previous violations by the operator or by the installation.

Amendment 216

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 revenue from penalties is used, as a matter of priority, to compensate for harm caused to local communities, including for the social consequences of ending economic activities, due to permit violations. Without prejudice to Article 79a, revenues raised from penalties shall not be used for the purpose of Article 79a.

Amendment 217

Proposal for a directive

Article 1 – paragraph 1 – point 31

Directive 2010/75/EU

Article 79 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. The Commission shall monitor the implementation by Member States of the penalties referred to in this paragraph and, in the event of obvious disparities between the penalty regimes of the Member States, shall, where appropriate,

adopt guidelines.

Amendment 218

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 **responsible for the violation, including**, where appropriate, from the relevant competent authorities **where the decision, act or omission of the authority caused or contributed to the damage**.

Amendment 219

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 contribute to the damage**.

Amendment

4. Where there is a claim for compensation in accordance with paragraph 1, supported by evidence, **including relevant scientific data**, from which **it** may be presumed **that** the violation **has caused or contributed to the damage**, Member States shall **grant** the person responsible for the violation **the legal right to rebut the presumption**.

Amendment 220

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EU
Article 79a – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *Member States shall ensure that, where the claimant has provided reasonably available evidence to support a claim for compensation in accordance with paragraph 1, and has reasonably substantiated that additional evidence lies in the control of the defendant or a third party, if requested by the claimant, the court or administrative authority is able to order that such evidence be disclosed by the defendant or the third party in accordance with national procedural law, subject to the applicable Union and national rules on confidentiality and proportionality.*

Amendment 221
Proposal for a directive
Article 1 – paragraph 1 – point 32
Directive 2010/75/EU
Article 79a – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. *For the purpose of this article, ‘relevant scientific data’ means statistical, epidemiological and other data demonstrating a statistically robust causal relationship between certain types of pollution and certain health conditions.*

Amendment 222
Proposal for a directive
Article 1 – paragraph 1 – point 32
Directive 2010/75/EU
Article 79a – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. *Member States shall submit relevant scientific data on the causality links between certain types of pollution*

and certain health conditions to the European Environmental Agency. The Agency shall incorporate the data after initial scrutiny of the scientific reliability of the sources into the Industrial Emission Portal established under Regulation (EU) .../... (COM(2022)0157 – C9-0145/2022 – 2022/0105(COD)).

Amendment 223

Proposal for a directive

Annex I – paragraph 1 – point -a (new)

Directive 2010/75/EU

Annex I – point 1.2 a (new)

Present text

Amendment

(-a) In Annex I, paragraph 3, point 1.2 a is inserted:

1.2a Onshore oil and fossil gas upstream exploration and production, fossil gas gathering and processing

Justification

In order to fully comply with the EU's Methane Pledge, upstream oil and gas installations must be in the scope of this Directive.

Amendment 224

Proposal for a directive

Annex I – paragraph 1 – point -a a (new)

Directive 2010/75/EU

Annex I point 1.2 b (new)

Present text

Amendment

(-a a) In Annex I, paragraph 3, point 1.2 b is inserted:

1.2b Offshore oil and fossil gas upstream exploration and production

Amendment 225

Proposal for a directive
Annex I – paragraph 1 – point b
Directive 2010/75/EU
Annex I – point 2.3 – point b

Text proposed by the Commission

Amendment

(b) operation of smitheries with hammers the energy of which exceeds **20** kilojoule per hammer;

(b) operation of smitheries with hammers the energy of which exceeds **50** kilojoule per hammer;

Justification

The addition of the activities as smitheries with hammers below 50 kilojoule is not necessary and not in line with the rules of the IED. The power to adopt delegated acts to amend Annex I by adding agro-industrial activities, as provided for in Article 74, requires an assessment based on the environmental, economic and social impacts of the activity to be added to show a favourable relationship between societal benefits and economic costs. Such an assessment is not available for the activities as smitheries with hammers below 50 kilojoule. The Commission itself concluded in its assessment of amending of annex I by extending activity 2.3 that it is uncertain whether further regulation of the added activities by the IED would lead to additional environmental improvements, despite introducing additional regulatory burden on operators and public authorities. Although these activities have been shown to produce emissions to air and water, it has not been proven that these emissions are highly polluting or relevant in the sense of article 74. 1 SWD(2020) 181 final, Evaluation of the Industrial Emissions Directive (IED) 2 “Gathering of complementary evidence for assessing the impacts of extending the scope of the IED to additional sectors”, Final Report, 2021

Amendment 226

Proposal for a directive
Annex I – paragraph 1 – point b
Directive 2010/75/EU
Annex I – point 2.3 – point b a

Text proposed by the Commission

Amendment

(ba) operation of smitheries with forging presses the force of which exceeds 10 mega-newton (MN) per press;’.

deleted

Amendment 227
Proposal for a directive
Annex I – paragraph 1 – point c
Directive 2010/75/EU
Annex I – point 2.7

Text proposed by the Commission

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.;

Amendment

2.7. Manufacture of lithium-ion batteries, **other than exclusively** assembling cells **into packs and modules**, with a production capacity of **17, 500 tons of battery cells (cathode, anode, electrolyte, separator and capsule)** or more per year.

Amendment 228

Proposal for a directive

Annex I – paragraph 1 – point d

Directive 2010/75/EU

Annex I – point 3.5 – point a

Text proposed by the Commission

(a) a production capacity exceeding 75 tonnes per day; **or**

Amendment

(a) a production capacity exceeding 75 tonnes per day, **and/or**

Amendment 229

Proposal for a directive

Annex I – paragraph 1 – point e

Directive 2010/75/EU

Annex I – point 3.6 – introductory part

Text proposed by the Commission

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

Amendment

3.6. Extraction and treatment (operations such as comminution, size control, beneficiation and upgrading) of the following non-energy **metalliferous** minerals: **bauxite, chromium, cobalt, copper, gold, silver, iron, lead, lithium, manganese, nickel, palladium, platinum, tin, tungsten and zinc.**

Amendment 230

Proposal for a directive

Annex I – paragraph 1 – point e

Directive 2010/75/EU

Annex I – 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

Amendment 231

Proposal for a directive

Annex I – paragraph 1 – point e

Directive 2010/75/EU

Annex I – 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

Amendment 232

Proposal for a directive

Annex I – paragraph 1 – point e a (new)

Directive 2010/75/EU

Annex I – 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

(e a) In Annex I, point 4.2, point (a) is replaced by the following:

"(a) gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, *except electrolysis of water for production of hydrogen where the hydrogen production capacity is below 50MW electricity input*, sulphur dioxide, carbonyl chloride."

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 233

Proposal for a directive

Annex I – paragraph 1 – point e b (new)

Directive 2010/75/EU

Annex I – point 5.2 – point b

Present text

Amendment

Disposal or recovery of waste in waste co-incineration plants:

In Annex I, paragraph 3, subparagraph 3, point 5.2, point b is replaced by the following:

"Disposal or recovery of waste in waste co-incineration plants **except if the waste is exclusively composed of biomass as defined in Article 3(31)(b) of this Directive:**

(Directive 2010/75/EC)

Justification

clarification so that it is clear what falls under BAT conclusions for waste incineration and what falls under BAT conclusions for large combustion plants, which abide by different standards.

Amendment 234

Proposal for a directive

Annex I – paragraph 1 – point g

Directive 2010/75/EU

Annex I – point 5.3 – point a – point i

Text proposed by the Commission

Amendment

(i) biological treatment (such as anaerobic digestion);

(i) biological treatment (such as anaerobic digestion **or co-digestion**);

Amendment 235

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 pigs or poultry in installations of **200** livestock units (LSU) or more, **excluding rearing carried out in the context of extensive farming as defined in this Directive.**

Rearing of cattle in farms or installations of 300 livestock units (LSU) or more, excluding rearing carried out in the context of extensive farming as defined in this Directive.

Amendment 236
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 **250** LSU or more, **excluding rearing carried out in the context of extensive farming, as defined in this Directive.** **Where rearing of one of the above categories of animals is below 25 LSU, that category shall not be counted towards the final LSU of any rearing mix .**

Member States shall ensure that the application of this provision is not used to circumvent the obligations set out in this Directive;

The approximate equivalent in LSU is based on the conversion rates **established in Annex II to Commission Implementing Regulation (EU) No 808/2014***.

The approximate equivalent in LSU is based **in line livestock unit coefficients as defined in the Integrated Farm Statistics Regulation (EU) 2018/1091 of the European Parliament and of the Council** ^{1a} on the **following** conversion rates:

<i>Type of animal</i>	<i>Characteristic of animal</i>	<i>Coefficient</i>
<i>Bovine animals</i>	<i>Under 1 year old</i>	<i>0.400</i>
	<i>1 year or more but</i>	<i>0.700</i>

	<i>less than 2 years old</i>	
	<i>Male, 2 years old and over</i>	<i>1.000</i>
	<i>Heifers, 2 years old and over</i>	<i>0.800</i>
	<i>Dairy cows</i>	<i>1.000</i>
	<i>Other cows, 2 years old and over</i>	<i>0.800</i>
<i>Pigs</i>	<i>Piglets having a live weight of under 20 kg</i>	<i>0.027</i>
	<i>Breeding sows weighing 50 kg and over</i>	<i>0.500</i>
	<i>Other pigs</i>	<i>0.300</i>
<i>Poultry</i>	<i>Broilers</i>	<i>0.007</i>
	<i>Laying hens</i>	<i>0.014</i>
	<i>Other poultry (turkeys, ducks, geese, ostriches, other poultry fowl n.e.c.)</i>	
	<i>Turkeys</i>	<i>0.030</i>
	<i>Ducks</i>	<i>0.010</i>
	<i>Geese</i>	<i>0.020</i>
	<i>Ostriches and other poultry fowl n.e.c.</i>	
	<i>Ostriches</i>	<i>0.350</i>
	<i>Other poultry fowl n.e.c.</i>	<i>0.001</i>

** Commission Implementing Regulation (EU) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural*

^{1a} Regulation (EU) 2018/1091 of the European Parliament and of the Council of 18 July 2018 on integrated farm statistics and repealing Regulations (EC) No 1166/2008 and (EU) No 1337/2011 (OJ L 200, 7.8.2018, p. 1–29)

Development (OJ L 227, 31.07.2014, p.18).

Amendment 237

Proposal for a directive

Annex III

Directive 2010/75/EU

Annex II – point 1.5

Text proposed by the Commission

1.5. Costs evaluated by the operator shall be assessed by the competent authority, based on information from other sources such as technology providers, expert judgements or data from other plants where best available techniques were recently installed.

Amendment

1.5. Costs evaluated by the operator shall be assessed by the competent authority, based on information from other sources such as technology providers, **peer-reviewed research**, expert judgements or data from other plants where best available techniques were recently installed.

Amendment 238

Proposal for a directive

Annex III a (new)

Directive 2010/75/EU

Annex III – point 2

Present text

2. the use of less hazardous substances;

Amendment

in Annex III, point 2 is replaced by the following:

"2. the use of less hazardous substances, and other substances of very high concern;"

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 239

Proposal for a directive

Annex III b (new)

Directive 2010/75/EU

Annex III – point 5

Present text

Amendment

In Annex III, point 5 is replaced by the following:

5. technological advances and changes in scientific knowledge and understanding;

"5. technological advances, **including digital tools**, and changes in scientific knowledge and understanding;"

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 240
Proposal for a directive
Annex III c (new)
Directive 2010/75/EU
Annex III – point 9

Present text

Amendment

9. the consumption and nature of raw materials (including water) used in the process and energy efficiency;

In Annex III, point 9 is replaced by the following:

"9. the consumption, **recycling** and nature of raw materials (including water) used in the process and energy efficiency **and decarbonisation**;"

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 241
Proposal for a directive
Annex III d (new)
Directive 2010/75/EU
Annex III – point 11

Present text

Amendment

11. the need to prevent accidents and to minimise the consequences for the environment;

In Annex III, point 11 is replaced by the following:

11. the need to prevent accidents and to minimise the consequences for the environment **and the workers**;

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02010L0075-20110106&qid=1670312326229>)

Amendment 242

Proposal for a directive
Annex III e (new)
Directive 2010/75/EU
Annex III – point 12b (new)

Text proposed by the Commission

Amendment

In Annex III, the following point is added:

12b. The need to prevent and minimise the negative impact for biodiversity.

Amendment 243
Proposal for a directive
Annex III f (new)
Directive 2010/75/EU
Annex IV – paragraph 1 – introductory part

Present text

Amendment

In Annex IV, paragraph 1, the introductory part is replaced by the following:

1. The public shall be informed (by public notices ***or other appropriate means such as electronic media where available***) of the following matters early in the procedure for the taking of a decision or, at the latest, as soon as the information can reasonably be provided:

"1. The public shall be informed (by public notices ***and through an easy to find webpage on the website of the public authorities to which access is unrestricted***) of the following matters early in the procedure for the taking of a decision or, at the latest, as soon as the information can reasonably be provided:"

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 244
Proposal for a directive
Annex III g (new)
Directive 2010/75/EU
Annex IV – paragraph 3

Present text

Amendment

In Annex IV, paragraph 3 is replaced by the following:

3. The public concerned shall be entitled to

"3. The public concerned shall be entitled

express comments and opinions to the competent authority before a decision is taken.

to express comments and opinions to the competent authority *in a timely manner* before a decision is taken."

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 245
Proposal for a directive
Annex III h (new)
Directive 2010/75/EU
Annex IV – paragraph 5

Present text

Amendment

5. The detailed arrangements for informing the public (for example by bill posting within a certain radius or publication in local newspapers) and consulting the public concerned (for example by written submissions or by way of a public inquiry) shall be determined by the Member States. Reasonable time-frames for the different phases shall be provided, allowing sufficient time to inform the public and for the public concerned to prepare and participate effectively in environmental decision-making subject to this Annex.

In Annex IV, paragraph 5 is replaced by the following:

"5. Reasonable time-frames for the different phases shall be provided, allowing sufficient time to inform the public and for the public concerned to prepare and participate effectively in environmental decision-making subject to this Annex."

(<https://eur-lex.europa.eu/legal-content/FR/ALL/?uri=CELEX%3A32010L0075>)

Amendment 246
Proposal for a directive
Annex III i (new)
Directive 2010/75/EU
Annex IV – paragraph 5 a (new)

Text proposed by the Commission

Amendment

In Annex IV, the following paragraph is added:

5a. The public concerned living in a

Member State bordering the Member State in which the activity is carried out shall be informed in an equally effective manner to the public concerned living in the same Member State where the activity is carried out. This shall include the translation of relevant information under paragraphs 1 and 2.

Amendment 247

Proposal for a directive

Annex III j (new)

Directive 2010/75/EU

Annex V – Part 3 – paragraph 8 – subparagraph 3

Present text

The operator shall inform the competent authority about the results of the checking of the automated measuring systems.

Amendment

In Annex V, Part 3, paragraph 8, third subparagraph is replaced by the following:

The operator shall inform the competent authority about the results of the checking of the automated measuring systems *within a period of three months.*

(32010L0075)

Amendment 248

Proposal for a directive

Annex III k (new)

Directive 2010/75/EU

Annex V – Part 3 – paragraph 10 – subparagraph 2

Present text

Any day in which more than three hourly average values are invalid due to malfunction or maintenance of the automated measuring system shall be invalidated. If more than 10 days over a year are invalidated for such situations the

Amendment

In Annex V, Part 3, paragraph 10, second subparagraph is replaced by the following:

Any day in which more than three hourly average values are invalid due to malfunction or maintenance of the automated measuring system shall be invalidated. If more than 10 days over a year are invalidated for such situations the

competent authority shall require the operator to take adequate measures to improve the reliability of the automated measuring system

competent authority shall require the operator to take adequate measures to improve the reliability of the automated measuring system ***within a period of three months.***

(32010L0075)

Amendment 249

Proposal for a directive

Annex III l (new)

Directive 2010/75/EU

Annex VI – Part 6 – point 1.2

Present text

1.2. Sampling and analysis of all polluting substances including dioxins and furans as well as the quality assurance of automated measuring systems and the reference measurement methods to calibrate ***them*** shall be carried out according to CEN-standards. If CEN standards are not available, ISO, national or other international standards which ensure the provision of data of an equivalent scientific quality shall apply. Automated measuring systems shall be subject to control by means of parallel measurements with the reference methods at least once per year.

Amendment

In Annex VI, Part 6, point 1.2 is replaced by the following:

1.2. Sampling and analysis of all polluting substances including dioxins and furans as well as the quality assurance of ***laboratories and of*** automated measuring systems and the reference measurement methods to calibrate ***the latter*** shall be carried out according to CEN-standards. If CEN standards are not available, ISO, national or other international standards which ensure the provision of data of an equivalent scientific quality shall apply. Automated measuring systems shall be subject to control by means of parallel measurements with the reference methods at least once per year.

(32010L0075)

Amendment 250

Proposal for a directive

Annex III m (new)

Directive 2010/75/EU

Annex VI – Part 8 – point 1.2

Present text

The half-hourly average values and the 10-minute averages shall be determined within the effective operating time (**excluding** the start-up and shut-down periods if no waste is being incinerated) from the measured values after having subtracted the value of the confidence interval specified in point 1.3 of Part 6. The daily average values shall be determined from those validated average values.

Amendment

In Annex VI, Part 8, point 1.2 is replaced by the following:

The half-hourly average values and the 10-minute averages shall be determined within the effective operating time (**including** the start-up and shut-down periods **for dioxins, furans and dioxin-like polychlorinated biphenyls even** if no waste is being incinerated) from the measured values after having subtracted the value of the confidence interval specified in point 1.3 of Part 6. The daily average values shall be determined from those validated average values.

(Directive 2010/75/EC)

Justification

The WI BAT conclusions are concerned with emissions of PCDD/F and include measures how to prevent these, as they seemingly can be prevented by flue gas cleaning system being in operation when temperature is not high enough : 'In order to avoid increased emissions of PCDD/F, the flue gas cleaning system should be in full operation, already before start-up, and bypasses must be closed.' it is made sure that it is reflected in the Annex and that start up is not disregarded as ' PCDD/F emission loads equivalent to several months of normal operation can be associated to a single cold start '.

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.

29.3.2023

OPINION OF THE COMMITTEE ON INDUSTRY, RESEARCH AND ENERGY

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

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

Rapporteur for opinion: Tomas Tobé

SHORT JUSTIFICATION

The Rapporteur supports many elements in the Commission proposal especially regarding the ambition of a more effective Directive and the introduction of a new centre for innovative techniques. The Rapporteur believes that the Industrial Emissions Directive has been and is crucial to lower polluting and emissions from the industrial sector in the European Union, is of the opinion that the Directive brings environmental, climate and health benefits for the European Union; believes that the current working method (the Sevilla process) that is being used to agree upon the Best Available Techniques (BAT) for pollution prevention and control, should be maintained.

However, the Rapporteur is of the opinion that the Commission proposal puts unjustified burden on operators and overlooks the risk of sub optimisations, believes that the Directive must acknowledge adjustments between contrary environmental values into consideration in order to make this legislation better for climate, environment and people.

On this note, the Rapporteur opposes the deletion of energy efficiency requirements and the introduction of environmental performance limit values. The electrification of industry will require more energy, setting strict consumption requirements is to obstruct the electrification of these sectors.

Secondly, the Rapporteur is concerned that the Commission overlooks the role of the Sevilla process when implementing the Innovation centre for industrial transformation and emissions (INCITE), believes that the centre will give crucial contribution to the analysis of innovative and emerging techniques. Is however concerned that the Commission proposal suggests that the findings of the centre can be directly included in BREFs without technical assessment in the Sevilla process.

Thirdly, the rapporteur believes that technical development and innovation is key for the European Union to reach its climate goals. Believes, that innovation and development of new techniques should be given adequate time for implementation. Is therefore, of the opinion that

emerging and innovative techniques should be given a longer test period with the possibility of extension by the competent authority to ensure legal certainty for operators.

AMENDMENTS

The Committee on Industry, Research and Energy calls on the Committee on the Environment, Public Health and Food Safety, as the committee responsible, to take into account the following amendments:

Amendment 1 **Proposal for a directive** **Recital 9**

Text proposed by the Commission

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.

deleted

Amendment 2 **Proposal for a directive** **Recital 15**

Text proposed by the Commission

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

(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.

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 *BAT-AEL range* 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.

Amendment 3
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 Union should be made more effective, taking into consideration the ‘Energy

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.

Efficiency First' as a guiding principle of the Union energy policy. Therefore, the permits should establish, where possible, **indicative** environmental performance **level** values on consumption and resource efficiency levels, including on the **consumption** of water, energy and **raw** materials, **and their reuse**, based on the environmental performance levels associated with the best available techniques (BAT AEPLs) set out in decisions on BAT conclusions, **taking into consideration cross-media effects, national conditions and the geographical location of installations**.

Amendment 4
Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Considering the recurrent droughts and floods in Europe that have a direct impact on water availability for the European industry, which is the largest water consumer in Europe, industrial stakeholders need to carefully consider quantitative and qualitative water risks both on and by their activities. Therefore, European industry needs to be mobilised to achieve a water-smart society and to provide a coherent water strategy, recognising and realising the value of water for the purpose of ensuring water security, safety, and sustainability. All available water sources need to be managed in such a way that water scarcity and pollution is avoided. Water and resource loops are largely closed in order to foster a circular economy and resource efficiency, while ensuring that the water system is resilient against droughts, floods and climate change. Industry needs to ensure that its planned and digitalised management enables prediction and agility to perform under stress as well as uncertainties, and that all relevant

stakeholders are involved in water governance.

Amendment 5
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 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).

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. 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 **and** 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 **should be used as a basis for** 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).

Amendment 6
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 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.

⁷⁵ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements,

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 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 ***at company level*** 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. ***The operator should assess the progress made towards intermediate targets every three years and should update its transformation plan at least every ten years.*** The ***ompany level*** transformation plans ***c*** should remain indicative documents prepared under the responsibility of the operators. The operators should make ***those*** transformation plans public, ***taking into account the confidentiality of trade and business secrets.***

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.

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.

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2010/75/EU

Article 9 – paragraph 2

Text proposed by the Commission

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

Amendment

deleted

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The competent authority shall set out in an annex to the permit conditions the reasons for the application of the second subparagraph, including the result of the assessment by the operator of the fulfilment of the required conditions.

Amendment

The competent authority shall set out in an annex to the permit conditions the reasons for the application of the second subparagraph, including the **summary of** result of the assessment by the operator of the fulfilment of the required conditions.

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 3 – subparagraph 1 – introductory part

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

Amendment

Following the publication of decisions on BAT reference documents derived pursuant to this Directive, the competent authority shall set emission limit values

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:

that are consistent with the lowest emissions achievable by applying BAT in the installation *and taking into account cross-media effects*, 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 *those* 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 *whole* BAT-AEL range and demonstrating the *lowest emission limit* the installation can achieve *under normal operating conditions* by applying BAT as described in BAT conclusions. The emission limit values shall be set through either of the following:

Amendment 10

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. The competent authority shall set *indicative* environmental performance limit *levels* 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 11

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

Amendment 12

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2012/75/EU

Article 15 – paragraph 4 – subparagraph 6 a (new)

Text proposed by the Commission

Amendment

The competent authority may, in cases where an installation faces an unforeseen interruption in the supply of raw materials or fuels, establish less strict emission limit values, for a maximum of three months, with the possibility of prolonging that derogation for an additional three months in exceptional cases. Member States shall inform the Commission of any derogation granted pursuant to this paragraph. The derogation shall cease to apply as soon as the supply conditions are sufficient.

Amendment 13

Proposal for a directive

Article 1 – paragraph 1 – point 20

Directive 2012/75/EU

Chapter IIa – title

Text proposed by the Commission

Amendment

PROMOTING INNOVATION'

ENABLING INNOVATION'

Amendment 14

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27a – paragraph 2

Text proposed by the Commission

Amendment

2. The centre shall collect and analyse information on innovative techniques,

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).

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, ***after an assessment by the technical working group in Sevilla***, the BAT reference documents referred to in Article 13(1).

Amendment 15
Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/75/EU
Article 27b – title

Text proposed by the Commission

Testing of emerging techniques

Amendment

Testing of emerging ***and innovative*** techniques

Amendment 16
Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/75/EU
Article 27b – paragraph 1

Text proposed by the Commission

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.

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 ***and innovative*** techniques for a total period of time not exceeding **48** months.

Amendment 17
Proposal for a directive
Article 1 – paragraph 1 – point 22

Text proposed by the Commission

By way of derogation from Article 21(3), the competent 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**, emissions shall not, under normal operating conditions, exceed emission levels associated with emerging techniques as laid down in the decisions on BAT conclusions.

Amendment 18

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

By way of derogation from Article **15(3) and (3a) and** 21(3), the competent authority may, **at the request of the operator, set indicative** emission limit values that ensure that, within **the period in respect of which the competent authority and the operator have carried out an assessment**, emissions shall not, under normal operating conditions, exceed emission levels associated with emerging techniques as laid down in the decisions on BAT conclusions.

Amendment

Member States shall **request** that by 30 June 2030 the operator includes in its environmental management system referred to in Article 14a **an indicative** transformation plan for **the company's grouped activities** 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 **company** 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. **The transformation plan shall include specific information on how the company plans to become more energy, water and resource efficient by laying down the measures that will be implemented to reduce the overall consumption and improve the efficiency of its operations.**

Amendment 19

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

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 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.

Amendment 20

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

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 **at company level, of** any activity listed in Annex I that is not referred to in paragraph 1. The transformation plan shall contain information on how the **company** will transform **to become more energy, water and resource efficient by laying down the measures that will be implemented** 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

3. The **company** shall make its transformation plan, **its updates** 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.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	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
References	COM(2022)0156 – C9-0144/2022 – 2022/0104(COD)
Committee responsible Date announced in plenary	ENVI 2.5.2022
Opinion by Date announced in plenary	ITRE 2.5.2022
Associated committees - date announced in plenary	20.10.2022
Rapporteur for the opinion Date appointed	Tomas Tobé 7.6.2022
Discussed in committee	29.11.2022
Date adopted	28.3.2023
Result of final vote	+: 50 –: 16 0: 1
Members present for the final vote	Matteo Adinolfi, Nicola Beer, François-Xavier Bellamy, Hildegard Bentele, Tom Berendsen, Vasile Blaga, Paolo Borchia, Marc Botenga, Markus Buchheit, Martin Buschmann, Cristian-Silviu Buşoi, Jerzy Buzek, Maria da Graça Carvalho, Ignazio Corrao, Beatrice Covassi, Ciarán Cuffe, Josianne Cutajar, Nicola Danti, Martina Dlabajová, Christian Ehler, Valter Flego, Niels Fuglsang, Lina Gálvez Muñoz, Jens Geier, Nicolás González Casares, Bart Groothuis, Christophe Grudler, Robert Hajšel, Romana Jerković, Seán Kelly, Izabela-Helena Kloc, Łukasz Kohut, Andrius Kubilius, Marisa Matias, Dan Nica, Angelika Niebler, Niklas Nienaaß, Johan Nissinen, Mauri Pekkarinen, Morten Petersen, Markus Pieper, Maria Spyragi, Beata Szydło, Riho Terras, Patrizia Toia, Marie Toussaint, Isabella Tovaglieri, Henna Virkkunen, Pernille Weiss, Carlos Zorrinho
Substitutes present for the final vote	Alex Agius Saliba, Rasmus Andresen, Tiziana Beghin, Franc Bogovič, Jakop G. Dalunde, Pietro Fiocchi, Klemen Grošelj, Martin Hojsík, Marina Kaljurand, Dace Melbārde, Rob Rooken, Bronis Ropé, Ernő Schaller-Baross, Jordi Solé, Susana Solís Pérez
Substitutes under Rule 209(7) present for the final vote	Pär Holmgren, Sven Simon

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

50	+
ECR	Pietro Fiocchi, Izabela-Helena Kloc, Beata Szydło
ID	Matteo Adinolfi, Paolo Borchia, Isabella Tovaglieri
NI	Ernő Schaller-Baross
PPE	François-Xavier Bellamy, Hildegard Bentele, Tom Berendsen, Vasile Blaga, Franc Bogovič, Cristian-Silviu Buşoi, Jerzy Buzek, Maria da Graça Carvalho, Christian Ehler, Seán Kelly, Andrius Kubilius, Dace Melbārde, Angelika Niebler, Markus Pieper, Sven Simon, Maria Spyrali, Riho Terras, Henna Virkkunen, Pernille Weiss
Renew	Nicola Beer, Nicola Danti, Martina Dlabajová, Valter Flego, Bart Groothuis, Klemen Grošelj, Christophe Grudler, Mauri Pekkarinen, Morten Petersen, Susana Solís Pérez
S&D	Alex Agius Saliba, Beatrice Covassi, Josianne Cutajar, Niels Fuglsang, Lina Gálvez Muñoz, Jens Geier, Nicolás González Casares, Robert Hajšel, Romana Jerković, Marina Kaljurand, Lukasz Kohut, Dan Nica, Patrizia Toia, Carlos Zorrinho

16	-
ECR	Johan Nissinen, Rob Rooker
ID	Markus Buchheit
NI	Tiziana Beghin, Martin Buschmann
The Left	Marc Botenga, Marisa Matias
Verts/ALE	Rasmus Andresen, Ignazio Corrao, Ciarán Cuffe, Jakop G. Dalunde, Pär Holmgren, Niklas Nienaaß, Bronis Ropé, Jordi Solé, Marie Toussaint

1	0
Renew	Martin Hojsík

Key to symbols:

+ : in favour

- : against

0 : abstention

28.4.2023

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OPINION OF THE COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT

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

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

Rapporteur for opinion: Benoît Lutgen

SHORT JUSTIFICATION

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

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

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

biggest businesses, who will have less difficulty in shouldering the additional administrative and economic burden.

- I therefore suggest that we remove cattle farms from this directive's scope. These requirements, in the form proposed by the Commission, entail a heavy individual burden for cattle breeders, yet they will not lead to an effective reduction in emissions. These cattle farms are not 'closed facilities', which lend themselves to the use of purification techniques such as those employed in the rearing of pigs and poultry, let alone industry. As part of the common agriculture policy (CAP) and national strategic plans (NSPs), I am convinced that the Commission should ensure the reduction of greenhouse gas emissions including those of methane (CH₄). However, it should do so using technologies, the efficacy and cost-effectiveness of which, have been demonstrated. This could be implemented by means of specific eco-schemes and low-carbon agricultural initiatives within the framework of the CAP. Initiatives such as these were, in fact, put forward by the European Parliament on 21 October 2021 in its resolution on an EU strategy to reduce methane emissions (2021/2006(INI)). While each of the Member States has made commitments in their respective NSPs to reduce their emissions and mitigate agricultural pollution, it is also advisable to maintain the status quo for the pork and poultry sector. This should occur, not only with a view to simplifying public policies (implementation and inspection), but also to ensure their effectiveness.

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

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

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

AMENDMENTS

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

Amendment 1

Proposal for a directive

Recital 1

Text proposed by the Commission

(1) The European Green Deal⁵⁵ is Europe's strategy to ensure, by 2050, a climate-neutral, clean and circular economy, optimising resource management, minimising pollution while recognising the need for deeply transformative policies. The Union is also committed to the 2030 Agenda for Sustainable Development⁵⁶ and its Sustainable Development Goals⁵⁷. The EU Chemicals Strategy for Sustainability⁵⁸ of October 2020 and the Zero Pollution Action Plan⁵⁹ adopted in May 2021 specifically address pollution aspects of the European Green Deal. In parallel, the New Industrial Strategy for Europe⁶⁰ further emphasises the potential role of transformative technologies. Other particularly relevant policies for this initiative include the 'Fit for 55' package⁶¹, the Methane Strategy⁶² and the Glasgow methane pledge⁶³, the Climate Adaptation Strategy⁶⁴, the Biodiversity Strategy⁶⁵, the Farm to Fork strategy⁶⁶ *and* the Sustainable Products Initiative⁶⁷. Besides, as part of the EU response to the 2022 Russia-Ukraine war, REPowerEU⁶⁸ proposes a Joint European Action to support the diversification of energy supplies, accelerate the transition to renewable energy and improve energy efficiency.

⁵⁵ Communication from the Commission to the European Parliament, the European Council, the Council, the European

Amendment

(1) The European Green Deal⁵⁵ is Europe's strategy to ensure, by 2050, a climate-neutral, clean and circular economy, optimising resource management, minimising pollution while recognising the need for deeply transformative policies. The Union is also committed to the 2030 Agenda for Sustainable Development⁵⁶ and its Sustainable Development Goals⁵⁷. The EU Chemicals Strategy for Sustainability⁵⁸ of October 2020 and the Zero Pollution Action Plan⁵⁹ adopted in May 2021 specifically address pollution aspects of the European Green Deal. In parallel, the New Industrial Strategy for Europe⁶⁰ further emphasises the potential role of transformative technologies. Other particularly relevant policies for this initiative include the 'Fit for 55' package⁶¹, the Methane Strategy⁶² and the Glasgow methane pledge⁶³, the Climate Adaptation Strategy⁶⁴, the Biodiversity Strategy⁶⁵, the Farm to Fork strategy⁶⁶, ***the New Circular Economy Action Plan^{66a}***, the Sustainable Products Initiative⁶⁷. ***Also of relevance is the Commission Communication entitled 'A long-term vision for the EU's rural areas –Towards stronger, connected, resilient and prosperous rural areas by 2040'^{67a}***. Besides, as part of the EU response to the 2022 Russia-Ukraine war, REPowerEU⁶⁸ proposes a Joint European Action to support the diversification of energy supplies, accelerate the transition to renewable energy and improve energy efficiency.

⁵⁵ Communication from the Commission to the European Parliament, the European Council, the Council, the European

Economic and Social Committee and the Committee of the Regions The European Green Deal; COM(2019) 640 final.

⁵⁶

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

⁵⁷ <https://sdgs.un.org/goals>

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

⁵⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' COM(2021) 400 final.

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

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

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

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

⁶⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee

Economic and Social Committee and the Committee of the Regions The European Green Deal; COM(2019) 640 final.

⁵⁶

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

⁵⁷ <https://sdgs.un.org/goals>

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

⁵⁹ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' COM(2021) 400 final.

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

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

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

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

⁶⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee

and the Committee of the Regions Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM(2021) 82 final.

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

⁶⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system COM(2020) 381 final.

⁶⁷ COM(2022) 142

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

Amendment 2
Proposal for a directive
Recital 2

Text proposed by the Commission

and the Committee of the Regions Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM(2021) 82 final.

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

⁶⁶ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system COM(2020) 381 final.

^{66a} European Parliament resolution of 10 February 2021 on the New Circular Economy Action Plan (2020/2077(INI))

⁶⁷ COM(2022) 142

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

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

Amendment

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

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

Amendment 3

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

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

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

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. In order to achieve these objectives, sustainable domestic capacities need to be further developed ***according to national specificities***. This requires effective, tailored and harmonised measures to ensure that the best available techniques are established and employed, thus

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 4

Proposal for a directive Recital 4

Text proposed by the Commission

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

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.

Amendment

(4) ***Large-scale*** rearing of pigs ***and*** poultry ***can*** cause ***environmentally harmful*** pollutant emissions into the ***soil,*** air and water. ***Member States should address that risk through existing legal frameworks and good practices, including with the support of CAP national strategic plans. Furthermore, Member States should consider engaging in a dialogue with farmers' representatives via the CAP and the requirements set out in Directive 2010/75/EU or the relevant BAT requirements to ensure the proportionality of the foreseen constraints. In addition to the targets set under the CAP, Directive (EU) 2016/2284 ('NEC')^{1a} sets targets to reduce emissions, including ammonia from agriculture. Therefore, in order to avoid creating an administrative burden and unnecessary overlaps in the existing legislative framework, the current thresholds for pigs and poultry should remain unchanged.***

agricultural practices.

^a Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016 on the reduction of national emissions of certain atmospheric pollutants, amending Directive 2003/35/EC and repealing Directive 2001/81/EC (OJ L 344, 17.12.2016, p. 1)

Amendment 5

Proposal for a directive Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Sufficient importance should be given to protection of the surrounding environment, but it should be ensured that no additional administrative or financial burden is created for the livestock sector; on the contrary, the activities of these operators need constant stimulus in order to meet all of the current challenges they face.

Amendment 6

Proposal for a directive Recital 6

Text proposed by the Commission

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. A uniform summary of permits should also be made available to the public under the same conditions.

(6) With a view to further strengthening **the access of the public concerned** to environmental information, it is necessary to clarify that **non-technical information from the installation permits** granted pursuant to Directive 2010/75/EU **is** to be made available **upon request** to the public **concerned** 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 **concerned** under the same

conditions.

Amendment 7

Proposal for a directive Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The Commission shall specify in a clear and accessible manner which non-technical information can be made available to the public concerned upon request in order to enhance public interest without affecting the economic activity of the producer. The Commission shall specify who is responsible for the preparation of the non-technical information and the uniform summary. In the event that an environmental assessor is required to synthesise that information, the Commission should establish how its costs will be covered.

Amendment 8

Proposal for a directive Recital 12

Text proposed by the Commission

Amendment

(12) To ensure the protection of human health and the environment as a whole, synergies and coordination with other relevant Union environmental legislation are necessary, at all stages of its implementation. Therefore, all relevant competent authorities that ensure compliance with relevant Union environmental legislation should be duly consulted before the granting of a permit under Directive 2010/75/EU.

(12) To ensure the protection of human health and the environment as a whole, synergies and coordination with other relevant Union environmental legislation are necessary, at all stages of its implementation. Therefore, all relevant competent authorities that ensure compliance with relevant Union environmental legislation should be duly consulted before the granting of a permit under Directive 2010/75/EU, ***but without complicating or creating difficulties in the process of granting permits.***

Amendment 9

Proposal for a directive
Recital 13

Text proposed by the Commission

(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.

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 ***upon request***. 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. ***However, the EMS should maintain the integrity of confidential business information by not publishing information classified as confidential business information or commercially sensitive information.***

Amendment 10

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) Environmental quality standards refer to all the requirements set out in Union law, such as Union legislation on air and water; which must be fulfilled at a given time by a given environment or particular part thereof. Therefore it is appropriate to clarify that when granting a permit to an installation, competent authorities should not only set out conditions to ensure compliance of the installation's operations with the best available techniques conclusions, but should also, where appropriate ***with a view***

Amendment

(19) Environmental quality standards refer to all the requirements set out in Union law, such as Union legislation on air and water; which must be fulfilled at a given time by a given environment or particular part thereof. Therefore it is appropriate to clarify that when granting a permit to an installation, competent authorities should not only set out conditions to ensure compliance of the installation's operations with the best available techniques conclusions, but should also, where appropriate, ***plan to***

to reducing the specific contribution of the installation to the pollution occurring in the relevant area, **include specific additional conditions in the permit stricter than those set in relevant BAT conclusions**, so as to ensure the installation's compliance with environmental quality standards. Such conditions may consist in setting stricter emission limit values or limiting the operation or capacity of the installation.

reduce the specific contribution of the installation to the pollution occurring in the relevant area, so as to ensure the installation's compliance with environmental quality standards. **At the discretion of Member States**, such conditions may consist in setting stricter emission limit values or limiting the operation or capacity of the installation **according to national specificities**.

Amendment 11

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.

Amendment

(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 Council. ***Agricultural installations should be given sufficient transition time to comply with the new permit conditions so that production, human resources and end consumers are affected as little as possible. The transition period should be determined according to the type and capacity of the installation.***

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 12

Proposal for a directive Recital 22

Text proposed by the Commission

(22) As clarified by the case-law of the Court of Justice⁷³, Member States may not restrict legal standing to challenge a decision of a public authority to those members of the public concerned who participated in the preceding administrative procedure to adopt that decision. As also clarified by the case-law of the Court of Justice⁷⁴, effective access to justice in environmental matters and effective remedies requires inter alia that members of the public concerned should have the right to ask the court or an competent independent and impartial body to order interim measures to prevent a given instance of pollution, including, where necessary, through the temporary suspension of the disputed permit.

Therefore, it should be specified that legal standing should not be made conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive. In addition, any review procedure should be fair, equitable, timely and not prohibitively expensive, and provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.

⁷³ Case C–826/18, Judgment of the Court (First Chamber) of 14 January 2021; LB and Others v College van burgemeester en wethouders van de gemeente Echt-Susteren; paragraphs 58 and 59.

Amendment

(22) As clarified by the case-law of the Court of Justice⁷³, Member States may not restrict legal standing to challenge a decision of a public authority to those members of the public concerned who participated in the preceding administrative procedure to adopt that decision. As also clarified by the case-law of the Court of Justice⁷⁴, effective access to justice in environmental matters and effective remedies requires inter alia that members of the public concerned should have the right to ask the court or an competent independent and impartial body to order interim measures to prevent a given instance of pollution, including, where necessary, through the temporary suspension of the disputed permit. In addition, any review procedure should be fair, equitable, timely and not prohibitively expensive, and provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.

⁷³ Case C–826/18, Judgment of the Court (First Chamber) of 14 January 2021; LB and Others v College van burgemeester en wethouders van de gemeente Echt-Susteren; paragraphs 58 and 59.

⁷⁴ Case C-416/10 Judgment of the Court (Grand Chamber), 15 January 2013; Jozef Križan and Others v Slovenská inšpekcia životného prostredia. Križan, paragraph 109.

⁷⁴ Case C-416/10 Judgment of the Court (Grand Chamber), 15 January 2013; Jozef Križan and Others v Slovenská inšpekcia životného prostredia. Križan, paragraph 109.

Amendment 13
Proposal for a directive
Recital 27

Text proposed by the Commission

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

Amendment

(27) In light of the high number of **agricultural** installations **of poultry and pigs** that should be included within the scope of Directive 2010/75/EU, and the relative simplicity of the processes and emissions patterns of such **agricultural** installations, it is appropriate to set out specific administrative procedures for issuing permits, **simplified registration procedures** and for the operation of the relevant activities which are adapted to the sector, without prejudice to requirements related to public information and participation, monitoring and compliance. **In addition, the requirements to issue a permit or to register farms should not create additional administrative or financial burden.**

Amendment 14

Proposal for a directive
Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) The Commission and the Member States shall ensure that farmers have access to sufficient financing for developing and modernising installations as necessary to meet the objectives of this Directive.

Amendment 15
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.

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.

Amendment

(29) In order to ensure that Directive 2010/75/EU continues meeting its objectives to prevent or reduce emissions of pollutants and achieve a high level of protection of human health and the environment, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement that Directive in order to establish operating rules containing requirements for activities relating to rearing of poultry *and* pigs. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016⁷⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. *The operating rules should not preclude the use of emerging techniques nor define or prescribe any specific techniques or technology. They should be based on an integral assessment that takes into account the impact on overall economic sustainability, safety, in particular fire safety, and animal health and welfare.*

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.

Amendment 16

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* 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 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

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, either on behalf *of* 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 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

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.**

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 **facilitate** the burden of proof applicable to such situations.

Amendment 17

Proposal for a directive

Article 1 – paragraph 1 – point -1 (new)

Directive 2010/75/EU

Title

Present text

Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control)

Amendment

(-1) The title of the Directive is replaced by the following

"Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial **and agricultural** emissions (integrated pollution prevention and control)"

Amendment 18

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2010/75/EU

Article 3 – paragraph 1 – point 3

Text proposed by the Commission

(3) ‘installation’ means a stationary technical unit within which one or more activities listed in Annex I, **in Annex Ia** or in Part 1 of Annex VII are carried out, and any other directly associated activities on

Amendment

(3) ‘installation’ means a stationary technical unit within which one or more activities listed in Annex I or in Part 1 of Annex VII are carried out, and any other directly associated activities on the same

the same site which have a technical connection with the activities listed in those Annexes and which could have an effect on emissions and pollution;

site which have a technical connection with the activities listed in those Annexes and which could have an effect on emissions and pollution;

Amendment 19

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point d

Directive 2010/75/EU

Article 3 – paragraph 1 – point 17

Text proposed by the Commission

(17) ‘the public concerned’ means the public affected *or likely to be affected by*, or having an interest in, the taking of a decision on the granting or the updating of a permit *or of permit conditions; for the purposes of this definition, non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law shall be deemed to have an interest;*

Amendment

(17) ‘the public concerned’ means the public affected or having an interest in, the taking of a decision on the granting or the updating of a permit;

Amendment 20

Proposal for a directive

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

Directive 2010/75/EU

Article 3 – paragraph 1 – point 22 a (new)

Text proposed by the Commission

Amendment

(da) the following point is inserted:

‘(22a) ‘farm’ or ‘agricultural installation’ means a single unit, both technically and economically, that has a single management, within which activities of large-scale rearing of pigs and poultry listed in Article 70a are carried out;’;

Amendment 21

Proposal for a directive

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

Directive 2010/75/EU

Article 3 – paragraph 1 – point 23

Present text

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

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

Amendment

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

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

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

Amendment 22

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point e

Directive 2010/75/EU

Article 3 – paragraph 1 – point 23b

Text proposed by the Commission

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

Amendment

deleted

Amendment 23

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point e

Directive 2010/75/EU

Article 3 – paragraph 1 – point 23c

Text proposed by the Commission

(23c) ‘livestock unit’ or ‘LSU’ means the grazing equivalent of one adult dairy cow producing 3 000 kg of milk annually, without additional concentrated foodstuffs, which is used to express the

Amendment

(23c) ‘livestock unit’ or ‘LSU’ means a standard measurement unit that allows for the aggregation of categories of livestock units covering pigs and poultry the coefficients of which are listed in

*size of farms rearing different categories of animals, using the conversion rates, with reference to actual production within the calendar year, set out in Annex II to Commission Implementing Regulation (EU) No 808/2014**.*

Annex -Ia, in order to compare those categories;

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

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

Amendment 24

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2010/75/EU

Article 4 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 25

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive 2010/75/EU

Article 5 – paragraph 4 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

This paragraph shall not apply to Chapter

Amendment 26

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

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.

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 **and farmers** concerned, non-governmental organisations promoting environmental protection, the European Chemicals Agency and the Commission.

Amendment 27

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 falling within the scope of this Chapter, an environmental system ('EMS'). The EMS shall comply with the provisions included in relevant BAT conclusions that determine aspects to be covered in the EMS. ***The Commission shall determine which person or institution is qualified to design the management system and the fund from which the costs shall be covered. The EMS shall be periodically reviewed to ensure its continued suitability, adequacy and effectiveness.***

Amendment 28

Proposal for a directive

Article 1 – paragraph 1 – point 11

Directive 2010/75/EU –

Article 14a – paragraph 3

Text proposed by the Commission

3. The EMS of an installation shall be made available on the Internet, free of charge **and** without restricting access to registered users.

Amendment

3. The EMS of an installation shall be made available on the Internet **upon request**, free of charge **to the public concerned**, without restricting access to registered users **and without affecting the activities of producers in terms of protecting confidential business information**.

Amendment 29

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27a – paragraph 3 – point e a (new)

Text proposed by the Commission

Amendment

(ea) representatives of the farmers concerned;

Amendment 30

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27c – paragraph 1 a (new)

Text proposed by the Commission

Amendment

In the case of rearing facilities covered by the provisions of Chapter VIa, for provisions associated with emerging techniques, the applicable time limits may be extended up to 17 years.

Amendment 31

Proposal for a directive
Article 1 – paragraph 1 – point 24
Directive 2010/75/EU
Chapter VIa – title

Text proposed by the Commission

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

Amendment

SPECIAL PROVISIONS FOR **LARGE-
SCALE REARING OF POULTRY AND
PIGS**

Amendment 32
Proposal for a directive
Article 1 – paragraph 1 – point 25
Directive 2010/75/EU
Article 70a – paragraph 1

Text proposed by the Commission

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

Amendment

1. This Chapter shall apply to **any of**
the following activities **of rearing pigs and**
poultry reaching the lower threshold:

(a) farm or agricultural installation:

(i) with more than 40 000 places for
poultry;

(ii) with more than 2 000 places for
production pigs (over 30 kg); or

(iii) with more than 750 places for
sows;

or

(b) farm or agricultural installation of
750 livestock unit (LSU) or more. The
approximate equivalent in LSU shall be
based on the coefficients established in
Annex -Ia to this Directive.

Amendment 33

Proposal for a directive
Article 1 – paragraph 1 – point 25
Directive 2010/75/EU
Article 70a – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. *The Commission and the Member States shall ensure that specialist farmers have access to sufficient financing for developing and modernising installations as necessary to meet the objectives of this Directive.*

Amendment 34

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70b

Text proposed by the Commission

Amendment

Article 70b

deleted

Aggregation rule

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

Amendment 35

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – title

Text proposed by the Commission

Amendment

Permits

Permits **and simplified registration procedure**

Amendment 36

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 1

Text proposed by the Commission

Member States may include requirements for certain categories of *installations* falling within the scope of this Chapter in the general binding rules referred to in Article 6.

Member States shall specify the procedure for granting a permit in respect of *installations* falling within the scope of this Chapter. Those procedures shall include at least the information listed in paragraph 2.

Amendment 37

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States may include requirements for certain categories of *farms* falling within the scope of this Chapter in the general binding rules referred to in Article 6.

Member States shall specify the procedure for granting a permit in respect of *farms* falling within the scope of this Chapter. Those procedures shall include at least the information listed in paragraph 2.

Amendment 38

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Amendment

1a. By way of derogation from the first subparagraph of Article 4 and the first paragraph to this Article, Member States may establish a specific simplified procedure for the registration of the agricultural installations covered by this Chapter.

The simplified registration procedure shall be specified in a binding act and include at least a notification by the farmer to the competent authority of the intention to operate an activity.

Member States may use any similar procedure already in place for registration. They shall avoid administrative burden and additional costs for the farmer.

Article 70c – paragraph 2 – introductory part

Text proposed by the Commission

2. Applications for permits shall include at least a description of the following elements:

Amendment 39

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point a

Text proposed by the Commission

(a) the *installation* and its activities

Amendment 40

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point b

Text proposed by the Commission

(b) the animal types

Amendment 41

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point c

Text proposed by the Commission

(c) the capacity of the *installation*;

Amendment 42

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point d

Amendment

2. Applications for permits *or simplified registration* shall include at least a description of the following elements:

Amendment

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

Amendment

(b) the animal type

Amendment

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

Text proposed by the Commission

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

Amendment

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

Amendment 43

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point e

Text proposed by the Commission

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

Amendment

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

Amendment 44

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 3

Text proposed by the Commission

3. Applications **shall also** include a **non-technical** summary of the information referred to in paragraph 2.

Amendment

3. Applications **may** include a summary of the information referred to in paragraph 2.

Amendment 45

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 3a (new)

Text proposed by the Commission

Amendment

3a. Member States shall issue the permits or confirm the registration within six months from the date of the farmer's application.

Amendment 46
Proposal for a directive
Article 1 – paragraph 1 – point 25
Directive 2010/75/EU
Article 70c – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 47
Proposal for a directive
Article 1 – paragraph 1 – point 25
Directive 2010/75/EU
Article 70c – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. One year following the full implementation of the authorisation and registration system in Member States, the Commission shall submit a report to the European Parliament and to the Council assessing the impact of the system on the economic viability of farms falling within the scope of this Directive, taking into account all costs related to complying with the conditions set out in this Directive, in order to adapt certain dispositions emanating from the Directive accordingly.

Amendment 48
Proposal for a directive
Article 1 – paragraph 1 – point 25
Directive 2010/75/EU

Article 70d – title

Text proposed by the Commission

Amendment

Article 70d

deleted

Obligations of the operator

Amendment 49

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70d – paragraph 1

Text proposed by the Commission

Amendment

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

deleted

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

Amendment 50

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70d – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

possible time.

Amendment 51

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70d – paragraph 3

Text proposed by the Commission

Amendment

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

deleted

Amendment 52

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70e – paragraph 3

Text proposed by the Commission

Amendment

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

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

Article, *shall not be published*.

Amendment 53

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70f – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

Where non-compliance causes a significant degradation of local air, water or soil conditions, or where it poses, or risks to pose, a significant danger to human health, the operation of the installation shall be suspended by the competent authority until compliance is restored.

deleted

Amendment 54

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall ensure that the public concerned are given early and effective opportunities to *participate* in the following procedures:

1. Member States shall ensure that the public concerned are given early and effective opportunities to *be consulted* in the following procedures:

Amendment 55

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) preparation of general binding rules as referred to in Article 6 on permits for installations falling within the scope of this Chapter;

deleted

Amendment 56

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 1 – point b

Text proposed by the Commission

(b) the granting of a permit for a new **installation** falling within the scope of this Chapter;

Amendment

(b) the granting of a permit for a new **farm** falling within the scope of this Chapter;]

Amendment 57

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 1 – point c

Text proposed by the Commission

(c) the granting of an updated permit in accordance with article 70c.4 for any substantial change to an existing **installation** falling within the scope of this Chapter.

Amendment

(c) the granting of an updated permit in accordance with article 70c.4 for any substantial change to an existing **farm** falling within the scope of this Chapter.]

Amendment 58

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 2 – introductory part

Text proposed by the Commission

2. The competent authority shall make available to the public, **including systematically via the Internet, free of charge and without restricting access to registered users**, the following documents and information:

Amendment

2. The competent authority shall make available to the public **concerned, upon request**, the following documents and information:

Amendment 59

Proposal for a directive

Article 1 – paragraph 1 – point 25

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

Text proposed by the Commission

(c) the general binding rules referred to in Article 6 applicable to **installations** falling within the scope of this Chapter;

Amendment

(c) the general binding rules referred to in Article 6 applicable to **farms** falling within the scope of this Chapter;

Amendment 60
Proposal for a directive
Article 1 – paragraph 1 – point 25
Directive 2010/75/EU
Article 70g – paragraph 2 – point d

Text proposed by the Commission

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

Amendment

deleted

Amendment 61
Proposal for a directive
Article 1 – paragraph 1 – point 25
Directive 2010/75/EU
Article 70h – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) they have a **sufficient** interest;

Amendment

(a) they have a **direct and legitimate** interest;

Amendment 62
Proposal for a directive
Article 1 – paragraph 1 – point 25
Directive 2010/75/EU
Article 70h – paragraph 1 – subparagraph 2

Text proposed by the Commission

Standing in the review procedure may not be conditional on the role that the **concerned** member of the public played during a participatory phase of the decision-making procedures under this

Amendment

Standing in the review procedure may not be conditional on the role that the member of the public **concerned** played during a participatory phase of the decision-making procedures under this Directive.

Directive.

Amendment 63

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70h – paragraph 1 – subparagraph 3

Text proposed by the Commission

The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, ***including injunctive relief as appropriate.***

Amendment

The review procedure shall be fair, equitable, ***proportionate***, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms.

Amendment 64

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

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

Text proposed by the Commission

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

Amendment

The Commission shall, ***in cooperation with farmers whose production falls within the scope of this Directive***, establish operating rules containing requirements consistent with the use of best available techniques for the activities listed in ***Article 70a***, which shall include the following:

Amendment 65

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

(c) ***land spreading practices;***

Amendment

deleted

Amendment 66

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) *pollution prevention and mitigation practices;*

deleted

Amendment 67

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 1 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) *other measures consistent with Annex III.*

deleted

Amendment 68

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 ***farms.***

Amendment 69

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The operating rules shall be based on an integral assessment taking into account

the potential effects on, inter-alia, overall economic sustainability, safety, in particular fire safety, and animal health and welfare.

Amendment 70

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 1 – subparagraph 2 b (new)

Text proposed by the Commission

Amendment

The operating rules shall take into account emerging techniques in animal husbandry, as referred to in Article 27(1), and shall lay down the conditions under which the competent authority may grant a permit to a farm using such techniques.

Amendment 71

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 1 – subparagraph 2 c (new)

Text proposed by the Commission

Amendment

The operating rules shall offer a wide range of options and not prescribe the use of a particular technique or technology.

Amendment 72

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure that all the permit conditions for the *installations* concerned are in compliance with the operating rules referred to in paragraph 1 within 42 months of the entry into force of

3. Member States shall ensure that all the permit conditions for the *farms* concerned are in compliance with the operating rules referred to in paragraph 1 within 42 months of the entry into force of

the delegated act establishing those rules..

the delegated act establishing those rules.’.

Amendment 73

Proposal for a directive

Article 1 – paragraph 1 – point 27

Directive 2010/75/EU

Article 74 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

(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.

Amendment 74

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EU

Article 79a – paragraph 2

Text proposed by the Commission

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. Member States shall ensure 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.

deleted

Amendment 75

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EU

Article 79a – paragraph 4

Text proposed by the Commission

Amendment

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 contribute to the damage.

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 **who made the allegation** to prove that the violation **caused** or **contributed** to the damage

Amendment 76

Proposal for a directive

Article 1 – paragraph 1 – point 33 a (new)

Directive 2010/75/EU

Annex -Ia (new)

Text proposed by the Commission

Amendment

(33a) Annex -Ia set out in Annex Ia to this Directive is inserted.

Amendment 77
Proposal for a directive
Annex Ia (new)
Directive 2010/75/EU
Annex -Ia (new)

Text proposed by the Commission

Amendment

ANNEX -Ia

Conversion rates of animals to livestock units ('LSU') referred to in the LSU definition

Pigs	Breeding sows > 50kg	0,5 LSU
	Other pigs > 30kg	0,3 LSU
Poultry	Broilers	0,007 LSU
	Laying hens	0,014 LSU
	Ostriches	0,35 LSU
	Turkeys	0,03 LSU
	Ducks	0,01 LSU
	Geese	0,02 LSU
	Other poultry fowls n.e.c.	0,001 LSU

Amendment 78
Proposal for a directive
Article 1 – paragraph 1 – point 34
Directive 2010/75/EU
Annex Ia

Text proposed by the Commission

Amendment

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

Amendment 79

Proposal for a directive
Annex I – paragraph 1 – point g
Directive 2010/75/EU
Annex I – paragraph 3 – subparagraph 5 – point 5.3 – point a – indent i

Text proposed by the Commission

Amendment

(i) biological treatment (such as anaerobic digestion);

(i) biological treatment (such as anaerobic digestion *except for manure*);

Amendment 80

Proposal for a directive

Annex II

Directive 2010/75/EU

Annex Ia (new)

Text proposed by the Commission

Amendment

ANNEX Ia

deleted

Activities referred to in Article 70a

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

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

The approximate equivalent in LSU is based on the conversion rates established in Annex II to Commission Implementing Regulation (EU) No 808/2014*.

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

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	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		
References	COM(2022)0156 – C9-0144/2022 – 2022/0104(COD)		
Committee responsible Date announced in plenary	ENVI 2.5.2022		
Opinion by Date announced in plenary	AGRI 2.5.2022		
Associated committees - date announced in plenary	20.10.2022		
Rapporteur for the opinion Date appointed	Benoît Lutgen 3.5.2022		
Discussed in committee	29.9.2022	24.10.2022	20.4.2023
Date adopted	25.4.2023		
Result of final vote	+: –: 0:	36 8 2	
Members present for the final vote	Mazaly Aguilar, Clara Aguilera, Atidzhe Alieva-Veli, Álvaro Amaro, Attila Ara-Kovács, Carmen Avram, Adrian-Dragoş Benea, Benoît Biteau, Daniel Buda, Isabel Carvalhais, Asger Christensen, Ivan David, Paolo De Castro, Jérémy Decerle, Salvatore De Meo, Herbert Dorfmann, Paola Ghidoni, Martin Häusling, Martin Hlaváček, Krzysztof Jurgiel, Jarosław Kalinowski, Elsi Katainen, Norbert Lins, Elena Lizzi, Chris MacManus, Colm Markey, Marlene Mortler, Maria Noichl, Juozas Olekas, Daniela Rondinelli, Bronis Ropė, Bert-Jan Ruissen, Anne Sander, Simone Schmiedtbauer, Veronika Vrecionová, Sarah Wiener, Juan Ignacio Zoido Álvarez		
Substitutes present for the final vote	Franc Bogovič, Rosanna Conte, Claude Gruffat, Anja Hazekamp, Pär Holmgren, Benoît Lutgen, Irène Tolleret		
Substitutes under Rule 209(7) present for the final vote	Catherine Griset, Achille Variati		

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

36	+
ECR	Mazaly Aguilar, Bert-Jan Ruissen, Veronika Vrecionová
ID	Rosanna Conte, Paola Ghidoni, Catherine Griset, Elena Lizzi
PPE	Álvaro Amaro, Franc Bogovič, Daniel Buda, Salvatore De Meo, Herbert Dorfmann, Jarosław Kalinowski, Norbert Lins, Benoît Lutgen, Colm Markey, Marlene Mortler, Anne Sander, Simone Schmiedtbauer, Juan Ignacio Zoido Álvarez
Renew	Atidzhe Alieva-Veli, Asger Christensen, Jérémy Decerle, Martin Hlaváček, Elsi Katainen, Irène Tolleret, Emma Wiesner
S&D	Clara Aguilera, Attila Ara-Kovács, Carmen Avram, Adrian-Dragoș Benea, Isabel Carvalhais, Paolo De Castro, Juozas Olekas, Daniela Rondinelli, Achille Variati

8	-
ID	Ivan David
S&D	Maria Noichl
The Left	Anja Hazekamp
Verts/ALE	Benoît Biteau, Claude Gruffat, Martin Häusling, Pär Holmgren, Bronis Ropè

2	0
ECR	Krzysztof Jurgiel
The Left	Chris MacManus

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	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		
References	COM(2022)0156 – C9-0144/2022 – 2022/0104(COD)		
Date submitted to Parliament	6.4.2022		
Committee responsible Date announced in plenary	ENVI 2.5.2022		
Committees asked for opinions Date announced in plenary	ITRE 2.5.2022	AGRI 2.5.2022	JURI 2.5.2022
Not delivering opinions Date of decision	JURI 20.6.2022		
Associated committees Date announced in plenary	AGRI 20.10.2022	ITRE 20.10.2022	
Rapporteurs Date appointed	Radan Kanev 10.5.2022		
Discussed in committee	12.7.2022	30.11.2022	
Date adopted	24.5.2023		
Result of final vote	+: –: 0:	55 26 6	
Members present for the final vote	Mathilde Androuët, Maria Arena, Bartosz Arłukowicz, Margrete Auken, Traian Băsescu, Aurélie Beigneux, Alexander Bernhuber, Malin Björk, Michael Bloss, Delara Burkhardt, Pascal Canfin, Mohammed Chahim, Maria Angela Danzi, Esther de Lange, Christian Doleschal, Cyrus Engerer, Agnès Evren, Pietro Fiocchi, Heléne Fritzon, Malte Gallée, Gianna Gancia, Andreas Glueck, Teuvo Hakkarainen, Jan Huitema, Yannick Jadot, Adam Jarubas, Ewa Kopacz, Joanna Kopcińska, Peter Liese, Sylvia Limmer, César Luena, Marian-Jean Marinescu, Liudas Mažylis, Marina Measure, Silvia Modig, Dolors Montserrat, Alessandra Moretti, Ville Niinistö, Ljudmila Novak, Grace O’Sullivan, Nikos Papandreou, Jutta Paulus, Francesca Peppucci, Stanislav Polčák, Jessica Polfjård, Erik Poulsen, Nicola Procaccini, María Soraya Rodríguez Ramos, Maria Veronica Rossi, Silvia Sardone, Christine Schneider, Günther Sidl, Ivan Vilibor Sinčić, Maria Spyrali, Edina Tóth, Achille Variati, Petar Vitanov, Alexandr Vondra, Mick Wallace, Pernille Weiss, Emma Wiesner, Michal Wiezik, Anna Zalewska		
Substitutes present for the final vote	João Albuquerque, Catherine Chabaud, Estrella Durá Ferrandis, Martin Häusling, Romana Jerković, Radan Kanev, Ska Keller, Ondřej Knotek, Danilo Oscar Lancini, Norbert Lins, Marisa Matias, Marlene Mortler, Max Orville, Marcos Ros Sempere, Jadwiga Wiśniewska		
Substitutes under Rule 209(7) present	Attila Ara-Kovács, Ilana Cicurel, Clare Daly, Lucia Ďuriš		

for the final vote	Nicholsonová, Virginie Joron, Erik Marquardt, Pedro Marques, Vera Tax, Kosma Złotowski
Date tabled	19.6.2023

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

55	+
NI	Maria Angela Danzi
PPE	Agnès Evren, Radan Kanev, Esther de Lange, Peter Liese, Marian-Jean Marinescu, Liudas Mažylis, Ljudmila Novak, Francesca Peppucci, Stanislav Polčák, Jessica Polfjård, Maria Spyraiki, Pernille Weiss
Renew	Pascal Canfin, Catherine Chabaud, Ilana Cicurel, Lucia Ďuriš Nicholsonová, Max Orville, Erik Poulsen, María Soraya Rodríguez Ramos, Michal Wiezik
S&D	João Albuquerque, Attila Ara-Kovács, Maria Arena, Delara Burkhardt, Mohammed Chahim, Estrella Durá Ferrandis, Cyrus Engerer, Helène Fritzon, Romana Jerković, César Luena, Pedro Marques, Alessandra Moretti, Nikos Papandreou, Marcos Ros Sempere, Günther Sidl, Vera Tax, Achille Variati, Petar Vitanov
The Left	Malin Björk, Clare Daly, Marisa Matias, Marina Mesure, Silvia Modig, Mick Wallace
Verts/ALE	Margrete Auken, Michael Bloss, Malte Gallée, Martin Häusling, Yannick Jadot, Ska Keller, Erik Marquardt, Ville Niinistö, Grace O'Sullivan, Jutta Paulus

26	-
ECR	Pietro Fiocchi, Teuvo Hakkarainen, Joanna Kopcińska, Nicola Procaccini, Alexandr Vondra, Jadwiga Wiśniewska, Anna Zalewska, Kosma Złotowski
ID	Mathilde Androuët, Aurélia Beigneux, Gianna Gancia, Virginie Joron, Danilo Oscar Lancini, Sylvia Limmer, Maria Veronica Rossi, Silvia Sardone
NI	Ivan Vilibor Sinčić, Edina Tóth
PPE	Traian Băsescu, Alexander Bernhuber, Christian Doleschal, Norbert Lins, Dolors Montserrat, Marlene Mortler
Renew	Ondřej Knotek, Emma Wiesner

6	0
PPE	Bartosz Arłukowicz, Adam Jarubas, Ewa Kopacz, Christine Schneider
Renew	Andreas Glück, Jan Huitema

Key to symbols:

+ : in favour

- : against

0 : abstention