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NOTE

From:	General Secretariat of the Council
To:	Delegations
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 - Presidency compromise text

With a view to the meeting of the Antici Group on Simplification on 30 March 2026, delegations will find attached the Presidency compromise text.

Changes to the Commission proposal are marked in **bold** (added text) and deletions are marked with ~~strikethrough~~.

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 ~~of the European Parliament and of the Council~~ 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,

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

Whereas:

(1) The political guidelines for the Commission's 2024-2029 term[3], 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[4]**" (the "European Green Deal**").

(2) In response to the 2024 **report entitled "The future of European competitiveness" (the "**Draghi report[5]**"),** which ~~points~~**pointed** to regulatory obstacles and the ~~regulatory~~ administrative burden as one of the key challenges, **in particular** ~~notably~~ for small and ~~medium sized~~**medium-sized** enterprises ~~(SMEs)~~, the **Commission, in its communication of 29 January 2025 entitled "A** Competitiveness Compass[6] **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~~ ~~Europe's Choice, Political Guidelines for the next European Commission 2024–2029, Ursula von der Leyen.~~

~~4~~ ~~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 of 11 December 2019, 'The European Green Deal', COM/2019/640 final.~~

~~5~~ ~~Draghi, M. (2024) The future of European competitiveness. Available at: The Draghi report on EU competitiveness.~~

~~6~~ ~~Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 29 January 2025, A competitiveness Compass for the EU, COM(2025) final.~~

(3) In its communication of 11 February 2025 entitled 'A simpler and faster Europe: Communication on implementation and simplification',[7] ~~the European~~ **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 ~~Commission, 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.

(4) In the context of the Commission's commitment to reduce reporting burdens and compliance costs, advance interoperability~~,~~ and enhance competitiveness, it is necessary to ~~adapt~~**amend** certain provisions ~~in~~**of** Directives 2008/98/EC[8], 2010/75/EU[9], (EU) 2015/2193[10] and (EU) 2024/1785[11] of the European Parliament and of the Council whilst maintaining the policy objectives of the European Green Deal~~,~~ and **of the Commission communication of 8 March 2018 entitled "Action Plan: Financing**~~the~~ Sustainable ~~Finance Action Plan~~[12]**Growth". As regards extended producer responsibility**

~~7~~ ~~Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 11 February 2025, 'A simpler and faster Europe: Communication on implementation and simplification', COM/2025/47 final.~~

8 Directive 2008/98/EC of the European Parliament and of the Council of 19 November 2008 on waste and repealing certain Directives (OJ L 312, 22.11.2008, p. 3, ELI: http://data.europa.eu/eli/dir/2008/98/oj).

9 Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial **and livestock rearing** emissions (integrated pollution prevention and control) (OJ L 334, 17.12.2010, p. 17, ELI: http://data.europa.eu/eli/dir/2010/75/oj).

10 Directive (EU) 2015/2193 of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants (OJ L 313, 28.11.2015, p.~~1~~**. 1**, ELI: http://data.europa.eu/eli/dir/2015/2193/oj).

11 Directive (EU) 2024/1785 of the European Parliament and of the Council of 24 April 2024 amending Directive 2010/75/EU of the European Parliament and of the Council on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC on the landfill of waste (OJ L, 2024/1785, 15.7.2024, ELI: http://data.europa.eu/eli/dir/2024/1785/oj).

~~12~~ ~~Communication from the Commission to the European Parliament, the European Council, the Council, the European Central Bank, the European Economic and Social Committee and the Committee of the Regions of 8 March 2018, 'Action Plan: Financing Sustainable Growth', COM/2018/097 final.~~

obligations, Regulation (EU) 2025/40 of the European Parliament and of the Council[13] is a lex specialis in relation to this Directive. That means that, for the purposes of reporting to competent authorities under extended producer responsibility schemes, the provisions in that Regulation prevail over any conflicting provisions in this Directive. Member States may, in accordance with Article 193 TFEU, establish shorter reporting intervals where appropriate to enhance monitoring or improve the functioning of extended producer responsibility schemes, provided that such measures are compatible with the Treaties and notified to the Commission.

(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[14] was devised to enhance transparency and **to** provide comprehensive access to information on hazardous substances in products. ~~It is acknowledged that~~ 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, ~~it is estimated that~~ 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 that ~~has~~**have** already been reported should continue to be maintained by the European Chemicals Agency.

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[13] **Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (OJ L, 2025/40, 22.1.2025, ELI: http://data.europa.eu/eli/reg/2025/40/oj).**

[14] 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~~)**eu/eli/reg/2006/1907/oj)**.

(6) ~~The usefulness of~~ 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 ~~is diminished by~~**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. ~~Thus~~**Therefore**, that empowerment is deemed redundant and should be deleted.

(7) With a view to simplifying requirements on operators and companies, and ~~reduce~~**reducing** the administrative burden stemming from the preparation of ~~the~~**an** environmental management system (~~'EMS'~~**"EMS"**) pursuant to Article 14a of Directive 2010/75/EU ~~of the European Parliament and of the Council~~[15]**,** while maintaining equivalent standards as regards the protection of human health and the environment, ~~it is appropriate to allow, under certain conditions, several installations to be covered by~~**operators should be allowed to prepare** a single EMS~~. Where, in a Member State,~~ **for** two or more installations **where those installations are located in the same Member State and**~~are~~ under the control of the same operator, or ~~if the~~**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 ~~a~~**one** Member State~~, those installations may be covered by a single EMS~~.

(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 ~~able~~**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).

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[15] 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**. This is** without prejudice to, where relevant, similar ~~requirement~~**requirements** for a chemical inventory set under other Union legislation. **EMS prepared and implemented in accordance with EN ISO 14001 or Regulation (EC) No 1221/2009 (EMAS) should be presumed to comply with paragraphs 1 and 2 of Article 14a, to the extent that they cover the elements required therein. At the same time, requirements relating to hazardous substances should be addressed through permit conditions pursuant to Article 14 of this Directive, including an inventory of those substances where they are present in or emitted from the installation as such, as constituents of other substances or as part of mixtures.**

(10) In light of Article 5(3) of the Treaty on European Union (TEU) and Protocol ~~(No 2)~~**No 2** on the application of the principles of subsidiarity and proportionality, the requirement on the Commission in Article 14a(4)**, second subparagraph,** of Directive 2010/75/EU to adopt by 31 December 2025 an implementing act specifying the information contained in an EMS that is relevant for publication should be deleted**,** without prejudice to the Member States obligation to ensure that the relevant information set out in the EMS and listed in Article 14a(2) of that Directive is made available on the internet, free of charge and without restricting access to registered users~~; in consistency~~**, in line** with the public' rights to access environmental information held by, or for, public authorities, both upon request and through active dissemination. **With a view to supporting Member States and operators in implementing the requirements of Article 14a(4) of Directive 2010/75/EU, the Commission should prepare a guidance document identifying which elements of the EMS constitute relevant information to be published.**

(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.

(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 ~~the revised~~ Article 14a**, as amended by this Directive**.

(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 ~~should~~**are to** require from operators by 30 June 2030 ~~the inclusion in their EMS~~**to include** an indicative transformation plan **in their EMS** should be deleted. References to transformation plans and to Article 27d ~~which are present~~**of that Directive** in Article 14a(2)**,** point (f), and Articles 27e and 76 of **that** Directive ~~2010/75/EU need to~~**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[16], ~~it is appropriate to align~~ 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 ~~of the European Parliament and of the Council~~[17], by deleting the word 'pig' from the description of ~~this~~**that** activity **in point 2.2 of Annex I to Directive 2010/75/EU**.

(15) Directive 2010/75/EU ~~on industrial and livestock rearing emissions~~ does not currently include organic pig farms in its scope, while it ~~includes~~**does include** organic poultry farms ~~in it~~. 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, ~~it is appropriate to remove~~ organic poultry farms **should be removed** from the scope of ~~the~~**that** Directive.

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[16] 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).

[17] ~~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).~~

(16) Under ~~the current rules~~**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, ~~it is appropriate to adjust~~ 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.

(17) In order to simplify the transition towards clean energy and ~~low carbon~~**low-carbon** technologies, it is appropriate to enable the deployment of hydrogen-based industrial processes, as hydrogen combustion does not produce ~~CO2~~**CO_2**. However, when the hydrogen content of the fuel increases, ~~NOx~~**NO_x** emissions also increase, whereas the **emission** limit values for ~~NOx~~**NO_x** emissions currently set out in Annex V to Directive 2010/75/EU and Annex II to Directive (EU) 2015/2193 ~~of the European Parliament and of the Council~~[18]do not take into account such increase of the~~ use of~~ 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 ~~in~~**those set out** in Annex II ~~of~~ **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 ~~NOx~~**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 ~~NOx~~**NO_x** for the combustion of natural gas**, for example by setting installation specific**

~~18~~ ~~Directive (EU) 2015/2193 of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants (OJ L 313, 28.11.2015, p.1, ELI: http://data.europa.eu/eli/dir/2015/2193/oj).~~

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 ~~carbon dioxide~~**CO_2**. The higher the oxygen content in the injected air used for combustion, the lower the volume of air needed~~; and~~**.** The concentration of pollutants would therefore be increased even if the quantity of ~~pollutant~~**pollutants** (in mass) is not higher than for combustion with air. Enabling the use of oxy-fuel combustion under ~~Directive~~**Directives** 2010/75/EU and ~~Directive~~ (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~~, from compliance with relevant emission limit values~~. Under those circumstances, such back-up generators are still submitted to periodic measurements in relation to their ~~SO2, NOx~~**SO_2, NO_x**, dust and CO emissions, even if such measurements are not used to assess compliance ~~against~~**with** the relevant emission limit values. In addition, the periodicity of such measurements does not distinguish between more recent - and thus more ~~energy efficient~~**energy-efficient -** back-up generators**–** and older ones. With a view to simplifying and reducing the administrative burden stemming from the current reporting requirements ~~arising~~ under Directive (EU) 2015/2193 in relation to ~~SO2, NOx~~**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, ~~it is appropriate to set~~ a specific threshold **should be set** for a minimum number of operating hours applicable to their use, below which the frequency of periodic measurements ~~would be~~**is** lowered. The more recent back-up generators are those that comply with the emission ~~limits~~**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[19] ~~on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery~~ **of the European Parliament and of the Council**. For those back-up generators, periodic measurement should take place after 1 500 operating hours have elapsed, or at least every five years.

(20) ~~In order to give the Member States, competent authorities and operators time to comply with the new or revised provisions and clarity as to when the new or revised provisions apply, and thus simplify their implementation; the transitional provisions which are currently set out in Directive (EU) 2024/1785 should be modified so that they also cover Article 14(1) point (ab), and Article 16(2) and (3) of Directive 2010/75/EU.~~ 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 ~~and added in~~**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, point (ab), 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.

~~19~~ 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~~**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**~~ELI: http~~://data.europa.eu/eli/reg/2016/1628/2022-07-17**).**

(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:

Article 1

Amendments to Directive 2008/98/EC

Directive 2008/98/EC is amended as follows:

~~1.~~**(1)** in Article 8a(1), point (c) is replaced by the following:

‘(c) ensure that a reporting system is in place to gather data on the products made available for the first time on the market of the Member State by the producers of products subject to extended producer responsibility and data on the collection and treatment of waste resulting from those products specifying, where appropriate, the waste material flows, as well as other data relevant for the purposes of point (b), ~~as well as~~**and ensure** that the producers or, if appointed by the producer, the producer’s authorised representative for extended producer responsibility, are required to report, in accordance with the requirements of the first sentence of this point, ~~at a maximum frequency of~~ once every 12 months, for each full preceding calendar year**.**;’

~~2.~~**(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 ~~(ia)~~ 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).; ’

(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).’

PUBLIC

~~3.~~**(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.’ ,

~~‘* 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).;’~~

Article 2

Amendments to Directive 2010/75/EU

Directive 2010/75/EU is amended as follows:

(-1) in Article 14(1), second subparagraph, point (ab) is replaced by the following:

‘(ab) appropriate requirements ensuring the assessment of the need to prevent or reduce the emissions of substances fulfilling the criteria of Article 57 of this Directive or substances addressed in restrictions in Annex XVII to Regulation (EC) No 1907/2006. This includes an inventory of those substances when they are present in or emitted from the installation as such, as constituents of other substances or as part of mixtures.’

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

PUBLIC

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

'Article 14a

Environmental management system

1. ~~Where, in the same~~ Member ~~State~~**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 ~~a~~**one** Member State, those installations may be covered ~~by~~**with** a single EMS. The EMS shall comply with relevant BAT conclusions that determine aspects to be covered in the EMS.

2. The EMS 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;

PUBLIC

(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 ~~2012/27/EU~~**(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.

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. Member States shall ensure that the relevant information set out in the EMS and listed in paragraph 2 is made available on the internet, free of charge and without restricting access to registered users.

With a view to supporting Member States and operators in implementing the requirements set out in the first subparagraph, the Commission shall prepare a guidance document identifying which elements of the EMS constitute relevant information to be published.

Information may be redacted or, if that is not possible, excluded when made available on the internet, if the disclosure of the information would adversely affect any of the interests listed in Article 4(2), points (a) to (h)**,** of Directive 2003/4/EC **of the European Parliament and of the Council**.**

PUBLIC

The operator shall prepare and implement the EMS in accordance with paragraphs 1, 2 and 3 of this Article 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 2012/27/EU of the European Parliament and of the Council of 25 October 2012 on energy efficiency, amending Directives 2009/125/EC and 2010/30/EU and repealing Directives 2004/8/EC and 2006/32/EC (OJ L 315, 14.11.2012, p. 1, ELI: http://data.europa.eu/eli/dir/2012/27/oj).

(**) 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 (OJ L 41, 14.2.2003, p. 26, ELI: http://data.europa.eu/eli/dir/2003/4/oj).'

(1a) 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;'

(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:;'

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(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.'

(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.;'

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(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 ~~10 to 16~~ 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.

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), and (d), 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.

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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), and (d), 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.

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 ~~Article 15(6)~~**(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 ~~Article 15(6)~~**(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;

(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.

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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.

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]~~ at the latest~~. They shall ~~forthwith~~**immediately** communicate~~ to the Commission~~ the text of those ~~provisions~~**measures to the Commission**.

When Member States adopt those ~~provisions~~**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	*For the Council*
The President	*The President*

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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. ~~In~~ Annex Ia to Directive 2010/75/EU~~,~~ **is amended as follows:**

a) **in the first paragraph,** point 2 ~~is complemented with a third~~**, the following** sentence ~~as follows~~**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 ~~sentence of~~**paragraph,** point 3~~, the words 'or laying hens or other poultry categories' are inserted after 'excluding rearing of pigs'.~~ **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) ~~Within the section on the LSU level of an installation~~**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'**.

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:

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

~~'in the table, second column, a footnote (5) 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'

~~That footnote reads as follows:~~

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‘(5) The emission limit value is not applicable to combustion plants firing gas with more than 20 % (by volume) of hydrogen. In such case, Member States shall ensure that the overall load of ~~NOx~~**NO_x** eventually released into the air over one year is not increased compared to the situation where the emissions from the installation concerned remained compliant with **the** emission limit values set out in this point ~~for NOx~~ **for NO_x** for the combustion of natural gas, without prejudice to stricter measures required pursuant to Article 18.;’

(b) in point 6 of ~~PART 2~~**Part 2, point 6**, the following ~~subparagraph~~**paragraph** is added ~~at the end of that point:~~**:**

‘The emission limit value is not applicable to combustion plants firing gas with more than 20 % (by volume) of hydrogen. In such case, Member States shall ensure that the overall load of NOx eventually released into the air over one year is not increased compared to the situation where the emissions from the installation concerned remained compliant with emission limit values set out in this point for NOx , without prejudice to stricter measures required pursuant to Article 18.;’

(c) in ~~PART~~**Part** 4, the following points ~~3 to 5~~ 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

4. When fuel combustion takes places in an oxygen-enriched atmosphere, the results of the measurements can be standardised ~~at~~**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 ~~point 3~~**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 ~~referred to in Article 30 shall be regarded as having been complied with if the emissions~~**set out in Parts 1 and 2** are not ~~higher than~~**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 is not increased compared to the situation where** the emissions from **the installation concerned remained compliant with emission limit values set out in Parts 1 and 2 for** the combustion of the given fuel ~~at the standardised O_2 content.~~**, without prejudice to stricter measures required pursuant to Article 18**.'

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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,**~~, 2 and 3~~ 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 ~~after the figures mentioned in the seventh column regarding that pollutant~~:

'(*) The emission limit value is not applicable to combustion plants firing gas with more than 20 % (by volume) of hydrogen. Member States shall 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 remained compliant with **the** emission limit values set out in Part 1 of Annex II for NO_x for the combustion of natural gas, without prejudice to stricter measures required pursuant to Article 6 (9).;'

(b) in Part 2, ~~tables 1 and 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 ~~after the figures mentioned in the sixth column regarding that pollutant~~:

'(*) The emission limit value is not applicable to combustion plants firing gas with more than 20 % (by volume) of hydrogen. Member States shall ensure that the overall load of NOx eventually released into the air over one year is not increased compared to the situation where the emissions from the installation concerned remained compliant with **the** emission limit values set out in Part 2 of Annex II for NO_x for the combustion of natural gas, without prejudice to stricter measures required pursuant to Article 6 (9).;'

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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 ~~two indents~~:

‘— 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 ~~equal to or~~ 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],

— the number of maximum average annual operating hours, applicable pursuant to Article 6(3) or ~~Article 6(8)~~**(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.

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[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~~**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:

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

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

5. When fuel combustion takes places in an oxygen-enriched atmosphere, the results of the measurements can be standardised ~~at~~ **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 ~~subparagraph~~**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.

6. In the case of complete replacement of ambient air with oxygen, the emission limit values ~~referred to in Article 6 shall be regarded as having been complied with if the emissions~~**set out in Parts 1 and 2 of Annex II** are not ~~higher than~~**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 is not increased compared to the situation where** the emissions from **the installation concerned remained compliant with emission limit values set out in Parts 1 and 2 of Annex II for** the combustion of the given fuel ~~at the standardised O_2 content~~**, without prejudice to stricter measures required pursuant to Article 6(9)**.'

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