Council of the European Union

Brussels, 19 June 2026
(OR. en)

10774/26

Interinstitutional File:
2025/0394 (COD)

LIMITE

SIMPL 159
ANTICI 165
ENV 780
ENT 167
MI 669
IND 430
COMPET 799
SAN 495
AGRI 517
CODEC 1250

PUBLIC

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Proposal for a Directive of the European Parliament and of the Council amending Directives 2008/98/EC, 2010/75/EU, (EU) 2015/2193 and (EU) 2024/1785 of the European Parliament and of the Council as regards simplification of some requirements and reduction of administrative burden - Mandate for negotiations with the European Parliament

Changes compared to the Commission proposal are indicated in **bold**, deletions are marked with **[…]**.

ANNEX

2025/0394 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Directives 2008/98/EC, 2010/75/EU, (EU) 2015/2193 and (EU) 2024/1785 […] as regards simplification of some requirements and reduction of administrative burden

PUBLIC

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) The political guidelines for the Commission's 2024-2029 term **[…]** point to the goal of boosting competitiveness, simplifying, consolidating and codifying legislation to eliminate any overlaps and contradictions while maintaining high standards and staying the course on the goals set out in the **Commission communication of 11 December 2019 entitled "The** European Green Deal**" (the "European Green Deal")**.

---

1 OJ C , , p. .
2 OJ C , , p. .

(2) In response to the 2024 **report entitled "The future of European competitiveness" (the "**Draghi report**"),** which **pointed** to regulatory obstacles and the **[…]** administrative burden as one of the key challenges, **in particular** for small and **medium-sized** enterprises **[…]**, the **Commission, in its communication of 29 January 2025 entitled "A** Competitiveness Compass **for the EU",** identifies a set of horizontal enablers to underpin competitiveness**,** including simplifying **the** regulatory environment, reducing burden and favouring speed and flexibility.

(3) In its communication of 11 February 2025 entitled 'A simpler and faster Europe: Communication on implementation and simplification', **the** Commission set out a vision for an implementation and simplification agenda that delivers fast and visible improvements for people and businesses on the ground. That **agenda** requires more than an incremental approach and the Union is to take bold action to achieve that goal. The **[…]** European Parliament, the Council, **the Commission, the** Member States' authorities at all levels and stakeholders need to work together to streamline and simplify Union, national and regional rules and **to** implement policies more effectively.

[…]

(5) The database established pursuant to Article 9(2) of Directive 2008/98/EC containing the information referred to in Article 33(1) of Regulation (EC) No 1907/2006 of the European Parliament and of the Council[4] was devised to enhance transparency and **to** provide comprehensive access to information on hazardous substances in products. **[…]** The complexity of the notification process **concerned** imposes significant burden on industry stakeholders, leading to disproportionally high costs, especially regarding necessary IT investments. Coupled with a low rate of access by potential users and the limited usability of the information due to its current structure, alongside low compliance and enforcement rates, **[…]** the database in its current form is not fulfilling its intended objectives. Hence, the obligation for suppliers to submit data to the database should not be continued. Data

---

[4] Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1), ELI: http://data.europa.**eu/eli/reg/2006/1907/oj)**.

that **have** already been reported should continue to be maintained by the European Chemicals Agency.

(6) **[…]** The empowerment of the Commission under Directive 2008/98/EC to adopt an implementing act to establish indicators to measure the overall progress in the implementation of waste prevention measures **has become less useful due to** a lack of a mandatory application requirement by Member States. Moreover, some Member States have developed national indicators for monitoring waste prevention and the European Environment Agency has developed a framework for monitoring waste prevention, based on existing data. **Therefore**, that empowerment is deemed redundant and should be deleted.

(7) With a view to simplifying requirements on operators and companies, and **reducing** the administrative burden stemming from the preparation of **an** environmental management system (**"EMS"**) pursuant to Article 14a of Directive 2010/75/EU **[…][5],** while maintaining equivalent standards as regards the protection of human health and the environment, **operators should be allowed to prepare** a single EMS **for** two or more installations **where those installations are located in the same Member State and** under the control of the same operator, or **where those** installations are under the control of different operators but belong to the same company which is formed in accordance with the legislation of **one** Member State **[…]**.

(8) To ensure greater consistency with existing EMS schemes such as EMAS or ISO 14001, which can be implemented at facility or company level, operators should be **allowed** to adjust the organisational level of the EMS according to the nature, scale and complexity of their installations (**at** installation, facility or company level).

---

5 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, ELI: http://data.europa.eu/eli/dir/2010/75/oj).

(9) With a view to simplifying requirements on operators and reducing their administrative burden, the requirements set out in Article 14a of Directive 2010/75/EU for operators to develop, as part of the installation's EMS, a chemicals inventory of the hazardous substances present in or emitted from the installation**,** a risk assessment of the impact of such substances on human health and the environment, as well as an analysis of the possibilities for substituting them with safer alternatives or reducing their use or emissions**,** should be deleted **[…]**.

(9a) Also with a view to simplifying requirements on operators and reducing their administrative burden, operators whose EMS is prepared in accordance with the Eco-Management and Audit Scheme (EMAS) established by Regulation (EC) No 1221/2009, or with other environmental management system recognised by the Commission pursuant to Article 45 of that Regulation, or environmental management standards based on relevant European or international standards and certified by accredited bodies, are not required to separately demonstrate compliance with requirements of Article 14a(2).

(10) **With a view to simplifying requirements on operators linked to the EMS, and without undermining environmental protection**, the requirement **set out** in Article 14a(4)**, first, second and third subparagraphs,** of Directive 2010/75/EU **for operators to make** the relevant information set out in the EMS **[…]** available on the internet **should be deleted**.

(11) With a view to simplifying requirements on operators and reducing their administrative burden, the requirement set out in Article 14a(4)**, sixth subparagraph,** of Directive 2010/75/EU for the EMS to be audited should be deleted as other EMS schemes**,** such as EMAS or ISO 14001, already contain provisions regarding regular internal and external auditing. **This should not prevent Member States from setting auditing requirements for those EMS which are not prepared and implemented in accordance with EN ISO 14001 or Regulation (EC) No 1221/2009 (EMAS).**

(12) With a view to simplifying requirements on operators and reducing their administrative burden, the requirement set out in Article 14a(4)**, fourth subparagraph,** of Directive 2010/75/EU for operators to prepare and implement an EMS by 2027 should be postponed to 2030. Such EMS should be prepared in accordance with **[…]** Article 14a**, as amended by this Directive**.

(12a) **To ensure that operators maintain an overview of relevant hazardous substances present in the installation, which also cover substances emitted from the installation, a new Article 14b is inserted. In line with the simplification objectives, it should focus on hazardous substances likely to be emitted in significant quantities, having regard to their nature, their hazardousness and their potential to transfer pollution from one medium to another. In order to avoid duplication, operators should be allowed to rely on elements already developed pursuant to decisions on BAT conclusions referred to in Article 13(5), other Union legislation or under national provisions, including those giving effect to relevant international agreements, when such elements fulfil the requirements of this Article. Equally, operators should not be required to duplicate work already undertaken in accordance with the new Article 14b when implementing a chemical management system in accordance with BAT conclusions but should only consider potential additional elements in the BAT conclusions.**

(13) With a view to simplifying requirements and reducing administrative burden stemming from the implementation of Directive 2010/75/EU, the requirement set out in Article 27d**(1)** of that Directive that Member States **are to** require from operators by 30 June 2030 **to include** an indicative transformation plan **in their EMS** should be deleted. References to transformation plans and to Article 27d **of that Directive** in Article 14a(2)**,** point (f), and Articles 27e and 76 of **that** Directive **should** be deleted accordingly.

(14) In order to simplify the synergistic implementation of Directive 2010/75/EU and Directive 2003/87/EC of the European Parliament and of the Council[6], **[…]** the scope of **the** activity in point 2.2 of Annex I to Directive 2010/75/EU in relation to the production of iron **should be aligned** with such activity under Annex I to Directive 2003/87/EC **[…]**, by deleting the word 'pig' from the description of **that** activity **in point 2.2 of Annex I to Directive 2010/75/EU**.

---

[6] Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32, ELI: http://data.europa.eu/eli/dir/2003/87/oj).

(15) Directive 2010/75/EU **[…]** does not currently include organic pig farms in its scope, while it **does include** organic poultry farms **[…]**. With a view to ensuring a coherent approach for the organic livestock sector, and given that the organic poultry sector is already subject to specific legislation, **[…]** organic poultry farms **should be removed** from the scope of **that** Directive.

(16) Under **Directive 2010/75/EU**, unweaned piglets count in addition to the sows when calculating the capacity of livestock installations. Given that unweaned piglets are only causing low emissions, **[…]** the conversion rate used to calculate the LSU level of an installation **should be adjusted**, so that unweaned piglets are not counted for the calculation of the **capacity of livestock installations and are not counted in the 'other pigs category'. Furthermore, whereas weaners are young pigs reared from weaning until fattening, typically reared from a live weight of around 8 kg until a live weight of around 30 kg, the emissions associated to weaners increase as the live weight increases. It is therefore appropriate to use conversion rates that reflect that increase in emissions over time by differentiating between weaners below and above 20 kg of live weight and by ensuring that weaners above 20 kg of live weight are accounted for as 'other pigs' for the purpose of calculating the** installation capacity.

(16a) Annex Ia to Directive 2010/75/EU includes, for certain animal categories, conversion rates for the calculation of the LSU level of an installation. A conversion rate for pullets should be included, in order to correct the unintended exclusion of installations rearing pullets from the scope of that Directive and to maintain the same level of coverage for that animal category as prior to the amendment of that Directive by Directive (EU) 2024/1785.

PUBLIC

(17) In order to simplify the transition towards clean energy and **low-carbon** technologies, it is appropriate to enable the deployment of hydrogen-based industrial processes, as hydrogen combustion does not produce **CO_2**. However, when the hydrogen content of the fuel increases, **NO_x** emissions also increase, whereas the **emission** limit values for **NO_x** emissions currently set out in Annex V to Directive 2010/75/EU and Annex II to Directive (EU) 2015/2193 **[…]** do not take into account such increase of the **[…]** hydrogen **content of fuel**. Therefore, to simplify the use of hydrogen as a fuel, the emission limit values set out in point 6 of Part 1 and point 6 of Part 2 of Annex V to Directive 2010/75/EU, as well as **those set out** in Annex II **to** Directive (EU) 2015/2193, should not be applicable to combustion plants firing gas with more than 20 % (by volume) of hydrogen. For such **combustion** plants**, in order to maintain the same level of environmental protection**, Member States should ensure that the overall load of **NO_x** eventually released into the air over one year is not increased compared to the situation where the emissions from the installation concerned would remain compliant with the emission limit values set out for **NO_x** for the combustion of natural gas**, for example by setting installation specific emission limit values for relevant pollutants**, without prejudice to stricter measures required pursuant to Article 18 of Directive 2010/75/EU and Article 6(9) of Directive (EU) 2015/2193 **to safeguard compliance with environmental quality standards**. In such cases, monitoring and compliance assessment should be adjusted accordingly.

(18) In order to simplify decarbonisation of industrial processes, it is appropriate to enable the use of oxy-fuel combustion, whereby oxygen-enriched combustion air facilitates capture of **CO_2**. The higher the oxygen content in the injected air used for combustion, the lower the volume of air needed**.** The concentration of pollutants would therefore be increased even if the quantity of **pollutants** (in mass) is not higher than for combustion with air. Enabling the use of oxy-fuel combustion under **Directives** 2010/75/EU and **[…]** (EU) 2015/2193 thus requires giving competent authorities flexibility to assess compliance with the emission limit values referred to in Article 30 of Directive 2010/75/EU and Article 6 of Directive (EU) 2015/2193.

(19) Under Directive (EU) 2015/2193, Member States are allowed to exempt **from compliance with the relevant emission limit values** certain existing or new medium combustion plants **which are** used only occasionally as back-up generators during emergency situations and power outages and which do not operate more than a limited number of hours per year **[…]**. Under those circumstances, such back-up generators are still submitted to periodic measurements in relation to their **SO_2, NO_x**, dust and CO emissions, even if such measurements are not used to assess compliance **with** the relevant emission limit values. In addition, the periodicity of such measurements does not distinguish between more recent - and thus more **energy-efficient -** back-up generators **[…]** and older ones. With a view to simplifying and reducing the administrative burden stemming from the current reporting requirements **[…]** under Directive (EU) 2015/2193 in relation to **SO_2, NO_x,** dust and CO emissions from recent back-up generators with a rated thermal input equal to or greater than 20 MW, **[…]** a specific threshold **should be set** for a minimum number of operating hours applicable to their use, below which the frequency of periodic measurements **is** lowered. The more recent back-up generators are those that comply with the emission **limit** values applicable to non-road mobile machinery, category NRG in respect of Stage V controls, set out in Annex II to Regulation (EU) 2016/1628 **of the European Parliament and of the Council**[9]. For those back-up generators, periodic measurement should take place after 1 500 operating hours have elapsed, or at least every five years.

---

[9] Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) **No 1024/2012 and (EU) No 167/2013**, and amending and repealing Directive 97/68/EC; **(OJ L 252, 16.9.2016, p. 53, ELI: http://data.europa.eu/eli/reg/2016/1628/ojhttp**://data.europa.eu/eli/reg/2016/1628/2022-07-17**).**

(20) **[…]** In the interest of consistency, clarity and legal certainty, the transitional provisions set out in Directive (EU) 2024/1785 should be deleted **moved** from that Directive **to** Article 82 of Directive 2010/75/EU. **In addition, in order to give the Member States, competent authorities and operators time to comply with the new or amended provisions of Directive 2010/75/EU and clarity as to when those new or amended provisions apply, and thus simplify their implementation, those transitional provisions should be amended so that they also cover Article 14(1), second subparagraph, points (ab) and (e), and Article 16(2) and (3) of that Directive.**

(20a) Some provisions of Directive 2010/75/EU were renumbered by Directive (EU) 2024/1785, and others were deleted. However, those amendments were not reflected in other provisions containing cross-references to the renumbered or deleted provisions. Therefore, it is necessary to update the cross-references to the provisions concerned. In addition, the reference to Article 15(7) in Article 82(16) of Directive 2010/75/EU should be corrected, since that reference should relate to that Directive in the version in force on 3 August 2024, in which Article 15(5) is the provision dealing with derogations for the testing and use of emerging techniques.

(21) Directives **[…]** 2008/98/EC, 2010/75/EU, (EU) 2015/2193 and (EU) 2024/1785 should therefore be amended accordingly.

(22) Since the objectives of this Directive cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS DIRECTIVE:

PUBLIC

Article 1

Amendments to Directive 2008/98/EC

Directive 2008/98/EC is amended as follows:

[…]

[…]

(2) Article 9 is amended as follows:

(a) paragraph 1 is amended as follows:

(i) point (i) is replaced by the following:

‘(i) promote the reduction of the content of hazardous substances in materials and products, without prejudice to harmonised legal requirements concerning those materials and products laid down at Union level;’

(ii) the following point **[…]** is inserted:

‘(ia) ensure that any supplier of an article as defined in Article 3, point 33**,** of Regulation (EC) No 1907/2006 of the European Parliament and of the Council* provides the information pursuant to Article 33(1) of that Regulation to the European Chemicals Agency from 5 January 2021 until **…** [date of entry into force of this Directive];

* **Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1, ELI: http://data.europa.eu/eli/reg/2006/1907/oj).; ’**

PUBLIC

(b) paragraph 2 is replaced by the following:

'2. The European Chemicals Agency shall maintain **and make publicly available** the data submitted to it pursuant to paragraph 1, point (ia).'

(c) paragraph 7 is replaced by the following:

'7. The Commission shall, by 31 March 2019, adopt an implementing act to establish a common methodology to report on re-use of products. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 39(2).'

(3) in Article 37, paragraph 6, is replaced by the following:

'6. For the purpose of monitoring the implementation of this Directive, the Commission shall review the information made available in accordance with this Article.' ,

[…]

Article 2

Amendments to Directive 2010/75/EU

Directive 2010/75/EU is amended as follows:

(-1) in Article 14, paragraph 7 is deleted;

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

'Article 14a

Environmental management system

1. **[…]** 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'). Where** two or more installations **located in the same Member State** are under the control of the same operator, or **[…]** where two or more installations **located in the same Member State** are under the control of different operators but belong to the same company which is formed in accordance with the legislation of **one** Member State, those installations may be covered **with** a

single EMS. The EMS shall comply with relevant BAT conclusions that determine aspects to be covered in the EMS.

2. **Unless** the EMS **is prepared in accordance with Eco-Management and Audit Scheme (EMAS) of the Union or with other environmental management systems as recognised in accordance with Article 45 of Regulation (EC) No 1221/2009 or other environmental management standards based on the relevant European or international standards by accredited bodies, it** shall include at least the following:

   (a) environmental policy objectives for the continuous improvement of the environmental performance and safety of the concerned installations, which shall include measures to

      (i) prevent the generation of waste;

      (ii) optimise resource and energy use and water reuse;

      (iii) prevent or reduce the use or emissions of hazardous substances;

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

   (c) for installations belonging to enterprises covered by the obligation to conduct an energy audit or implement an energy management system pursuant to Article 8 of Directive **(EU) 2023/1791 of the European Parliament and of the Council***, inclusion of the results of that audit or implementation of the energy management system pursuant to Article 8 of and Annex VI to that Directive and of the measures to implement their recommendations;

   (d) measures taken to achieve the environmental objectives and avoid risks for human health or the environment, including corrective and preventive measures where needed.

PUBLIC

3. The level of detail of the EMS shall be consistent with the nature, scale and complexity of the concerned installations, and the range of environmental impacts they could have.

Where elements required to be included in the EMS, including objectives, performance indicators or measures, have already been developed in accordance with other relevant Union legislation and comply with this Article, a reference in the EMS to the relevant documents shall be sufficient.

4. **[…]**

[…]

The operator shall prepare and implement the EMS **[…]** by 1 July 2030**,** except for installations referred to in Article 82**(13)**.

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

(*) Directive **(EU) 2023/1791** of the European Parliament and of the Council of **13 September 2023** on energy efficiency **and** amending **Regulation (EU) 2023/955 (recast))**. **[…]**

[…]

PUBLIC

(1a) A new article is inserted:

'Article 14b

Chemicals inventory of the hazardous substances

Member States shall require the operator to prepare, and implement and regularly update, for each installation falling within the scope of this Chapter:

(i) a chemicals inventory of at least the substances fulfilling the criteria referred to in Article 57 of Regulation (EC) No 1907/2006 and substances addressed in restrictions referred to in Annex XVII to Regulation (EC) No 1907/2006 present in the installation as such or as constituents of other substances, and likely to be emitted from the installation concerned in significant quantities, having regard to their nature, their hazardousness and their potential to transfer pollution from one medium to another; and,

(ii) for the substances referred to in point (i), a risk assessment of the impact of such substances on human health and the environment, as well as an analysis of the possibilities for substituting them with safer alternatives or reducing their use.

The operator shall prepare and implement the requirements set out in the first subparagraph by 1 July 2030, except for installations referred to in Article 82(13).

Where elements required under the first subparagraph have already been developed in accordance with decisions on BAT conclusions referred to in Article 13(5), or other relevant Union legislation or under national provisions, including those giving effect to relevant international agreements; and comply with the requirements of this Article, a reference to the relevant documents shall be sufficient.

The operator shall keep the specific parts of the documents containing these elements at the disposal of competent authorities.'

(1b) in Article 24, paragraph 1, point (c) is replaced by the following:

'(c) the granting or updating of a permit for an installation where the application of Article 15(5) is proposed;'

PUBLIC

(2) Article 27d is deleted;

(3) Article 27e is amended as follows:

(a) in paragraph 1, first subparagraph, the introductory sentence is replaced by the following:

'Without prejudice to Article 18, in the event of deep industrial transformation of the installation, the competent authority may extend the period for the installation to comply with the updated permit conditions referred to in Article 21(3) up to a total of eight years maximum, provided that:;'

(b) in paragraph 2, first subparagraph, the introductory sentence is replaced by the following:

'Without prejudice to Articles 18 and 22, in the event of deep industrial transformation consisting of the closure of an installation and its replacement by a new installation to be completed within eight years of publication of decisions on BAT conclusions, in accordance with Article 13(5), relating to the main activity of the existing installation, the competent authority may waive the obligation of updating the permit in accordance with Article 21(3), provided that all the following conditions are met:;'

(3a) in Article 72, paragraph 1 is replaced by the following:

'1. Member States shall ensure that information is made available to the Commission on the implementation of this Directive, on representative data on emissions and other forms of pollution, on emission limit values, on the application of best available techniques in accordance with Articles 14 and 15, in particular on the granting of exemptions in accordance with Article 15(5), and on progress made concerning the development and application of emerging techniques in accordance with Article 27. Member States shall make the information available in an electronic format.''

PUBLIC

(4) Article 76 is amended as follows:

(i) in paragraph 2, the first sentence is replaced by the following:

'The power to adopt delegated acts referred to in Article 48(5) **[…]** and Article 74 shall be conferred on the Commission for a period of 5 years from 1 August 2024.;'

(ii) in paragraph 3, the first sentence is replaced by the following:

'The delegation of power referred to in Article 48(5), and Article 74 may be revoked at any time by the European Parliament or by the Council.;'

(iii) in paragraph 6, the first sentence is replaced by the following:

'A delegated act adopted pursuant to Article 48(5) or Article 74 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object.;'

(5) in Article 82, the following paragraphs **[…]** are added:

'10. **[…]** In relation to installations carrying out activities referred to in Annex I, Member States shall apply Article 14(1), second subparagraph, points (aa), (bb), and (h), and Article 15(4) and (6) within four years of the publication of decisions on BAT conclusions that have been published after 1 July 2026 relating to the main activity of an installation in accordance with Article 13(5).

Installations first permitted after the publications of decisions on BAT conclusions published after 1 July 2026 relating to the main activity of an installation in accordance with Article 13(5), shall apply the provisions referred to in the first subparagraph of this paragraph from the date the BAT conclusions are published.

PUBLIC

11. In relation to installations carrying out activities referred to in Annex I which fall within the scope of this Directive before 4 August 2024 and that are in operation and hold a permit before 1 July 2026, Article 14(1), second subparagraph, points (a), (b), (ab), (ba), **(d) and (e)**, Article 15(1) and (5), Article 15a, and Article 16(2), (3), and (4) shall apply when the permit is granted or updated pursuant to Article 20(2) or Article 21(5), or updated within 4 years of publication of decisions on BAT conclusions that have been published after 1 July 2026 in accordance with Article 13(5) relating to the main activity of an installation, or by 1 September 2036, whichever is the earlier.

In relation to installations carrying out activities referred to in Annex I which fall within the scope of this Directive before 4 August 2024 and for which the operators have submitted a complete application for a permit before 1 July 2026, provided that those installations are put into operation no later than 1 July 2027, Article 14(1), second subparagraph, points (a), (b), (ab), (ba), **(d) and (e)**, Article 15(1), Article 15(5), Article 15a, Article 16(2), Article 16(3), and Article 16(4) shall apply when the permit is granted or updated pursuant to Article 20(2) or Article 21(5), or updated within 4 years of publication of decisions on BAT conclusions that have been published after 1 July 2026 in accordance with Article 13(5) relating to the main activity of an installation, or by 1 September 2036, whichever is the earlier.

In relation to installations carrying out activities referred to in Annex I which fall within the scope of this Directive before 4 August 2024, Article 15(3) shall apply when the permit is updated within four years of publication of, or granted after, decisions on BAT conclusions that have been published after 1 July 2026 in accordance with Article 13(5) relating to the main activity of an installation, or when the permit is updated pursuant to Article 21(5), or by 1 September 2036, whichever is the earlier.

Until the relevant date of application as referred to in the first, second and third subparagraphs, the installations mentioned in those subparagraphs, which fall within the scope of this Directive in the version in force on 3 August 2024, shall comply with that version.

PUBLIC

12. In relation to installations which do not fall within the scope of this Directive before 4 August 2024 and carry out activities referred to in Annex I, point 2.3 (aa)**,** and finishing of textile fibres or textiles under point 6.2 of that Annex which are in operation before 1 July 2026**,** Member States shall, with the exception of Article 14(1), second subparagraph, points (aa), (bb) and (h), **and** Article 15(4) and **(6)**, apply the laws, regulations and administrative provisions adopted in accordance with this Directive within four years of 1 July 2026.

13. In relation to installations which do not fall within the scope of this Directive before 4 August 2024 and carrying out activities referred to in Annex I, points 1.4, 2.3(b), 2.3(ba), 2.7 and 3.6, Member States shall, with the exception of Article 14(1), second subparagraph, points (aa), (bb), and (h), **and** Article 15(4) and **(6)**, apply the laws, regulations and administrative provisions adopted in accordance with this Directive within 4 years of publication of decisions on BAT conclusions in accordance with Article 13(5) relating to the main activity of an installation or by 1 September 2034, whichever is the earlier.

    Until the relevant date of application as referred to in the first subparagraph, the installations mentioned in that subparagraph, which fall within the scope of this Directive in the version in force on 3 August 2024, shall comply with that version.

    In relation to installations which are first permitted after the publication of decisions on BAT conclusions published after 1 July 2026 relating to the main activity of an installation in accordance with Article 13(5), the laws, regulations and administrative provisions adopted in accordance with this Directive shall apply to the granting of their permits from the date the BAT conclusions are published.

14. In relation to installations carrying out activities referred to in Annex Ia, Member States shall apply the laws, regulations and administrative provisions adopted in accordance with this Directive within:

    (a) 4 years of the entry into force of the implementing act referred to in Article 70i(2), if the installation has a capacity of 600 LSU or more;

    (b) 5 years of the entry into force of the implementing act referred to in Article 70i(2), if the installation has a capacity of 400 LSU or more;

PUBLIC

(c) 6 years of the entry into force of the implementing act referred to in Article 70i(2), for all other installations covered by Annex Ia.

Until the relevant date of application, as referred to in the first subparagraph, the installations mentioned in that subparagraph which fall within the scope of this Directive in the version in force on 3 August 2024, shall comply with that version.

15. Derogations granted by the competent authority in accordance with Article 15(5) before 1 July 2026 shall remain valid until the competent authority reassesses whether the derogation is justified under Article 15(5). The reassessment shall be carried out 4 years from 1 July 2026 or as part of the reconsideration of the permit conditions pursuant to Article 21, whichever is the earlier.

16. Derogations for the testing and use of emerging techniques granted before 1 July 2026 by the competent authority in accordance with Article 15(7) of this Directive in the version in force on 3 August 2024, shall remain valid until the end of the period specified in the decision granting the derogation. After the period specified, the testing of the technique shall be stopped or the activity shall achieve at least the BAT-AELs.'

(6) Annexes I, Ia**, II** and V **to Directive 2010/75/EU** are amended in accordance with Annex I to this Directive.

Article 3

Amendments to Directive (EU) 2015/2193

Annexes II and III to Directive (EU) 2015/2193 are amended in accordance with Annex II to this Directive.

Article 4

Amendment to Directive (EU) 2024/1785

In Directive (EU) 2024/1785, Article 3 is deleted.

PUBLIC

Article 5

Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by **… [**24 months from date of entry into force of this Directive] **[…]**. They shall **immediately** communicate **[…]** the text of those **measures to the Commission**.

   When Member States adopt those **measures**, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 6

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Article 7

Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

PUBLIC

PUBLIC

ANNEX I

1. In Annex I to Directive 2010/75/EU,

point 2.2 is replaced by the following:

'2.2. Production of iron or steel (primary or secondary fusion) including continuous casting, with a capacity exceeding 2,5 tonnes per hour;'

2. **[…]** Annex Ia to Directive 2010/75/EU **is amended as follows:**

a) **in the first paragraph,** point 2**, the following** sentence **is added**:

'Rearing activities that are carried out under organic production regimes in accordance with Regulation (EU) 2018/848 are excluded.'

b) in the first **paragraph,** point 3 **is replaced by the following:**

'Rearing of any mix of pigs or poultry representing 380 LSU or more, excluding rearing of pigs or laying hens or other poultry categories in installations operating under organic production regimes in accordance with Regulation (EU) 2018/848, or where the stocking density is less than 2 LSU/hectare used only for grazing or growing fodder or forage used for feeding the animals and the animals are reared outside for a significant amount of time in a year or seasonally reared outside.'

c) **in the second paragraph, under the heading "Pigs"**, 'Piglets ≤ 20 kg … 0,027' is replaced by 'weaners ≤ 20 kg … 0,027' **and '(excluding unweaned piglets)' is added after 'Other pigs'**.

d) in the second paragraph, under the heading "Poultry", 'pullets … 0,007' is inserted after 'Laying hens … 0,014'.

2a. in Annex II to Directive 2010/75/EU, point 2.1 is replaced by the following:

'Environmental benefits referred to in Article 15(5) shall be environmental benefits of complying with the emission levels associated with best available techniques.'

3. Annex V to Directive 2010/75/EU is amended as follows:

4. In Annex VI to Directive 2010/75/EU, Part 6, the second subparagraph in point 2.7 is replaced by the following:

(a) in **Part** 1, point 6**, the table, second column, the following footnote is added in the second, third, fifth and sixth rows**:

[…]

	NOx	CO
Combustion plants firing natural gas with the exception of gas turbines and gas engines	100	100
Combustion plants firing blast furnace gas, coke oven gas or low calorific gases from gasification of refinery residues, with the exception of gas turbines and gas engines	**200**[(4)(5)]	—
Combustion plants firing other gases, with the exception of gas turbines and gas engines	**200**[(4)(5)]	—
Gas turbines (including CCGT), using natural gas (1) as fuel	**50**[(2)(3)]	100
Gas turbines (including CCGT), using other gases as fuel	**120**[(5)]	—
Gas engines	**100**[(5)]	100’

PUBLIC

‘(5) The emission limit value is not applicable to combustion plants firing gas with more than 20 % (by volume) of hydrogen**, provided** that the **permit includes an annual mass emission limit for NO_x, expressed in tonnes per year, which does not exceed the annual NO_x** emissions **that would have occurred if** the installation **had** remained compliant with **the** emission limit values **[…]** for the combustion of natural gas **for the same amount of energy produced**, without prejudice to stricter measures required pursuant to Article 18.;’

(b) in point 6 of **Part 2, point 6**, the following **paragraph** is added**:**

‘The emission limit value is not applicable to combustion plants firing gas with more than 20 % (by volume) of hydrogen**, provided** that the **permit includes an annual mass emission limit for NO_x, expressed in tonnes per year, which does not exceed the annual NO_x** emissions **that would have occurred if** the installation **had** remained compliant with **the** emission limit values **for the combustion of natural gas for the same amount of energy produced**, without prejudice to stricter measures required pursuant to Article 18.;’

(c) in **Part** 4, the following points **[…]** are added:

‘3. The results of the measurements shall be standardised at the standardised O_2 content mentioned in Part 1 and Part 2 by applying the following formula:

$$E_S = \frac{21 - O_S}{21 - O_M} \times E_M$$

E_S = calculated emission concentration at the standard percentage oxygen concentration

E_M = measured emission concentration

O_S = standard oxygen concentration

O_M = measured oxygen concentration

PUBLIC

4. When fuel combustion takes places in an oxygen-enriched atmosphere, the results of the measurements can be standardised **using another approach than the one referred to in Point 3 such as using** an oxygen content laid down by the competent authority reflecting the special circumstances of the individual case. **[…]** When the emissions of polluting substances are reduced by waste gas treatment, the standardisation with respect to the oxygen contents provided for in **the first sentence** shall be done only if the oxygen content measured over the same period as for the polluting substance concerned exceeds the relevant standard oxygen content.

5. In the case of complete replacement of ambient air with oxygen, the emission limit values **set out in Parts 1 and 2** are not **applicable. In such case, Member States shall ensure that the overall load of each pollutant for which emission limit values are laid down in Parts 1 and 2 and eventually released into the air over one year do not exceed the level that would have occurred if the installation had remained compliant with emission limit values set out in Parts 1 and 2 for** the combustion of the given fuel**, without prejudice to stricter measures required pursuant to Article 18**.

4. In Annex VI to Directive 2010/75/EU, Part 6, the second subparagraph in point 2.7 is replaced by the following:

'In the case of complete replacement of ambient air with oxygen, the emission limit values set out in Parts 3 and 4 are not applicable. In such a case, Member States shall ensure that the overall load of each pollutant for which emission limit values are laid down in Parts 3 and 4 and eventually released into the air over one year do not exceed the level that would have occurred if the installation had remained compliant with emission limit values set out in Parts 3 and 4, without prejudice to stricter measures required pursuant to Article 18.'

PUBLIC

ANNEX II

1. Annex II to Directive (EU) 2015/2193 is amended as follows:

(a) in Part 1, tables 1 **and, 2, seventh column, and table 3**, **sixth column,** as regards the emission limit values for emission of NO_x when gaseous fuels other than natural gas are used, the following footnote is inserted **[…]**:

'(*) The emission limit value is not applicable to combustion plants firing gas with more than 20 % (by volume) of hydrogen**, provided that** Member States **set an annual mass emission limit for** NO_x**, expressed in tonnes per year, which does not exceed the level that would have occurred if** the installation **had** remained compliant with **the** emission limit values **[…]** for the combustion of natural gas **for the same amount of energy produced**, without prejudice to stricter measures required pursuant to Article **6(9)**.;'

(b) in Part 2, **table 1, seventh column, and table 2, sixth column**, as regards the emission limit values for emission of NO_x when gaseous fuels other than natural gas are used, the following footnote is inserted **[…]**:

'(*) The emission limit value is not applicable to combustion plants firing gas with more than 20 % (by volume) of hydrogen**, provided that** Member States **set an annual mass emission limit for** NO_x**, expressed in tonnes per year, which does not exceed the level that would have occurred if** the installation **had** remained compliant with **the** emission limit values **[…]** for the combustion of natural gas **for the same amount of energy produced** , without prejudice to stricter measures required pursuant to Article 6 (9).;'

2. Annex III to Directive (EU) 2015/2193 is amended as follows:

(c) in Part 1, point 2**, first paragraph**, the second indent is replaced by the following **[…]**:

'— three times the number of maximum average annual operating hours, applicable pursuant to Article 6(3) or (8), for medium combustion plants with a rated thermal input **[…]** greater than 20 MW that meet the requirements applicable to 'category NRG' in respect to Stage V controls under Regulation (EU) 2016/1628 of the European Parliament and of the Council[1],

PUBLIC

— the number of maximum average annual operating hours, applicable pursuant to Article 6(3) or **(8)**, for medium combustion plants with a rated thermal input greater than 20 MW that do not meet the requirements applicable to 'category NRG' in respect to Stage V controls under Regulation (EU) 2016/1628.

---

[1] Regulation (EU) 2016/1628 of the European Parliament and of the Council of 14 September 2016 on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC'

(d) In **Part** 2, the following points 4, 5 and 6 are added:

'4. The results of the measurements shall be standardised at the standardised O_2 content mentioned in Annex II by applying the following formula:

5. When fuel combustion takes places in an oxygen-enriched atmosphere, the results of the measurements can be standardised **using another approach than the one referred to in Point 4 such as using** an oxygen content laid down by the competent authority reflecting the special circumstances of the individual case. **[…]** When the emissions of polluting substances are reduced by waste gas treatment, the **[…]** standardisation with respect to the oxygen contents provided for in the first **sentence** shall be done only if the oxygen content measured over the same period as for the polluting substance concerned exceeds the relevant standard oxygen content.

PUBLIC

6. In the case of complete replacement of ambient air with oxygen, the emission limit values **set out in Parts 1 and 2 of Annex II** are not **applicable. In such a case, Member States shall ensure that the overall load of each pollutant for which emission limit values are laid down in Parts 1 and 2 of Annex II and eventually released into the air over one year does not exceed the level that would have occurred if the installation had remained compliant with the emission limit values set out in Parts 1 and 2 of Annex II for** the combustion of the given fuel**, without prejudice to stricter measures required pursuant to Article 6(9)**.'

PUBLIC