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MEETING DOCUMENT

From: General Secretariat of the Council
To: Working Party on the Environment

Subject: Industrial Emissions Directive and Industrial Emissions Portal: WPE meeting on 13 November - Industrial Emissions Directive 4CT and draft penalty table

In view of the WPE meeting on 13 November delegations will find in the Annex the latest 4CT for the Industrial Emissions Directive along with the draft penalty table.

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (Text with EEA relevance)

2022/0104(COD)

DRAFT for ITM 11 - 6 November 2023

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Formula			
1	2022/0104 (COD)	2022/0104 (COD)	2022/0104 (COD)	2022/0104 (COD)
	Proposal Title			
2	<p>Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste</p> <p>(Text with EEA relevance)</p>		<p>Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste</p> <p>(Text with EEA relevance)</p>	
	Formula			

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3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ <u>1. OJ C , , p. .</u>	Having regard to the opinion of the European Economic and Social Committee ¹ <u>1. OJ C , , p. .</u>	Having regard to the opinion of the European Economic and Social Committee ¹ <u>1. OJ C , , p. .</u>	Having regard to the opinion of the European Economic and Social Committee ¹ <u>1. OJ C , , p. .</u>
Citation 5				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
8	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the Committee of the Regions ¹ , <u>1. OJ C , , p. .</u>
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,
Formula				
10	Whereas:	Whereas:	Whereas:	Whereas:
Recital 1				
11	(1) The European Green Deal ¹ is Europe's strategy to ensure, by 2050, a climate-neutral, clean and circular economy, optimising resource management, minimising pollution while recognising the need for deeply transformative policies. The Union is also committed to the 2030 Agenda for Sustainable Development ² and its Sustainable Development Goals ³ . The EU Chemicals Strategy for Sustainability ⁴ of October 2020 and the Zero Pollution Action Plan ⁵ adopted in May 2021	(1) The European Green Deal ¹ is Europe's strategy to ensure, by 2050, a climate-neutral, clean and circular economy, optimising resource <i>(re-use and</i> management, minimising pollution while recognising the need for deeply transformative policies, <i>a just transition and the need to protect the health and well-being of citizens from environment-related risks and impacts</i> . The Union is also committed to <i>the Paris Agreement^a</i> , the 2030 Agenda for Sustainable Development ² and its Sustainable Development Goals ³ <i>and its involvement in the WHO</i> .	(1) The European Green Deal ¹ is Europe's strategy to ensure, by 2050, a climate-neutral, clean and circular economy, optimising resource management, minimising pollution while recognising the need for deeply transformative policies. The Union is also committed to the 2030 Agenda for Sustainable Development ² and its Sustainable Development Goals ³ . The EU Chemicals Strategy for Sustainability ⁴ of October 2020 and the Zero Pollution Action Plan ⁵ adopted in May 2021 specifically address pollution aspects of the European Green Deal. In parallel, the New Industrial Strategy for Europe ⁶	

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<p>specifically address pollution aspects of the European Green Deal. In parallel, the New Industrial Strategy for Europe⁶ further emphasises the potential role of transformative technologies. Other particularly relevant policies for this initiative include the ‘Fit for 55’ package⁷, the Methane Strategy⁸ and the Glasgow methane pledge⁹, the Climate Adaptation Strategy¹⁰, the Biodiversity Strategy¹¹, the Farm to Fork strategy¹² and the Sustainable Products Initiative¹³. Besides, as part of the EU response to the 2022 Russia-Ukraine war, REPowerEU¹⁴ proposes a Joint European Action to support the diversification of energy supplies, accelerate the transition to renewable energy and improve energy efficiency.</p> <p>1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions The European Green Deal; COM(2019) 640 final.</p> <p>2. https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E</p> <p>3. https://sdgs.un.org/goals</p> <p>4. Communication from the Commission to the European Parliament, the Council, the European</p>	<p>The EU Chemicals Strategy for Sustainability⁴ of October 2020 and the Zero Pollution Action Plan⁵ adopted in May 2021 specifically address pollution aspects of the European Green Deal. In parallel, the New Industrial Strategy for Europe⁶ further emphasises the potential role of transformative technologies. Other particularly relevant policies for this initiative include the European Climate law, ^{6a} ‘Fit for 55’ package⁷, the Methane Strategy⁸ and the Glasgow methane pledge⁹, the Climate Adaptation Strategy¹⁰, the Biodiversity Strategy¹¹, the Farm to Fork strategy¹² the Soil Strategy^{12a} and the Sustainable Products Initiative¹³. Besides, as part of the EU response to the 2022 Russia-Ukraine war, REPowerEU¹⁴ proposes a Joint European Action to support the diversification of energy supplies, accelerate the transition to renewable energy and improve energy efficiency.</p> <p>1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions The European Green Deal; COM(2019) 640 final.</p> <p>1a. Council Decision (EU) 2016/1841 of 5 October 2016 on the conclusion, on behalf of the European Union, of the Paris Agreement adopted under the United Nations Framework Convention on</p>	<p>further emphasises the potential role of transformative technologies. Other particularly relevant policies for this initiative include the ‘Fit for 55’ package⁷, the Methane Strategy⁸ and the Glasgow methane pledge⁹, the Climate Adaptation Strategy¹⁰, the Biodiversity Strategy¹¹, the Farm to Fork strategy¹² and the Sustainable Products Initiative¹³. Besides, as part of the EU response to the 2022 Russia-Ukraine war, REPowerEU¹⁴ proposes a Joint European Action to support the diversification of energy supplies, accelerate the transition to renewable energy and improve energy efficiency.</p> <p>1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions The European Green Deal; COM(2019) 640 final.</p> <p>2. https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E</p> <p>3. https://sdgs.un.org/goals</p> <p>4. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Chemicals Strategy for Sustainability Towards a Toxic-Free Environment COM(2020) 667 final.</p> <p>5. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' COM(2021) 400 final.</p>	


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<p>Economic and Social Committee and the Committee of the Regions, Chemicals Strategy for Sustainability Towards a Toxic-Free Environment COM(2020) 667 final.</p> <p>5. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' COM(2021) 400 final.</p> <p>6. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, A New Industrial Strategy for Europe COM(2020) 102 final.</p> <p>7. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'Fit for 55': delivering the EU's 2030 Climate Target on the way to climate neutrality COM/2021/550 final.</p> <p>8. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on an EU strategy to reduce methane emissions COM(2020) 663 final.</p> <p>9. https://www.globalmethanepledge.org/</p> <p>10. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Forging a climate-resilient Europe - the new EU</p>	<p><u>Climate Change (OJ L 282, 19.10.2016, p. 4)</u></p> <p>2. https://www.un.org/ga/search/view_doc.asp?symbol=A/RES/70/1&Lang=E</p> <p>3. https://sdgs.un.org/goals</p> <p>4. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Chemicals Strategy for Sustainability Towards a Toxic-Free Environment COM(2020) 667 final.</p> <p>5. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Pathway to a Healthy Planet for All EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil' COM(2021) 400 final.</p> <p>6. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, A New Industrial Strategy for Europe COM(2020) 102 final.</p> <p><u>6a. Regulation (EU) 2021/1119 of the European Parliament and of the Council of 30 June 2021 establishing the framework for achieving climate neutrality and amending Regulations (EC) No 401/2009 and (EU) 2018/1999 ('European Climate Law')</u></p> <p>7. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'Fit for 55': delivering the EU's 2030 Climate Target on the way to climate neutrality COM/2021/550 final.</p> <p>8. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on an EU</p>	<p>6. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions, A New Industrial Strategy for Europe COM(2020) 102 final.</p> <p>7. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 'Fit for 55': delivering the EU's 2030 Climate Target on the way to climate neutrality COM/2021/550 final.</p> <p>8. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on an EU strategy to reduce methane emissions COM(2020) 663 final.</p> <p>9. https://www.globalmethanepledge.org/</p> <p>10. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM(2021) 82 final.</p> <p>11. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU Biodiversity Strategy for 2030 Bringing nature back into our lives COM(2020) 380 final.</p> <p>12. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system COM(2020) 381 final.</p> <p>13. COM(2022) 142</p> <p>14. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions REPowerEU: Joint European</p>	

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	<p>Strategy on Adaptation to Climate Change COM(2021) 82 final.</p> <p>11. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU Biodiversity Strategy for 2030 Bringing nature back into our lives COM(2020) 380 final.</p> <p>12. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system COM(2020) 381 final.</p> <p>13. COM(2022) 142</p> <p>14. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions REPowerEU: Joint European Action for more affordable, secure and sustainable energy; COM(2022) 108 final.</p>	<p>strategy to reduce methane emissions COM(2020) 663 final.</p> <p>9. https://www.globalmethanepledge.org/</p> <p>10. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions Forging a climate-resilient Europe - the new EU Strategy on Adaptation to Climate Change COM(2021) 82 final.</p> <p>11. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions EU Biodiversity Strategy for 2030 Bringing nature back into our lives COM(2020) 380 final.</p> <p>12. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions A Farm to Fork Strategy for a fair, healthy and environmentally-friendly food system COM(2020) 381 final.</p> <p><u>12a. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: EU Soil Strategy for 2030 Reaping the benefits of healthy soils for people, food, nature and climate; COM(2021)0699.</u></p> <p>13. COM(2022) 142</p> <p>14. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions REPowerEU: Joint European Action for more affordable, secure and sustainable energy; COM(2022) 108 final.</p>	<p>Action for more affordable, secure and sustainable energy; COM(2022) 108 final.</p>	
Recital 2				

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12	<p>(2) The European Green Deal announced a revision of Union measures to address pollution from large industrial installations, including reviewing the sectoral scope of the legislation and how to make it fully consistent with climate, energy and circular economy policies. In addition, the Zero Pollution Action Plan, the Circular Economy Action Plan and the Farm to Fork Strategy also call for reducing pollutant emissions at source, including sources not currently within the scope of Directive 2010/75/EU of the European Parliament and of the Council¹. Addressing pollution from certain agro-industrial activities thus requires their inclusion within the scope of that Directive.</p> <p>¹. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control); OJ L 334, 17.12.2010, p. 17-119.</p>	<p>(2) The European Green Deal announced a revision of Union measures to address pollution from large industrial installations, including reviewing the sectoral scope of the legislation and how to make it fully consistent with climate, energy, <u>water, air quality</u> and circular economy policies <u>while protecting the health and well-being of citizens, and protecting animals, from environmental - related risks and impacts and taking into account interconnections between human health and animal health</u>. In addition, the Zero Pollution Action Plan, the Circular Economy Action Plan and the Farm to Fork Strategy also call for <u>improving resource efficiency and reuse while</u> reducing pollutant emissions at source, including sources not currently within the scope of Directive 2010/75/EU of the European Parliament and of the Council¹. Addressing pollution from certain agro-industrial activities <u>while promoting sustainable agricultural practices that have multiple co-benefits for the environmental and climate objectives of the European Green Deal</u> thus requires their inclusion within the scope of that Directive.</p>	<p>(2) The European Green Deal announced a revision of Union measures to address pollution from large industrial installations, including reviewing the sectoral scope of the legislation and how to make it fully consistent with climate, energy and circular economy policies. In addition, the Zero Pollution Action Plan, the Circular Economy Action Plan and the Farm to Fork Strategy also call for reducing pollutant emissions at source, including sources not currently within the scope of Directive 2010/75/EU of the European Parliament and of the Council¹. Addressing pollution from certain agro-industrial activities thus requires their inclusion within the scope of that Directive.</p> <p>¹. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control); OJ L 334, 17.12.2010, p. 17-119.</p>	

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		1. Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control); OJ L 334, 17.12.2010, p. 17-119.		
Recital 3				
13	<p>(3) The Union’s extractive industry is key to achieving the aims of the European Green Deal and the EU industrial strategy, including its update. Raw materials are of strategic importance for the digital and green transition, the energy, materials and circular economy transformation and to strengthen EU economic resilience. In order to achieve these objectives, sustainable domestic capacities need to be further developed. This requires effective, tailored and harmonised measures to ensure that the best available techniques are established and employed, thus applying processes that are both the most efficient and have the lowest possible impacts on human health and the environment . The governance mechanisms of Directive 2010/75/EU that closely associate industry experts to the development of consensual and tailored</p>	<p>(3) The Union’s extractive industry is key to achieving the aims of the European Green Deal and the EU industrial strategy, including its update. Raw materials are of strategic importance for the digital and green transition, the energy, materials and circular economy transformation and to strengthen EU economic resilience <u>and autonomy</u>. In order to achieve these objectives, sustainable domestic capacities <u>and supply</u> need to be further developed, <u>especially in light of the growing global demand, the vulnerability of supply chains and geopolitical tensions</u>. This requires effective, tailored and harmonised measures <u>only for activities concerning certain metalliferous ores and specific industrial ores which have a significant impact on the environment and/or consumption of water and energy such as chemical processing, confirmed by an impact assessment</u>, to ensure that the best available techniques are established and employed, thus applying processes that are both the</p>	<p>(3) The Union’s extractive industry is key to achieving the aims of the European Green Deal and the EU industrial strategy, including its update. Raw materials are of strategic importance for the digital and green transition, the energy, materials and circular economy transformation and to strengthen EU economic resilience. In order to achieve these objectives, sustainable domestic capacities need to be further developed. This requires effective, tailored and harmonised measures to ensure that the best available techniques are established and employed, thus applying processes that are both the most efficient and have the lowest possible impacts on human health and the environment . The governance mechanisms of Directive 2010/75/EU that closely associate industry experts to the development of consensual and tailored environmental requirements will support the sustainable growth of those activities in the Union. The development and availability of commonly agreed standards will level the Union’s playing field while</p>	


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	<p>environmental requirements will support the sustainable growth of those activities in the Union. The development and availability of commonly agreed standards will level the Union's playing field while ensuring a high level of protection of human health and the environment. It is therefore appropriate to include those activities within the scope of Directive 2010/75/EU.</p>	<p>most efficient and have the lowest possible impacts on human health and the environment. <u><i>The Commission should, based on an impact assessment, establish an exhaustive list of such activities concerning certain industrial ores.</i></u></p> <p>The governance mechanisms of Directive 2010/75/EU that closely associate industry experts to the development of consensual and tailored environmental requirements will support the sustainable growth of those activities in the Union. The development and availability of commonly agreed standards will level the Union's playing field while ensuring a high level of protection of human health and the environment. – It is therefore appropriate to include those activities within the scope of Directive 2010/75/EU <u><i>as well as to empower the Commission to adopt a delegated act in order to amend the relevant provisions of Annex I to Directive 2010/75/EU, in the event of new large discoveries of minerals in the Union that have a significant environmental impact.</i></u></p>	<p>ensuring a high level of protection of human health and the environment. It is therefore appropriate to include those activities within the scope of Directive 2010/75/EU.</p>	
Recital 3a				
13a		<p><u><i>(3a) Persistent problems with odours ('olfactory pollution') as well as problems with the</i></u></p>		

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		<p><u><i>discharge of industrial waste water that can be aggravated by seasonal fluctuations of environmental conditions, are a matter of particular concern in numerous areas within the Union and they are not adequately addressed in existing Union legislation. This amending act should take into account the impact of olfactory and industrial water discharges pollution on the health, quality of the environment and quality of life of Union citizens.</i></u></p>		
Recital 4				
14	<p>(4) Rearing of pigs, poultry and cattle cause significant pollutant emissions into the air and water. In order to reduce such pollutant emissions, including ammonia, methane, nitrates and greenhouse gas emissions and thereby improve air, water and soil quality, it is necessary to lower the threshold above which pigs and poultry installations are included within the scope of Directive 2010/75/EU and to include also cattle farming within that scope. Relevant BAT requirements take into consideration the nature, size, density and complexity of these installations, including the</p>	<p>(4) Rearing of pigs, poultry and cattle, <u><i>while contributing to food security</i></u>, cause significant pollutant emissions into the air and water. In order to reduce such pollutant emissions, including ammonia, methane, nitrates and greenhouse gas emissions and thereby improve air, water and soil quality, it is necessary to lower the threshold above which <u><i>large</i></u> pigs and poultry installations are included within the scope of Directive 2010/75/EU and to include also <u><i>large</i></u> cattle farming within that scope. Relevant BAT requirements take into consideration the nature, size, density and complexity of these installations, including the specificities of pasture</p>	<p>(4) Rearing of pigs, poultry and cattle cause significant pollutant emissions into the air and water. In order to reduce such pollutant emissions, including ammonia, methane, nitrates and greenhouse gas emissions and thereby improve air, water and soil quality, it is necessary to lower the threshold above which pigs and poultry installations are included within the scope of Directive 2010/75/EU and to include also cattle farming within that scope. Rearing of cattle or pigs in installations operating under extensive production regimes should be exempted from the scope of IED, since they contribute positively to preserving landscapes, forest fire</p>	<p>(4) Rearing of pigs, poultry and cattle cause significant pollutant emissions into the air and water. In order to reduce such pollutant emissions, including ammonia, methane, nitrates and greenhouse gas emissions and thereby improve air, water and soil quality, it is necessary to lower the threshold above which pigs and poultry installations are included within the scope of Directive 2010/75/EU and to include also cattle farming within that scope. <i>Those thresholds should be expressed in livestock units instead of places to take into account the diversity of animals reared in farms. The number of LSU units should be calculated on the basis on the number of places in</i></p>

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<p>specificities of pasture based cattle rearing systems, where animals are only seasonally reared in indoor installations, and the range of environmental impacts they may have. The proportionality requirements in BATs aim to incentivise farmers to implement the necessary transition towards increasingly environmentally friendly agricultural practices.</p>	<p>based cattle rearing systems, where animals are only seasonally reared in indoor installations, and the range of environmental impacts they may have. <u><i>The BAT should not include any recommendation that would lead to a shift from pasture-based systems to fully indoor rearing.</i></u> The proportionality requirements in BATs aim to incentivise farmers to implement the necessary transition towards increasingly environmentally friendly agricultural practices. <u><i>High environmental standards in both industrial activities and intensive animal rearing tend to increase the production value of products, complying with the requirements of Union environmental legislation. It is therefore essential, in order to promote higher environmental standards worldwide, to introduce reciprocity with producers outside of the Union, thus incentivising the import onto the internal market of products complying with similar environmental obligations, starting with agricultural production under Annex Ia as provided for in this Directive and potentially extending such reciprocity to industrial activities.</i></u></p>	<p>prevention and protecting biological diversity and habitats. The exemption should cover installations with pasture based rearing of cattle or pigs with a low stocking density where the animals are kept outdoors a large part of the year. The area used for calculating the density should be used for grazing by the animals in the installation or for growing fodder or forage used for feeding the animals in the installation. Relevant BAT requirements take into consideration the nature, size, density and complexity of these installations, including the specificities of pasture based cattle rearing systems, where animals are only seasonally reared in indoor installations, and the range of environmental impacts they may have. The proportionality requirements in BATs aim to incentivise farmers to implement the necessary transition towards increasingly environmentally friendly agricultural practices.</p>	<p><i>the farm for the various animal types using the conversion thresholds set in this Directive.</i></p> <p><i>Rearing of [cattle or] pigs in installations operating under organic or production regimes with low stocking density should be exempted from the scope of IED, since they contribute positively to preserving landscapes, forest fire prevention and protecting biological diversity and habitats. The exemption should cover installations with pasture based rearing of [cattle or] pigs with a low stocking density where the animals are [kept outdoors a large part of the year / seasonally reared outside]. The area used for calculating the density should be used for grazing by the animals in the installation or for growing fodder or forage used for feeding the animals in the installation.</i></p> <p>Relevant BAT requirements take into consideration the nature, size, density and complexity of these installations, including the specificities of pasture based cattle rearing systems, where animals are only seasonally reared in indoor installations, and the range of environmental impacts they may have. The proportionality requirements in BATs aim to incentivise farmers to implement the necessary transition</p>


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				towards increasingly environmentally friendly agricultural practices.
Recital 4a				
14a			(4a) In order to prevent the artificial splitting of farms, which could result in the reduction of the farm LSU capacity to a threshold below the one established for the application of this Directive, the Member State should adopt measures to ensure that if two or more installations are located close to each other and if their operator is the same or if the installations are under the control of operators who are engaged in an economic or legal relationship, the competent authority may consider those installations as a single unit for the purpose of calculating the capacity threshold for livestock.	
Recital 5				
15	(5) A significant increase in the number of large-scale installations for the production of batteries for electric vehicles will likely take place within the Union up to 2040, increasing the Union's share of the global battery production. Whilst several of the activities of the	(5) A significant increase in the number of large-scale installations for the production of batteries for electric vehicles will likely take place within the Union up to 2040 <u>2030</u> , increasing the Union's share of the global battery production. Whilst several of the activities of the batteries value	(5) A significant increase in the number of large-scale installations for the production of batteries for electric vehicles will likely take place within the Union up to 2040, increasing the Union's share of the global battery production. Whilst several of the activities of the batteries value chain are already regulated by Directive	

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	<p>batteries value chain are already regulated by Directive 2010/75/EU and batteries are regulated as products by Regulation (EU) .../... of the European Parliament and of the Council* +, it is still necessary to include in the scope of the Directive large installations manufacturing batteries, ensure that they are also covered by the requirements set out in Directive 2010/75/EU and therefore contribute to a more sustainable growth of batteries manufacturing. Including large installations manufacturing batteries in the scope of Directive 2010/75/EU will improve in a holistic way the sustainability of batteries and minimise their impact on the environment throughout their life cycle.</p>	<p>chain are already regulated by Directive 2010/75/EU, <u>other activities, such as the assembly of battery modules and battery packs fall clearly outside of its scope.</u> Furthermore, batteries and batteries are regulated as products <u>are regulated</u> by Regulation (EU) .../... of the European Parliament and of the Council* +. <u>However</u>, it is still necessary to include in the scope of the Directive large installations manufacturing batteries, ensure that they <u>except for installations exclusively assembling battery modules and battery packs, thereby ensuring that such large manufacturing installations</u> are also covered by the requirements set out in Directive 2010/75/EU and therefore contribute to a more sustainable growth of batteries manufacturing. Including large installations manufacturing batteries in the scope of Directive 2010/75/EU will improve in a holistic way the sustainability of batteries and minimise their impact on the environment throughout their life cycle.</p>	<p>2010/75/EU and batteries are regulated as products by Regulation (EU) .../... of the European Parliament and of the Council* +, it is still necessary to include in the scope of the Directive large installations manufacturing batteries, ensure that they are also covered by the requirements set out in Directive 2010/75/EU and therefore contribute to a more sustainable growth of batteries manufacturing. Including large installations manufacturing batteries in the scope of Directive 2010/75/EU will improve in a holistic way the sustainability of batteries and minimise their impact on the environment throughout their life cycle.</p>	
Recital 5a				
15a		<p><u>(5a) Renewable hydrogen will be key to replacing fossil fuels in</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>hard-to decarbonise, energy-intensive industries and transport, diversifying the Union’s energy mix and boosting the progress towards climate neutrality by 2050 at the latest. Hydrogen production through water electrolysis has a much lower environmental impact than its production in conventional hydrogen plants, with the water footprint being a crucial, and a very location-specific parameter dependent on the local water availability, consumption, degradation, and pollution. Although it requires high quality water for its production, hydrogen as an energy carrier offers great potential for self-sufficiency to small and medium-sized enterprises.</u></p>		
Recital 6				
16	<p>(6) With a view to further strengthening public access to environmental information, it is necessary to clarify that permits for installations granted pursuant to Directive 2010/75/EU are to be made available to the public on the Internet, free of charge and without restricting access to registered users. A uniform summary of permits should also</p>	<p>(6) With a view to further strengthening public access to environmental information, it is necessary to clarify that permits for installations granted pursuant to Directive 2010/75/EU are to be made available to the public on the Internet, free of charge and without restricting access to registered users <u>while ensuring that confidential business information is safeguarded.</u> A uniform summary</p>	<p>(6) With a view to further strengthening public access to environmental information, it is necessary to clarify that permits for installations granted pursuant to Directive 2010/75/EU are to be made available to the public on the Internet, free of charge and without restricting access to registered users. A uniform summary of permits should also be made available to the public under the same conditions.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	be made available to the public under the same conditions.	of permits should also be made available to the public under the same conditions. <u>To that end, the Commission should establish guidelines on the publication of permits.</u>		
	Recital 7			
17	(7) The impact of pollution, including when caused by incidents or accidents, may extend beyond the territory of a Member State. In such cases, without prejudice to Directive 2012/18/EU of the European Parliament and of the Council ¹ , limiting the consequences for human health and the environment of incidents or accidents and preventing further possible incidents or accidents requires prompt information and close coordination between the competent authorities of the Members States which are or may be affected by such events. Therefore, in the event of any incident or accident significantly affecting the environment or human health in another Member State, information and transboundary and multidisciplinary cooperation between the affected Member States should	(7) The impact of pollution, including when caused by incidents or accidents, may extend beyond the territory of a Member State. In such cases, without prejudice to Directive 2012/18/EU of the European Parliament and of the Council ¹ , limiting the consequences for human health and the environment of incidents or accidents and preventing further possible incidents or accidents requires prompt information and close coordination between the competent authorities of the Members States which are or may be affected by such events. Therefore, in the event of any incident or accident significantly affecting the environment or human health in another Member State, information and transboundary and multidisciplinary cooperation between the affected Member States should be fostered to limit the consequences for the environment and human health and to prevent	(7) The impact of pollution, including when caused by incidents or accidents, may extend beyond the territory of a Member State. In such cases, without prejudice to Directive 2012/18/EU of the European Parliament and of the Council ¹ , limiting the consequences for human health and the environment of incidents or accidents and preventing further possible incidents or accidents requires prompt information and close coordination between the competent authorities of the Members States which are or may be affected by such events. Therefore, in the event of any incident or accident significantly affecting the environment or human health in another Member State, information and transboundary and multidisciplinary cooperation between the affected Member States should be fostered to limit the consequences for the environment and human health and to prevent further possible incidents or accidents.	(7) The impact of pollution, including when caused by incidents or accidents, may extend beyond the territory of a Member State. In such cases, without prejudice to Directive 2012/18/EU of the European Parliament and of the Council ¹ , limiting the consequences for human health and the environment of incidents or accidents and preventing further possible incidents or accidents requires prompt information and close coordination between the competent authorities of the Members States which are or may be affected by such events. Therefore, in the event of any incident or accident significantly affecting the environment or human health in another Member State, information and transboundary and multidisciplinary cooperation between the affected Member States should be fostered to limit the consequences for the environment and human health and to prevent further possible incidents or accidents.

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	<p>be fostered to limit the consequences for the environment and human health and to prevent further possible incidents or accidents.</p> <p>1. + OP: Please insert in the text the number of the Regulation contained in document 2020/0353(COD) and insert the number, date, title and OJ reference of that Regulation in the footnote." Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances (OJ L 197, 24.7.2012, p. 1).</p>	<p>further possible incidents or accidents.</p> <p>1. + OP: Please insert in the text the number of the Regulation contained in document 2020/0353(COD) and insert the number, date, title and OJ reference of that Regulation in the footnote." Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances (OJ L 197, 24.7.2012, p. 1).</p>	<p>1. + OP: Please insert in the text the number of the Regulation contained in document 2020/0353(COD) and insert the number, date, title and OJ reference of that Regulation in the footnote."Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances (OJ L 197, 24.7.2012, p. 1).</p>	<p>1. + OP: Please insert in the text the number of the Regulation contained in document 2020/0353(COD) and insert the number, date, title and OJ reference of that Regulation in the footnote."Directive 2012/18/EU of the European Parliament and of the Council of 4 July 2012 on the control of major-accident hazards involving dangerous substances (OJ L 197, 24.7.2012, p. 1).</p>
Recital 8				
18	<p>(8) Member States should also adopt compliance assurance measures to promote, monitor and enforce compliance with obligations placed on natural or legal persons under Directive 2010/75/EU. As part of compliance assurance measures, competent authorities should be able to suspend the operation of an installation where a continued breach of the permit conditions and the non-implementation of the findings of the inspection report pose or risk causing a danger to human health or a significant adverse</p>	<p>(8) Member States should also adopt compliance assurance measures to promote, monitor and enforce compliance with obligations placed on natural or legal persons under Directive 2010/75/EU. As part of compliance assurance measures, <u>in order to stop that danger</u>, competent authorities should be able to suspend the operation of an installation where a continued breach of the permit conditions and the non-implementation of the findings of the inspection report pose or risk causing a danger to human health or a significant adverse effect upon the environment <u>of one or several</u></p>	<p>(8) Member States should also adopt compliance assurance measures to promote, monitor and enforce compliance with obligations placed on natural or legal persons under Directive 2010/75/EU. As part of compliance assurance measures, competent authorities should be able to suspend the operation of an installation where a continued breach of the permit conditions and the non-implementation of the findings of the inspection report pose or risk causing a danger to human health or a significant adverse effect upon the environment, in order to stop that danger.</p>	

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	effect upon the environment, in order to stop that danger.	<p><u>Member States, for instance, through waste water discharges, and adversely affects ecosystem services, such as the provision of drinking water. The competent authority should improve the communication with affected stakeholders and inform drinking water and waste water operators and cross-border competent authorities affected by a breach,</u> in order to stop that danger.</p>		
Recital 9				
19	<p>(9) In order to foster energy efficiency of installations within the scope of Directive 2010/75/EU which are carrying out activities listed in Annex I to Directive 2003/87/EC, it is appropriate to submit those installations to energy efficiency requirements in respect of combustion units or other units emitting carbon dioxide on the site.</p>	<p>(9) In order to foster energy efficiency of installations within the scope of Directive 2010/75/EU which are carrying out activities listed in Annex I to Directive 2003/87/EC, it is appropriate to <u>apply the ‘energy efficiency-first’ principle and submit installations that fail to implement a certified energy management system, or those that fail to implement the results of a certified energy audit,</u> those installations to energy efficiency requirements in respect of combustion units or other units emitting carbon dioxide on the site. <u>The REPowerEU Plan states that energy efficiency measures can improve resilience in the event of disruption of energy imports from third countries to the Union and its</u></p>	<p>(9) In order to foster energy efficiency of installations within the scope of Directive 2010/75/EU which are carrying out activities listed in Annex I to Directive 2003/87/EC, it is appropriate to submit those installations to energy efficiency requirements in respect of combustion units or other units emitting carbon dioxide on the site.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>member states, particularly in the event of geopolitical conflicts.</i></u>		
Recital 10				
20	<p>(10) The evaluation of Directive 2010/75/EU concluded that there is a need to strengthen the links between that Directive and Regulation (EC) No 1907/2006¹, to better address the risks of the use of chemicals in installations within the scope of Directive 2010/75/EU. In order to develop synergies between the work carried out by the European Chemicals Agency (ECHA) on chemicals and the preparation of BAT reference documents under Directive 2010/75/EU, ECHA should be given a formal role in such preparation of BAT reference documents.</p> <p>¹ Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency (ECHA) (OJ L 396, 30.12.2006, p.1).</p>	<p>(10) The evaluation of Directive 2010/75/EU concluded that there is a need to strengthen the links between that Directive and Regulation (EC) No 1907/2006¹, to better address the risks of the use of chemicals in installations within<u>within</u> the scope of Directive 2010/75/EU. In order to develop synergies, <u>in particular on minimizing emissions of persistent, bioaccumulative and toxic substances</u>, between the work carried out by the European Chemicals Agency (ECHA) on chemicals, and the preparation of BAT reference documents under Directive 2010/75/EU, ECHA should be given a formal role <u>in</u> in such preparation of BAT reference documents. <u>In addition, this process would benefit from the expertise of the European Environment Agency.</u></p> <p>¹ Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency (ECHA) (OJ L 396, 30.12.2006, p.1)-</p>	<p>(10) The evaluation of Directive 2010/75/EU concluded that there is a need to strengthen the links between that Directive and Regulation (EC) No 1907/2006¹, to better address the risks of the use of chemicals in installations within the scope of Directive 2010/75/EU. In order to develop synergies between the work carried out by the European Chemicals Agency (ECHA) on chemicals and the preparation of BAT reference documents under Directive 2010/75/EU, ECHA should be given a formal role in such preparation of BAT reference documents.</p> <p>¹ Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency (ECHA) (OJ L 396, 30.12.2006, p.1).</p>	

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Recital 11				
21	<p>(11) In order to facilitate the exchange of information supporting the determination of emission levels and environmental performance levels associated with best available techniques (BAT), while maintaining the integrity of confidential business information, the procedures for the handling of information qualifying as confidential business information or sensitive commercial information, and as collected from the industry in the context of the exchange of information organised by the Commission for the purpose of drafting, reviewing or updating BAT reference documents should be specified. It should be ensured that individuals participating in the exchange of information do not share information qualifying as confidential business information or sensitive commercial information with any representative of undertakings or trade associations having an economic interest in the concerned industrial activities</p>	<p>(11) In order to facilitate the exchange of information supporting the determination of emission levels and environmental performance levels associated with best available techniques (BAT), while maintaining the integrity of confidential business information, the procedures for the handling of information qualifying as confidential business information or sensitive commercial information, and as collected from the industry in the context of the exchange of information organised by the Commission for the purpose of drafting, reviewing or updating BAT reference documents should be specified. It should be ensured, <u>including, for example, by means of confidentiality and non-disclosure agreements and anonymisation of data</u>, that individuals participating in the exchange of information do not share information qualifying as confidential business information or sensitive commercial information with any representative of undertakings or trade associations having an economic interest in the concerned industrial activities and related markets. Such exchange of</p>	<p>(11) In order to facilitate the exchange of information supporting the determination of emission levels and environmental performance levels associated with best available techniques (BAT), while maintaining the integrity of confidential business information, the procedures for the handling of information qualifying as confidential business information or sensitive commercial information, and as collected from the industry in the context of the exchange of information organised by the Commission for the purpose of drafting, reviewing or updating BAT reference documents should be specified. It should be ensured that individuals participating in the exchange of information do not share information qualifying as confidential business information or sensitive commercial information with any representative of undertakings or trade associations having an economic interest in the concerned industrial activities and related markets. Such exchange of information is without prejudice to Union competition law, in particular Article 101 of the Treaty on the Functioning of the European Union (TFEU).</p>	

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	and related markets. Such exchange of information is without prejudice to Union competition law, in particular Article 101 of the Treaty on the Functioning of the European Union (TFEU).	information is without prejudice to Union competition law, in particular Article 101 of the Treaty on the Functioning of the European Union (TFEU).		
Recital 11a(new)				
				<i>This Directive does not create any additional obligations to disclose to the public confidential business information, in relation to Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC and with Directive (EU) 2016/943 of the European Parliament and of the Council.</i>
Recital 12				
	(12) To ensure the protection of human health and the environment as a whole, synergies and coordination with other relevant Union environmental legislation are necessary, at all stages of its implementation. Therefore, all relevant competent authorities that ensure compliance with relevant Union environmental legislation should be duly consulted before the granting of	(12) To ensure the protection of human health and the environment as a whole, synergies and coordination with other relevant Union environmental legislation are necessary, at all stages of its implementation. Therefore, all relevant competent authorities that ensure compliance with relevant Union environmental legislation, <u>in particular with Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016</u> , should be duly	(12) To ensure the protection of human health and the environment as a whole, synergies and coordination with other relevant Union environmental legislation are necessary, at all stages of its implementation. Therefore, all relevant competent authorities that ensure compliance with relevant Union environmental legislation should be duly consulted before the granting of a permit under Directive 2010/75/EU.	

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	a permit under Directive 2010/75/EU.	consulted before the granting of a permit under Directive 2010/75/EU.		
Recital 13				
23	<p>(13) With a view to continuously improving the environmental performance and safety of the installation, including by preventing waste generation, optimising resource use and water reuse, and preventing or reducing risks associated with the use of hazardous substances, the operator should establish and implement an environmental management system (EMS) in accordance with relevant BAT conclusions, and should make it available to the public. The EMS should also cover the management of risks related to the use of the hazardous substances and an analysis of the possible substitution of hazardous substances by safer alternatives.</p>	<p>(13) With a view to continuously improving the environmental performance and safety of the installation, including by preventing waste generation, optimising resource use and water <u>use and reuse</u>, and preventing or reducing risks associated with the use of hazardous substances, the operator should establish and implement an environmental management system (EMS) in accordance with relevant BAT conclusions. <u>The EMS should be developed in a way that reflects the nature, scale and complexity of the installation, as well as the environmental impacts it may have. The EMS should be audited and made freely</u> and should make available to the public <u>on the internet</u>. The EMS should also cover the management of risks related to the use of the hazardous substances and an analysis of the possible substitution of hazardous substances by safer alternatives.</p>	<p>(13) With a view to continuously improving the environmental performance and safety of the installation, including by preventing waste generation, optimising resource use and water reuse, and preventing or reducing risks associated with the use of hazardous substances, the operator should establish and implement an environmental management system (EMS) in accordance with this Directive and relevant BAT conclusions, and should make relevant parts available to the public. When made available to the public the operator should have an opportunity to redact or exclude confidential business information. This should apply in a restrictive way, taking into account for the particular case the public interest served by disclosure. The EMS should also cover the management of risks related to the use of the hazardous substances and an analysis of the possible substitution of hazardous substances by safer alternatives. In order to ensure that the EMS is in line with the requirements of the Directive, the EMS should be reviewed by the</p>	<p>[...]</p> <p>In order to ensure that the EMS is in line with the requirements of the Directive, the EMS should be reviewed by the operator and audited by an external auditor contracted by the operator. The auditor should be either a conformity assessment body accredited in accordance with Regulation 765/2008, as required under ISO 17021, or any natural or legal person which has obtained a licence in accordance with Regulation 1221/2009, as set out in Article 2(20) of Regulation 1221/2009 defining environmental verifier.</p>

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			operator and audited by an external auditor or environmental verifier contracted by the operator, such as an accredited environmental verifier in accordance with Article 2(20) of Regulation 1221/2009.	
Recital 13a				
23a			(13a) In order to support decarbonisation, resource efficiency and a circular economy the BAT-conclusions should include binding environmental performance levels associated with BAT for processes that have a high degree of homogeneity across the EU, when the data made available in the exchange of information supporting the determination of BAT are sufficiently robust. The BAT conclusions should also include indicative benchmarks for other cases, in particular where environmental performance is highly dependent on specific circumstances of the processes. The environmental performance levels associated with BAT and the benchmarks may include consumption levels; resource efficiency levels and reuse levels covering materials, water and energy resources; waste and other levels obtained under specified reference conditions. The competent	<p>Commission proposal from 24 October:</p> <p>(13a) In order to support decarbonisation, resource efficiency and a circular economy the BAT-conclusions should include [binding] environmental performance levels associated with BAT for individual processes that have similar characteristics (e.g. energy carriers, raw materials, production units and final products) and a high degree of homogeneity across the EU, when the data made available in the exchange of information supporting the determination of BAT are sufficiently robust. The BAT conclusions should also include indicative benchmarks for other cases, in particular where environmental performance is highly dependent on specific circumstances of the processes. The environmental performance levels associated with BAT and the benchmarks may include</p>

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			<p>authority should set environmental performance limit values in the permit, that ensure that, under normal operating conditions, such performance limit values do not exceed the environmental performance levels associated with BATs. The operator should include the benchmarks in the EMS.</p>	<p>consumption levels; resource efficiency levels and reuse levels covering materials, water and energy resources; waste and other levels obtained under specified reference conditions. The competent authority should set environmental performance limit values in the permit, that ensure that, under normal operating conditions, such performance limit values do not exceed the environmental performance levels associated with BATs. The operator should include the benchmarks in the EMS.</p>
Recital 14				
24	<p>(14) It is necessary to specify further the conditions under which the competent authority, when setting emission limit values applicable to pollutant releases to water in a permit granted under Directive 2010/75/EU, may take account of the downstream treatment processes in a waste water treatment plant, in order to ensure that such releases do not lead to an increased load of pollutants in receiving waters when compared to a situation where the installation applies BAT and meets emission levels associated with the best</p>	<p>(14) It is necessary to specify further the conditions under which the competent authority, when setting emission limit values applicable to pollutant releases to water in a permit granted under Directive 2010/75/EU, may take account of the downstream treatment processes in a waste water treatment plant, in order to ensure that such releases do not lead to an increased load of pollutants in receiving waters <u>or impede the capacity or potential to recover resources from the waste water treatment stream</u> when compared to a situation where the installation applies BAT and meets emission</p>	<p>(14) It is necessary to specify further the conditions under which the competent authority, when setting emission limit values applicable to pollutant releases to water in a permit granted under Directive 2010/75/EU, may take account of the downstream treatment processes in a waste water treatment plant, in order to ensure that such releases do not lead to an increased load of pollutants in receiving waters when compared to a situation where the installation applies BAT and meets emission levels associated with the best available techniques for direct releases.</p>	

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	available techniques for direct releases.	levels associated with the best available techniques for direct releases.		
Recital 15				
25	<p>(15) Providing a high level of protection of human health and the environment as a whole requires inter alia the establishment in permits of emission limit values at a level that ensures compliance with the applicable emission levels associated with the best available techniques set out in the BAT conclusions. Emission levels associated with the best available techniques (BAT-AELs) are usually expressed as ranges, rather than as single values, to reflect the differences within a given type of installations that result in variations in the environmental performances achieved when applying BAT. For example, a given BAT will not deliver the same performance for different installations, some BATs may not be suitable for use in certain installations, or a combination of BATs may be more effective on some pollutants or environmental media than others. The achievement of a</p>	<p>(15) Providing a high level of protection of human health and the environment as a whole requires inter alia the establishment in permits of emission limit values at a level that ensures compliance with the applicable emission levels associated with the best available techniques set out in the BAT conclusions. Emission levels associated with the best available techniques (BAT-AELs) are usually expressed as ranges, rather than as single values, to reflect the differences within a given type of installations that result in variations in the environmental performances achieved when applying BAT. For example, a given BAT will not deliver the same performance for different installations, some BATs may not be suitable for use in certain installations, or a combination of BATs may be more effective on some pollutants or environmental media than others. The achievement of a high level of protection of human health and the environment as a whole has been jeopardised by the practice of</p>	<p>(15) Providing a high level of protection of human health and the environment as a whole requires inter alia the establishment in permits of emission limit values at a level that ensures compliance with the applicable emission levels associated with the best available techniques set out in the BAT conclusions. Emission levels associated with the best available techniques (BAT-AELs) are usually expressed as ranges, rather than as single values, to reflect the differences within a given type of installations that result in variations in the environmental performances achieved when applying BAT. For example, a given BAT will not deliver the same performance for different installations, some BATs may not be suitable for use in certain installations, or a combination of BATs may be more effective on some pollutants or environmental media than others. The achievement of a high level of protection of human health and the environment as a whole has been jeopardised by the practice of setting emission limit values at the laxest end of the range of emission levels</p>	

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<p>high level of protection of human health and the environment as a whole has been jeopardised by the practice of setting emission limit values at the laxest end of the range of emission levels associated with the best available techniques, without considering the potential of a given installation to achieve lower emission levels through the application of best available techniques. Such practice discourages frontrunners from implementing more effective techniques, and hinders the achievement of a level-playing field at a high level of protection of human health and the environment. Competent authorities should therefore be required to set in permits the lowest possible emission limit values which reflect the performance of BAT for the specific installations, taking into consideration the whole range of BAT-AELs and aiming at the best environmental performance possible for the installations; unless the operator demonstrates that applying best available techniques as described in the BAT conclusions only allows the concerned installation to</p>	<p>setting emission limit values at the laxest end of the range of emission levels associated with the best available techniques, without considering the potential of a given installation to achieve lower emission levels through the application of best available techniques. Such practice discourages frontrunners from implementing more effective techniques, and hinders the achievement of a level-playing field at a high level of protection of human health and the environment. <i>Therefore, the competent authorities authority should therefore be required to set in permits the lowest possible emission limit values which reflect the performance of BAT set emission limit values, taking into account the entire range of the BAT AELs, at the strictest achievable level</i> for the specific <i>installations, taking into consideration the whole range of BAT-AELs installation. The emission limit values should take into account cross-media effects, should be based on an assessment by the operator analysing the feasibility of meeting the strictest end of the BAT AEL range</i> and aiming at the best <i>overall</i> environmental performance <i>possible</i> for the <i>installations; specific installation under standard normal</i></p>	<p>associated with the best available techniques, without considering the potential of a given installation to achieve lower emission levels through the application of best available techniques. Such practice discourages frontrunners from implementing more effective techniques, and hinders the achievement of a level-playing field at a high level of protection of human health and the environment. In order to decrease the emissions, the competent authorities authority should therefore be required to set in permits the lowest possible set emission limit values, taking into account the entire range of the BAT AELs, at the strictest achievable level for the specific installation. The emission limit values which reflect the performance of BAT for the specific installations, taking into consideration the whole range of BAT-AELs should be based on an assessment by the operator analysing the feasibility to meet the strictest end of the BAT AEL range and aiming at the best environmental performance possible for the specific installations; unless the operator demonstrates that applying best available techniques as described in the BAT conclusions only allows the concerned installation to meeting less strict emission limit values. In order to support the setting of emission limit values in permits and the adoption of general binding</p>	

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	meeting less strict emission limit values.	<u><i>operating conditions, while taking into consideration standard operating fluctuations in cases of short-term averages,</i></u> unless the operator demonstrates that applying best available techniques as described in the BAT conclusions only allows the concerned installation to meeting less strict emission limit values.	rules, BAT Conclusions should contain information on the circumstances allowing the achievement of lower emissions levels within the range of BAT-AELs set for categories of installations having similar characteristics. When setting emission limit values within the range of the BAT AELs the derogation procedure is not applicable.	
Recital 15a				
25a		<u><i>(15a) BAT conclusions should identify techniques that industrial operators may implement to be consistent with the EU's zero pollution and circular economy ambition and carbon neutrality objectives. Industrial operators should be given sufficient time for implementing deep industrial transformation techniques described in the BAT conclusions and laid down in a transformation plan.</i></u>		<i>(15a) BAT conclusions should identify emerging techniques and best available techniques that industrial operators may implement to transform installations to be consistent with the EU objective of a sustainable, clean, circular and climate-neutral economy. Competent authorities should be allowed to grant industrial operators sufficient time for implementing technically complex deep industrial transformation techniques requiring substantial investments described in the BAT conclusions and laid down in a transformation plan.</i>
Recital 15a				
25b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>(15a) In recent years there have been exceptional situations of crises affecting the European Union and its Member States, like the COVID-19 pandemic and the Russian war of aggression against Ukraine. These crises have suddenly and directly affected the supply of energy and of societally critical resources, materials or equipment, leading to severe shortage and disruption, to which it is necessary to reply swiftly. In case of such crises, it may be necessary to set less strict emission limit values and environmental performance limit values than the levels in the BAT-conclusions, in order to maintain energy production or the production of other equipment of critical importance or to allow the continuity of the operations of critical installations. The need to set less strict emission limit values or environmental performance limit values is to be balanced with the need to protect the environment and human health as well as to ensure the level playing field and the integrity of the internal market. Consequently, less strict limits may be set only as a last resort, when all other less polluting alternative measures have been exhausted. The competent authority should ensure that no significant pollution is caused due to emissions from the installation. In order to</p>	

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			<p>supervise the impact on the environment and public health, the emissions should be monitored. In order to ensure the level playing field and the internal market, the Commission should provide strict guidance regarding the emergencies and their circumstances that could be taken into account. The Member States should notify the Commission of the decision taken by the competent authority to allow the Commission to take action in case of abuses.</p>	
Recital 16				
26	<p>(16) The contribution of Directive 2010/75/EU to resource and energy efficiency and circular economy in the Union should be made more effective, taking into consideration the ‘Energy Efficiency First’ as a guiding principle of the Union energy policy. Therefore, the permits should establish, where possible, mandatory environmental performance limit values on consumption and resource efficiency levels, including on the use of water, energy and recycled materials, based on the environmental performance levels associated</p>	<p>(16) The contribution of Directive 2010/75/EU to resource and energy efficiency and circular economy in the Union should be made more effective, taking into consideration the ‘Energy Efficiency First’ as a guiding principle of the Union energy policy. Therefore, the permits should establish, where possible, mandatory<i>indicative</i> environmental performance limit values, <i>provided that the lower performing end of the mandatory range is ensured</i> on consumption and resource efficiency levels, including on the use of water, energy and recycled materials, based on the environmental performance levels associated with</p>	<p>(16) The contribution of Directive 2010/75/EU to resource and energy efficiency and circular economy in the Union should be made more effective, taking into consideration the ‘Energy Efficiency First’ as a guiding principle of the Union energy policy. Therefore, the permits should establish, where possible, mandatory environmental performance limit values on consumption and resource efficiency levels, including on the use of water, energy and recycled materials, based on the environmental performance levels associated with the best available techniques (BAT AEPLs) set out in decisions on BAT conclusions. Member States may choose to exempt certain combustion units or</p>	<p>[remaining text still to be agreed]</p> <p>To be integrated (link to 116 + 116a) Member States should be able to choose to exempt certain combustion units or units emitting carbon dioxide listed in Annex I to Directive 2003/87/EC from requirements on energy efficiency in the permit conditions.</p>


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	with the best available techniques (BAT AEPLs) set out in decisions on BAT conclusions.	the best available techniques (BAT AEPLs) set out in decisions on BAT conclusions, <u>while taking into account the higher energy consumption related to certain decarbonisation and depollution activities and processes, and to emerging and innovative techniques and the whole industrial ecosystem. Competent authorities should be able to grant temporary derogations only where an assessment shows that the achievement of environmental performance limit values with the best available techniques as described in BAT conclusions would lead to disproportionately higher costs compared to the environmental benefits and cross-media effects, and when a high level of protection of the environment as a whole is achieved.</u>	units emitting carbon dioxide listed in Annex I to Directive 2003/87/EC from requirements on energy efficiency in the permit conditions.	
Recital 17				
27	(17) With a view to preventing or minimising the emission of pollutants by installations within the scope of Directive 2010/75/EU and to levelling the playing field across the Union, the conditions under which derogations from emissions limit values can be granted	(17) With a view to preventing or minimising the emission of pollutants by installations within the scope of Directive 2010/75/EU and to levelling the playing field across the Union, the conditions under which derogations from emissions limit values can be granted should be better framed through general	(17) With a view to preventing or minimising the emission of pollutants by installations within the scope of Directive 2010/75/EU and to levelling the playing field across the Union, the conditions under which derogations from emissions limit values can be granted should be better framed through general principles, in order to	

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	<p>should be better framed through general principles, in order to ensure a more harmonized implementation of such derogations throughout the Union. Moreover, derogations from emissions limit values should not be granted where they may put at risk compliance with environmental quality standards.</p>	<p>principles. <u>Clear criteria, including the maximum duration and timeline for revision of derogations, need to be provided</u> in order to ensure a more harmonized implementation of such derogations throughout the Union. Moreover, derogations from emissions limit values should not be granted where they may put at risk compliance with environmental quality standards.</p>	<p>ensure a more harmonized implementation of such derogations throughout the Union. Moreover, derogations from emissions limit values should not be granted where they may put at risk compliance with environmental quality standards.</p>	
Recital 18				
28	<p>(18) The evaluation of Directive 2010/75/EU concluded that there was some discrepancy in compliance assessment approaches for installations covered by Chapter II of that Directive. In order to achieve a high level of protection of the environment as a whole, ensure a consistent implementation of Union law and a level-playing field throughout the Union, while minimising the administrative burden on businesses and public authorities, the Commission should set common rules for assessing compliance with emission limit values and validation of measured levels for both air and water emissions</p>	<p>(18) The evaluation of Directive 2010/75/EU concluded that there was some discrepancy in compliance assessment approaches for installations covered by Chapter II of that Directive. In order to achieve a high level of protection of the environment as a whole, ensure a consistent implementation of Union law and a level-playing field throughout the Union, while minimising the administrative burden on businesses and public authorities <u>and preventing corruption risks</u>, the Commission should set common rules for assessing compliance with emission limit values and validation of measured levels for both air and water emissions based on best available techniques. Those</p>	<p>(18) The evaluation of Directive 2010/75/EU concluded that there was some discrepancy in compliance assessment approaches for installations covered by Chapter II of that Directive. In order to achieve a high level of protection of the environment as a whole, ensure a consistent implementation of Union law and a level-playing field throughout the Union, while minimising the administrative burden on businesses and public authorities, the Commission should set common rules for assessing compliance with emission limit values and validation of measured levels for both air and water emissions based on best available techniques. Those compliance assessment rules should take precedent over the rules set out in Chapters III</p>	

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	based on best available techniques. Those compliance assessment rules should take precedent over the rules set out in Chapters III and IV on assessment of compliance with emission limit values contained in Annexes V and VI to Directive 2010/75/EU.	compliance assessment rules should take precedent over the rules set out in Chapters III and IV on assessment of compliance with emission limit values contained in Annexes V and VI to Directive 2010/75/EU.	and IV on assessment of compliance with emission limit values contained in Annexes V and VI to Directive 2010/75/EU.	
Recital 18a				
28a		<u><i>(18a) Member States, with the support of the Commission, should ensure that harmonised environmental monitoring methods, including emerging monitoring techniques, for example via honeybee colonies, for the detection of relevant pollutants, are streamlined.</i></u>		
Recital 19				
29	(19) Environmental quality standards refer to all the requirements set out in Union law, such as Union legislation on air and water; which must be fulfilled at a given time by a given environment or particular part thereof. Therefore it is appropriate to clarify that when granting a permit to an installation, competent	(19) Environmental quality standards refer to all the requirements set out in Union law, such as Union legislation on air and water; which must be fulfilled at a given time by a given environment or particular part thereof. Therefore it is appropriate to clarify that when granting a permit to an installation, competent authorities should not only set out conditions to ensure	(19) Environmental quality standards refer to all the requirements set out in Union law, such as Union legislation on air and water; which must be fulfilled at a given time by a given environment or particular part thereof. Therefore it is appropriate to clarify that when granting a permit to an installation, competent authorities should not only set out conditions to ensure compliance of the installation's	(19) Environmental quality standards refer to all the requirements set out in Union law, such as Union legislation on air and water; which must be fulfilled at a given time by a given environment or particular part thereof. Therefore it is appropriate to clarify that when granting a permit to an installation, competent authorities should not only set out conditions to ensure compliance of the installation's

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	<p>authorities should not only set out conditions to ensure compliance of the installation's operations with the best available techniques conclusions, but should also, where appropriate with a view to reducing the specific contribution of the installation to the pollution occurring in the relevant area, include specific additional conditions in the permit stricter than those set in relevant BAT conclusions, so as to ensure the installation's compliance with environmental quality standards. Such conditions may consist in setting stricter emission limit values or limiting the operation or capacity of the installation.</p>	<p>compliance of the installation's operations with the best available techniques conclusions, but should also, where appropriate with a view to reducing the specific contribution of the installation to the pollution occurring in the relevant area, <u>and taking into consideration the cumulative effect of the installations in the same geographical area</u>, include specific additional conditions in the permit stricter than those set in relevant BAT conclusions, so as to ensure the installation's compliance with environmental quality standards. Such conditions may consist in setting stricter emission limit values or limiting the operation or capacity of the installation.</p>	<p>operations with the best available techniques conclusions, but should also, where appropriate with a view to reducing the specific contribution of the installation to the pollution occurring in the relevant area, include specific additional conditions in the permit stricter than those set in relevant BAT conclusions, so as to ensure the installation's compliance with environmental quality standards. Such conditions may consist in setting stricter emission limit values or limiting the operation or capacity of the installation.</p>	<p>operations with the best available techniques conclusions, but should also, where appropriate with a view to reducing the specific contribution of the installation to the pollution occurring in the relevant area, include specific additional conditions in the permit stricter than those set in relevant BAT conclusions, so as to ensure the installation's compliance with environmental quality standards. Such conditions may consist in setting stricter emission limit values, pollutant emission load limits or limiting the operation or capacity of the installation.</p>
Recital 20				
30	<p>(20) Permit conditions should be regularly reviewed and, where necessary, updated by the competent authority to ensure compliance with relevant legislation. Such review or update should also take place where it is necessary for the installation to comply with an environmental quality standard, including in the case of a new or revised environmental quality</p>	<p>(20) <u>To ensure that permits granted under Directive 2010/75/EU address the need to improve performance</u>, permit conditions should be regularly reviewed, and, where necessary, updated by the competent authority to ensure compliance with relevant legislation. <u>The frequency of such reviews should be 8 years. Such reconsiderations of the permit</u> Such review or update should also take</p>	<p>(20) Permit conditions should be regularly reviewed and, where necessary, updated by the competent authority to ensure compliance with relevant legislation. Such review or update should also take place where it is necessary for the installation to comply with an environmental quality standard, including in the case of a new or revised environmental quality standard or where the status of the receiving environment requires a</p>	

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	<p>standard or where the status of the receiving environment requires a revision of the permit in order to achieve compliance with plans and programmes set under Union legislation, such as the river basin management plans under Directive 2000/60/EC of the European Parliament and of the Council¹.</p> <p>1. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000).</p>	<p>place where it is necessary for the installation to comply with an environmental quality standard, including in the case of a new or revised environmental quality standard or where the status of the receiving environment requires a revision of the permit in order to achieve compliance with plans and programmes set under Union legislation, such as the river basin management plans under Directive 2000/60/EC of the European Parliament and of the Council¹.</p> <p>1. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000).</p>	<p>revision of the permit in order to achieve compliance with plans and programmes set under Union legislation, such as the river basin management plans under Directive 2000/60/EC of the European Parliament and of the Council¹.</p> <p>1. Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000).</p>	
Recital 20a				
30a		<p><i><u>(20a) Given the general principle of the non-retroactive application of a law, new requirements for the emission limit values and the environmental performance limit values should only apply to installations when a permit update is required as a result of the adoption of a new BAT Conclusion after the end date for transposition of this directive, or when the environmental quality standards or the operational safety of the installation require a permit update</u></i></p>		

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		<p><u>and at the latest by 10 years after entry into force. Conversely, for new installations which have started the application procedure after the date of transposition of this directive the new requirements for emission limit values should be applicable.</u></p>		
<p>Recital 21</p>				
<p>31</p>	<p>(21) Parties to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, at their seventh Meeting session, endorsed the Convention's Compliance Committee's findings in case ACCC/C/2014/121, according to which, by putting in place a legal framework that does not envisage any possibility for public participation in relation to reconsiderations and updates under Article 21 (3), (4) and (5)(b) and (c) of Directive 2010/75/EU, the European Union fails to comply with article 6 (10) of the Convention. These findings have been endorsed by the Union and its Member States, and with a view to reaching full compliance with</p>	<p>(21) Parties to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, at their seventh Meeting session, endorsed the Convention's Compliance Committee's findings in case ACCC/C/2014/121, according to which, by putting in place a legal framework that does not envisage any possibility for public participation in relation to reconsiderations and updates under Article 21 (3), (4) and (5)(b) and (c) of Directive 2010/75/EU, the European Union fails to comply with article 6 (10) of the Convention. These findings have been endorsed by the Union and its Member States, and with a view to reaching full compliance with the Aarhus Convention, it is necessary to specify that the public concerned should be given early and effective</p>	<p>(21) Parties to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, at their seventh Meeting session, endorsed the Convention's Compliance Committee's findings in case ACCC/C/2014/121, according to which, by putting in place a legal framework that does not envisage any possibility for public participation in relation to reconsiderations and updates under Article 21 (3), (4) and (5)(b) and (c) of Directive 2010/75/EU, the European Union fails to comply with article 6 (10) of the Convention. These findings have been endorsed by the Union and its Member States, and with a view to reaching full compliance with the Aarhus Convention, it is necessary to specify that the public concerned should be given early and effective opportunities to participate in the granting or updating of permit conditions set by</p>	<p>(21) Parties to the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, at their seventh Meeting session, endorsed the Convention's Compliance Committee's findings in case ACCC/C/2014/121, according to which, by putting in place a legal framework that does not envisage any possibility for public participation in relation to reconsiderations and updates under Article 21 (3), (4) and (5)(b) and (c) of Directive 2010/75/EU, the European Union fails to comply with article 6 (10) of the Convention. These findings have been endorsed by the Union and its Member States, and with a view to reaching full compliance with the Aarhus Convention, it is necessary to specify that the public concerned should be given early and effective opportunities to participate in the granting or updating of permit conditions set by</p>

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	<p>the Aarhus Convention, it is necessary to specify that the public concerned should be given early and effective opportunities to participate in the granting or updating of permit conditions set by the competent authority also when permits conditions are reconsidered following the publication of decisions on BAT conclusions relating to the main activity of the installation; when developments in the best available techniques allow for the significant reduction of emissions; when the operational safety requires other techniques to be used; and where it is necessary to comply with a new or revised environmental quality standard.</p>	<p>opportunities to participate in the granting or updating of permit conditions set by the competent authority also when permits conditions are reconsidered following the publication of decisions on BAT conclusions relating to the main activity of the installation; when developments in the best available techniques allow for the significant reduction of emissions; when the operational safety requires other techniques to be used; and where it is necessary to comply with a new or revised environmental quality standard.</p>	<p>the competent authority also when permits conditions are reconsidered following the publication of decisions on BAT conclusions relating to the main activity of the installation; when developments in the best available techniques allow for the significant reduction of emissions; when the operational safety requires other techniques to be used; and where it is necessary to comply with a new or revised environmental quality standard.</p>	<p>the competent authority also when permits conditions are reconsidered following the publication of decisions on BAT conclusions relating to the main activity of the installation; when developments in the best available techniques allow for the significant reduction of emissions; when the operational safety requires other techniques to be used; and where it is necessary to comply with a new or revised environmental quality standard.</p>
Recital 22				
32	<p>(22) As clarified by the case-law of the Court of Justice¹, Member States may not restrict legal standing to challenge a decision of a public authority to those members of the public concerned who participated in the preceding administrative procedure to adopt that decision. As also clarified by the case-law of the Court of Justice²,</p>	<p>(22) As clarified by the case-law of the Court of Justice¹, Member States may not restrict legal standing to challenge a decision of a public authority to those members of the public concerned who participated in the preceding administrative procedure to adopt that decision. As also clarified by the case-law of the Court of Justice², effective access to justice</p>	<p>(22) As clarified by the case-law of the Court of Justice¹, Member States may not restrict legal standing to challenge a decision of a public authority to those members of the public concerned who participated in the preceding administrative procedure to adopt that decision. As also clarified by the case-law of the Court of Justice², effective access to justice in environmental matters and effective</p>	<p>(22) As clarified by the case-law of the Court of Justice¹, Member States may not restrict legal standing to challenge a decision of a public authority to those members of the public concerned who participated in the preceding administrative procedure to adopt that decision. As also clarified by the case-law of the Court of Justice², effective access to justice in environmental matters and effective</p>


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<p>effective access to justice in environmental matters and effective remedies requires inter alia that members of the public concerned should have the right to ask the court or incompetent independent and impartial body to order interim measures to prevent a given instance of pollution, including, where necessary, through the temporary suspension of the disputed permit. Therefore, it should be specified that legal standing should not be made conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive. In addition, any review procedure should be fair, equitable, timely and not prohibitively expensive, and provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.</p> <p>1. Case C-826/18, Judgment of the Court (First Chamber) of 14 January 2021; LB and Others v College van burgemeester en wethouders van de gemeente Echt-Susteren; paragraphs 58 and 59.</p> <p>2. Case C-416/10 Judgment of the Court (Grand Chamber), 15 January 2013; Jozef Križan and Others v</p>	<p>in environmental matters and effective remedies requires inter alia that members of the public concerned should have the right to ask the court or incompetent independent and impartial body to order interim measures to prevent a given instance of pollution, including, where necessary, through the temporary suspension of the disputed permit. Therefore, it should be specified that legal standing should not be made conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive. In addition, any review procedure should be fair, equitable, timely and not prohibitively expensive, and provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.</p> <p>1. Case C-826/18, Judgment of the Court (First Chamber) of 14 January 2021; LB and Others v College van burgemeester en wethouders van de gemeente Echt-Susteren; paragraphs 58 and 59.</p> <p>2. Case C-416/10 Judgment of the Court (Grand Chamber), 15 January 2013; Jozef Križan and Others v Slovenská inšpekcia životného prostredia. Križan, paragraph 109.</p>	<p>remedies requires inter alia that members of the public concerned should have the right to ask the court or incompetent independent and impartial body to order interim measures to prevent a given instance of pollution, including, where necessary, through the temporary suspension of the disputed permit. Therefore, it should be specified that legal standing should not be made conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive. In addition, any review procedure should be fair, equitable, timely and not prohibitively expensive, and provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.</p> <p>1. Case C-826/18, Judgment of the Court (First Chamber) of 14 January 2021; LB and Others v College van burgemeester en wethouders van de gemeente Echt-Susteren; paragraphs 58 and 59.</p> <p>2. Case C-416/10 Judgment of the Court (Grand Chamber), 15 January 2013; Jozef Križan and Others v Slovenská inšpekcia životného prostredia. Križan, paragraph 109.</p>	<p>remedies requires inter alia that members of the public concerned should have the right to ask the court or incompetent independent and impartial body to order interim measures to prevent a given instance of pollution, including, where necessary, through the temporary suspension of the disputed permit. Therefore, it should be specified that legal standing should not be made conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive. In addition, any review procedure should be fair, equitable, timely and not prohibitively expensive, and provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.</p> <p>1. Case C-826/18, Judgment of the Court (First Chamber) of 14 January 2021; LB and Others v College van burgemeester en wethouders van de gemeente Echt-Susteren; paragraphs 58 and 59.</p> <p>2. Case C-416/10 Judgment of the Court (Grand Chamber), 15 January 2013; Jozef Križan and Others v Slovenská inšpekcia životného prostredia. Križan, paragraph 109.</p>

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	Slovenská inšpekcia životného prostredia.Križan, paragraph 109.			
Recital 23				
33	(23) Transboundary cooperation should take place prior to the granting of permits where more than one Member State may be affected by the operation of an installation, and should include prior information and consultation of the public concerned and competent authorities in the other Member States which may be affected.	(23) Transboundary cooperation <u>through appropriate regional communication channels</u> should take place prior to <u>reconsideration or</u> the granting of permits where more than one Member State may be affected by the operation of an installation, and should include prior information and consultation of the public concerned and competent authorities in the other Member States which may be affected.	(23) Transboundary cooperation should take place prior to the granting of permits where more than one Member State may be affected by the operation of an installation, and should include prior information and consultation of the public concerned and competent authorities in the other Member States which may be affected.	
Recital 24				
34	(24) The evaluation of Directive 2010/75/EU found that, even if it should foster the transformation of European industry, it is not dynamic enough and does not sufficiently support the deployment of innovative processes and technologies. It is therefore appropriate to facilitate the testing and deployment of emerging techniques with improved environmental performance, to facilitate	(24) The evaluation of Directive 2010/75/EU found that, even if it should foster the transformation of European industry, it is not dynamic enough and does not sufficiently support the deployment of innovative processes and technologies, <i>including those that are essential for the twin green and digital transition and the achievement of the objectives of the European Climate Law. Without prescribing the use of any technique or specific technology,</i>	(24) The evaluation of Directive 2010/75/EU found that, even if it should foster the transformation of European industry, it is not dynamic enough and does not sufficiently support the deployment of innovative processes and technologies. It is therefore appropriate to facilitate the testing and deployment of emerging techniques with improved environmental performance, to facilitate cooperation with researchers and industries in publicly funded research projects subject to the	(24) The evaluation of Directive 2010/75/EU found that, even if it should foster the transformation of European industry, it is not dynamic enough and does not sufficiently support the deployment of innovative processes and technologies, <i>including those that are essential for the twin green and digital transition and the achievement of the objectives of the European Climate Law. Without prescribing the use of any technique or specific technology,</i> it is therefore appropriate to facilitate the testing and

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<p>cooperation with researchers and industries in publicly funded research projects subject to the conditions foreseen in the relevant European and national funding instruments, as well as to set up a dedicated centre to support innovation by collecting and analysing information on innovative techniques, including emerging techniques, relevant to activities within the scope of that Directive and to characterise their level of development from research to deployment (technology readiness level or ‘TRL’) and their environmental performance. This will also inform the exchange of information on drawing up, reviewing and updating BAT reference documents. Innovative techniques to be collected and analysed by the centre should be at least at the level of technology demonstrated in relevant environment (industrially relevant environment in the case of key enabling technologies) or system prototype demonstration in operation environment (TRL 6-7).</p>	<p>it is therefore appropriate to facilitate the testing and deployment of emerging techniques with improved environmental performance, to facilitate cooperation with researchers and industries in publicly funded research projects subject to the conditions foreseen in the relevant European and national funding instruments, as well as to set up a dedicated centre to support innovation by collecting and analysing information on innovative techniques, including emerging techniques, relevant to activities within the scope of that Directive and to characterise their level of development from research to deployment (technology readiness level or ‘TRL’) and <i>their assess the level of the environmental performance of those techniques, while taking into account any potential limitation with regard to the availability of data.</i> This will also inform the exchange of information on drawing up, reviewing and updating BAT reference documents. Innovative techniques to be collected and analysed by the centre should be at least at the level of technology demonstrated in relevant environment (industrially relevant environment in the case of key enabling technologies) or system</p>	<p>conditions foreseen in the relevant European and national funding instruments, as well as to set up a dedicated centre to support innovation by collecting and analysing information on innovative techniques, including emerging techniques, relevant to activities within the scope of that Directive and to characterise their level of development from research to deployment (technology readiness level or ‘TRL’) and their environmental performance. This will also inform the exchange of information on drawing up, reviewing and updating BAT reference documents. Innovative Emerging techniques to be collected and analysed by the centre should be at least at the level of technology demonstrated in relevant environment (industrially relevant environment in the case of key enabling technologies) or system prototype demonstration in operation environment (TRL 6-7).</p>	<p>deployment of emerging techniques with improved environmental performance, to facilitate cooperation with researchers and industries in publicly funded research projects subject to the conditions foreseen in the relevant European and national funding instruments, as well as to set up a dedicated centre to support innovation by collecting and analysing information <i>on innovative techniques, including</i> emerging techniques, relevant to activities within the scope of that Directive and to characterise their level of development from research to deployment (technology readiness level or ‘TRL’) and <i>their assess the level of the environmental performance of those techniques, while taking into account any potential limitation with regard to the availability of data and its robustness.</i> This will also inform the exchange of information on drawing up, reviewing, and updating BAT reference documents. <i>Innovative Emerging</i> techniques to be <i>collected and</i> analysed by the centre should be at least at the level of technology demonstrated in relevant environment (industrially relevant environment in the case of key enabling technologies) or system prototype demonstration in operation environment (TRL 6-7).</p>

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		prototype demonstration in operation environment (TRL 6-7).		
Recital 25				
35	<p>(25) Achieving Union objectives regarding a clean, circular and climate neutral economy by 2050 calls for a deep transformation of the Union economy. Consistently with the 8th Environmental Action Programme, operators of installations covered by Directive 2010/75/EU should therefore be required to include transformation plans in their environmental management systems. Such transformation plans will also complement the Corporate Sustainability Reporting requirements under Directive 2013/34/EU of the European Parliament and of the Council¹ by providing a means for concrete implementation of these requirements at installation level. The first priority is the transformation of energy-intensive activities listed in Annex I. Therefore, the operators of energy-intensive installations should produce transformation plans by 30 June 2030. Operators of installations carrying out other activities</p>	<p>(25) Achieving Union objectives regarding a clean, circular and climate neutral economy by 2050 calls for a deep transformation of the Union economy. Consistently with the 8th Environmental Action Programme, operators of installations covered by Directive 2010/75/EU should therefore be required to include <u>indicative transformation plans at group, corporate or installation level</u> in their environmental management systems. Such transformation plans will also complement the Corporate Sustainability Reporting requirements under Directive 2013/34/EU of the European Parliament and of the Council¹ <i>by providing a means for concrete implementation of these requirements at installation level,</i> <u>whereas for transformation plans, information or data that are already reported under other Union legislation, such as Directive (EU) 2022/2464 of the European Parliament and of the Council² or the Directive on corporate sustainability due diligence [OJ: please insert the</u></p>	<p>(25) Achieving Union objectives regarding a clean, circular and climate neutral economy by 2050 calls for a deep transformation of the Union economy. Consistently with the 8th Environmental Action Programme, operators of installations covered by Directive 2010/75/EU should therefore be required to include transformation plans in their environmental management systems. Such transformation plans will also complement the Corporate Sustainability Reporting requirements under Directive 2013/34/EU of the European Parliament and of the Council¹ by providing a means for concrete implementation of these requirements at installation level. The first priority is the transformation of energy-intensive activities listed in Annex I. Therefore, the operators of energy-intensive installations should produce transformation plans by 30 June 2030. Operators of installations carrying out other activities listed in Annex I should be required to produce transformation plans as part of the permit reconsideration and update following the publication of decisions on BAT conclusions published after 1</p>	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>listed in Annex I should be required to produce transformation plans as part of the permit reconsideration and update following the publication of decisions on BAT conclusions published after 1 January 2030. Whilst the transformation plans should remain indicative documents prepared under the responsibility of the operators, the audit organisation contracted by the operators as part of their environmental management systems should check that they contain the minimum information to be set by the European Commission in an implementing act, and the operators should make the transformation plans public.</p> <p>1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC; OJ L 182, 29.6.2013, p. 19–76.</p>	<p><u><i>reference number for 2022/0051(COD)³ 75b it should be possible to simply make a reference if they are compliant with the elements of the transformation plans.</i></u> The first priority is the transformation of energy-intensive activities listed in Annex I. Therefore, the operators of energy-intensive installations, <u><i>for which a derogation is granted or which are among the 200 most polluting installations except for installations with a closure plan for 2035</i></u> should produce transformation plans by 30 June 2030 <u><i>2027 at installation level.</i></u> <u><i>The second priority is that all other operators of energy-intensive installations should produce transformation plans by 30 June 2029 at group or corporate level with reference to each installation. Similarly operators of installations carrying out other activities listed in Annex I should be required to produce transformation plans by operators of installations carrying out other activities listed in Annex I should be required to produce transformation plans as part of the permit reconsideration and update following the publication of decisions on BAT conclusions published after 1</i></u> January 2030. Whilst the transformation plans should remain</p>	<p>January 2030. Whilst the transformation plans should remain indicative documents prepared under the responsibility of the operators, the audit organisation auditor or environmental verifier contracted by the operators as part of their environmental management systems should check that they contain the minimum information to be set by the European Commission in an implementing act,– and the operators should make the transformation plans public.</p> <p>1. [1] Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC; OJ L 182, 29.6.2013, p. 19–76.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>indicative documents prepared under the responsibility of the operators, the audit organisation contracted by the operators as part of their environmental management systems should check that they contain the minimum information to be set by the European Commission in an implementing act, <u>a delegated act</u>, and the operators should make the transformation plans public, <u>while respecting confidentiality and not disclosing sensitive business information. The Commission should carry out a mid-term review of the delegated act of the transformation plan in 2035, following which it should revise the transformation plans.</u></p> <p>1. Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC; OJ L 182, 29.6.2013, p. 19–76.</p> <p><u>2. Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting (OJ L 322, 16.12.2022, p.15).</u></p> <p><u>3. Proposal for a directive of the European Parliament and of the Council on</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Corporate Sustainability Due Diligence and amending Directive (EU) 2019/1937</u>		
Recital 25a				
35a		<u>(25a) Considering the water-related risks for, and risks to water by, industrial activities, especially taking into account the current situation regarding droughts and floods in Europe or the rising sea levels, digital tools such as digitalized management systems might help to quantitatively and qualitatively assess, manage water-related risks and help operators in the transformation of their installations.</u>		
Recital 26				
36	(26) Further clarity is needed regarding the criteria to assess whether the cleaned gases or liquids resulting from the gasification and pyrolysis of waste are sufficiently purified to such an extent that they are no longer waste prior to their incineration.	(26) Further clarity is needed regarding the criteria to assess whether the cleaned gases or liquids resulting from the gasification and pyrolysis of waste are sufficiently purified to such an extent that they are no longer waste prior to their incineration.	(26) Further clarity is needed regarding the criteria to assess whether the cleaned gases or liquids resulting from the gasification and pyrolysis of waste are sufficiently purified to such an extent that they are no longer waste prior to their incineration.	(26) Further clarity is needed regarding the criteria to assess whether the cleaned gases or liquids resulting from the gasification and pyrolysis of waste are sufficiently purified to such an extent that they are no longer waste prior to their incineration.
Recital 27				
37				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(27) In light of the high number of rearing installations that should be included within the scope of Directive 2010/75/EU, and the relative simplicity of the processes and emissions patterns of such installations, it is appropriate to set out specific administrative procedures for issuing permits and for the operation of the relevant activities which are adapted to the sector, without prejudice to requirements related to public information and participation, monitoring and compliance.	(27) In light of the high number of rearing installations that should be included within the scope of Directive 2010/75/EU, and the relative simplicity of the processes and emissions patterns of such installations, it is appropriate to set out specific administrative procedures for issuing permits and for the operation of the relevant activities which are adapted to the sector, without prejudice to requirements related to public information and participation, monitoring and compliance.	(27) In light of the high number of rearing installations that should be included within the scope of Directive 2010/75/EU, and the relative simplicity of the processes and emissions patterns of such installations, it is appropriate to set out specific administrative procedures for issuing permits and for the operation of the relevant activities which are adapted to the sector, without prejudice to requirements related to public information and participation, monitoring and compliance.	(27) In light of the high number of rearing installations that should be included within the scope of Directive 2010/75/EU, and the relative simplicity of the processes and emissions patterns of such installations, it is appropriate to set out specific administrative procedures for issuing permits and for the operation of the relevant activities which are adapted to the sector, without prejudice to requirements related to public information and participation, monitoring and compliance. <i>This should allow the adoption of general binding rules at national level and the registration of farms instead of issuing individual permits to farms. Member States should ensure that general binding rules and registration procedures secure a high level of environmental protection equivalent to that achievable with individual permit conditions.</i>
	Recital 28			
38	(28) Innovative techniques coming on the market are expected to increasingly reduce both emissions of pollutants and of greenhouse gases from installations within the scope of both Directive 2010/75/EU and Directive 2003/87/EC of the European Parliament and of the	(28) Innovative techniques coming on the market are expected to increasingly reduce both emissions of pollutants and of greenhouse gases from installations within the scope of both Directive 2010/75/EU and Directive 2003/87/EC of the European Parliament and of the Council ¹ . Whilst this will allow for	(28) Innovative techniques coming on the market are expected to increasingly reduce both emissions of pollutants and of greenhouse gases from installations within the scope of both Directive 2010/75/EU and Directive 2003/87/EC of the European Parliament and of the Council ¹ . Whilst this will allow for the building of	(28) Innovative techniques coming on the market are expected to increasingly reduce both emissions of pollutants and of greenhouse gases from installations within the scope of both Directive 2010/75/EU and Directive 2003/87/EC of the European Parliament and of the Council ¹ . Whilst this will allow for the building of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>Council¹. Whilst this will allow for the building of further synergies between those Directives, it may affect their operation, including on the carbon market. Directive 2003/87/EC contains in this regard a provision to review the effectiveness of synergies with Directive 2010/75/EU, and calling for environmental and climate relevant permits to be coordinated to ensure efficient and speedier execution of measures needed to comply with Union climate and energy objectives. In order to take into account the dynamics of innovation in this regard and the review referred to in Article 8 of Directive 2003/87/EC, the Commission should submit a report reviewing the implementation of Directive 2010/75/EU to the European Parliament and to the Council by 2028 and every 5 years thereafter.</p> <p>¹ 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 (OJ L 275, 25.10.2003, p. 32).</p>	<p>the building of further synergies between those Directives, it may affect their operation, including on the carbon market. Directive 2003/87/EC contains in this regard a provision to review the effectiveness of synergies with Directive 2010/75/EU, and calling for environmental and climate relevant permits to be coordinated to ensure efficient and speedier execution of measures needed to comply with Union climate and energy objectives. In order to take into account the dynamics of innovation in this regard and the review referred to in Article 8 of Directive 2003/87/EC, the Commission should submit a report reviewing the implementation of Directive 2010/75/EU to the European Parliament and to the Council by 2028 and every 5 years thereafter.</p> <p>¹ 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 (OJ L 275, 25.10.2003, p. 32).</p>	<p>further synergies between those Directives, it may affect their operation, including on the carbon market. Directive 2003/87/EC contains in this regard a provision to review the effectiveness of synergies with Directive 2010/75/EU, and calling for environmental and climate relevant permits to be coordinated to ensure efficient and speedier execution of measures needed to comply with Union climate and energy objectives. In order to take into account the dynamics of innovation in this regard and the review referred to in Article 8 of Directive 2003/87/EC, the Commission should submit a report reviewing the implementation of Directive 2010/75/EU to the European Parliament and to the Council by 2028 and every 5 years thereafter.</p> <p>¹ 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 (OJ L 275, 25.10.2003, p. 32).</p>	<p>further synergies between those Directives, it may affect their operation, including on the carbon market. Directive 2003/87/EC contains in this regard a provision to review the effectiveness of synergies with Directive 2010/75/EU, and calling for environmental and climate relevant permits to be coordinated to ensure efficient and speedier execution of measures needed to comply with Union climate and energy objectives. In order to take into account the dynamics of innovation in this regard and the review referred to in Article 8 of Directive 2003/87/EC, the Commission should submit a report reviewing the implementation of Directive 2010/75/EU to the European Parliament and to the Council by 2028 and every 5 years thereafter.</p> <p>¹ 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 (OJ L 275, 25.10.2003, p. 32).</p>
Recital 29				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
39	<p>(29) In order to ensure that Directive 2010/75/EU continues meeting its objectives to prevent or reduce emissions of pollutants and achieve a high level of protection of human health and the environment, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement that Directive in order to establish operating rules containing requirements for activities relating to rearing of poultry, pigs and cattle, and to amend Annexes I and Ia to that Directive by adding an agro-industrial activity to ensure that it meets its objectives to prevent or reduce pollutants emissions and achieve a high level of protection of human health and the environment. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016¹. In particular, to ensure equal participation in the</p>	<p>(29) In order to ensure that Directive 2010/75/EU continues meeting its objectives to prevent or reduce emissions of pollutants and achieve a high level of protection of human health and the environment, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement that Directive in order to establish operating rules containing requirements for activities relating to rearing of poultry, pigs and cattle, and to amend Annexes I and Ia to that Directive by adding an agro-industrial activity to ensure that it meets its objectives to prevent or reduce pollutants emissions and achieve a high level of protection of human health and the environment, <u>irrespective of their permitting or registration procedures, to large-scale rearing of animals under Annex Ia to this Directive.</u> It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016¹. In particular, to ensure equal participation in the preparation of</p>	<p>(29) In order to ensure that Directive 2010/75/EU continues meeting its objectives to prevent or reduce emissions of pollutants and achieve a high level of protection of human health and the environment, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement that Directive in order to establish operating rules containing requirements for activities relating to rearing of poultry, pigs and cattle, and to amend Annexes I and Ia to that Directive by adding an agro-industrial activity to ensure that it meets its objectives to prevent or reduce pollutants emissions and achieve a high level of protection of human health and the environment should be established. Taking into account the specificity of each sector of activity, implementing powers should be conferred on the Commission to establish uniform conditions. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional</p>	


	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making; OJ L 123, 12.5.2016, p. 1–14.</p>	<p>delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making; OJ L 123, 12.5.2016, p. 1–14.</p>	<p>Agreement on Better Law Making of 13 April 2016¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.</p> <p>1. Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law Making; OJ L 123, 12.5.2016, p. 1–14.</p>	
	Recital 29a			
39a				<p><i>(29a) The Commission should review the need to control emissions from onshore and offshore exploration and production of mineral oil and gas and the need to revise the activity threshold in Annex I for the production of hydrogen by electrolysis of water [...] The review shall take into account the existing EU legislative framework, including the Regulation on methane emissions reduction in the energy sector [OJ: insert reference to the methane regulation].</i></p>
	Recital 30			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
40	<p>(30) In order to ensure uniform conditions for the implementation of Directive 2010/75/EU, implementing powers should be conferred on the Commission as regards the establishment of (i) the format to be used for the permit summary; (ii) a standardised methodology for assessing the disproportionality between the costs of implementation of the BAT conclusions and the potential environmental benefits, (iii) the measuring method for assessing compliance with emission limit values set out in the permit with regard to emissions to air and water, (iv) the detailed arrangements necessary for the establishment and functioning of the innovation centre for industrial transformation and emissions, and (v) the format to be used for transformation plans. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by</p>	<p>(30) In order to ensure uniform conditions for the implementation of Directive 2010/75/EU, implementing powers should be conferred on the Commission as regards the establishment of (i) the format to be used for the permit summary; (ii) a standardised methodology for assessing the disproportionality between the costs of implementation of the BAT conclusions and the potential environmental benefits <u>taking into consideration the ‘Value of Statistical Life’ (VSL) method, if appropriate</u>, (iii) the measuring method for assessing compliance with emission limit values set out in the permit with regard to emissions to air and water, (iv) the detailed arrangements necessary for the establishment and functioning of the innovation centre for industrial transformation and emissions, and (v) the format to be used for transformation plans. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the</p>	<p>(30) In order to ensure uniform conditions for the implementation of Directive 2010/75/EU, implementing powers should be conferred on the Commission as regards the establishment of (i) the format to be used for the permit summary; (ii) a standardised methodology for assessing the disproportionality between the costs of implementation of the BAT conclusions and the potential environmental benefits in accordance with art. 15.4, (ii) a standardised methodology for undertaking the assessment referred to in art 15.4a, (iii) the measuring method for assessing compliance with emission limit values set out in the permit with regard to emissions to air and water, (iv) the detailed arrangements necessary for the establishment and functioning of the innovation centre for industrial transformation and emissions, and (v) the format to be used for transformation plans and (vi) on what information that is relevant for publication of the EMS. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>1. [1] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and</p>	<p><i>Commission proposed wording linked to row 160a from November 7th, pending final confirmation by the EP</i></p> <p>(...)and (vi) on what information that is relevant for publication of the EMS, including at least environmental performance indicators and objectives, as well as the progress towards the environmental objectives. Those powers(...)</p>

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	the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).	
Recital 31				
41	<p>(31) In order to ensure the effective implementation and enforcement of the obligations set out in Directive 2010/75/EU, it is necessary to specify the minimum content of effective, proportionate and dissuasive penalties. Disparities in penalties regimes, the fact that imposed penalties are deemed in many cases too low to truly have a deterrent effect on illegal behaviours, and the lack of uniform implementation across Member States, undermine the level playing field on industrial emissions throughout the Union. Account should be taken of Directive 2008/99/EC on the protection of the environment through criminal law where a detected infringement under this Directive constitutes an offence within the scope Directive 2008/99/EC.</p>	<p>(31) In order to ensure the effective implementation and enforcement of the obligations set out in Directive 2010/75/EU, it is necessary to specify the minimum content of effective, proportionate and dissuasive penalties. Disparities in penalties regimes, the fact that imposed penalties are deemed in many cases too low to truly have a deterrent effect on illegal behaviours, and the lack of uniform implementation across Member States, undermine the level playing field on industrial emissions throughout the Union. <u><i>The Commission should support the Member States in the uniform implementation by adopting guidelines. Such guidelines should include the principle of compensating, as a priority, local communities in which the harm was caused. Member States should respect the provisions of the Charter of Fundamental Rights of the European Union, in particular the ne bis in idem principle and the proportionality principle.</i></u> Account</p>	<p>(31) In order to ensure the effective implementation and enforcement of the obligations set out in Directive 2010/75/EU, it is necessary to specify the minimum content of effective, proportionate and dissuasive penalties. Disparities in penalties regimes, the fact that imposed penalties are deemed in many cases too low to truly have a deterrent effect on illegal behaviours, and the lack of uniform implementation across Member States, undermine the level playing field on industrial emissions throughout the Union. Account should be taken of Directive 2008/99/EC on the protection of the environment through criminal law where a detected infringement under this Directive constitutes an offence within the scope Directive 2008/99/EC.</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		should be taken of Directive 2008/99/EC on the protection of the environment through criminal law where a detected infringement under this Directive constitutes an offence within the scope Directive 2008/99/EC.		
Recital 31a				
41a			(31a) Member States should lay down rules on penalties applicable to infringements of national provisions adopted pursuant to this Directive and should ensure that they are implemented. The penalties should be effective, proportionate and dissuasive. Member States may lay down rules for administrative as well as criminal penalties for the same infringements. In any case, the imposition of criminal and administrative penalties should not lead to a breach of the right not to be tried or punished twice in criminal proceedings for the same criminal offence (ne bis in idem) as interpreted by the Court of Justice.	
Recital 32				
42	(32) Where damage to human health has occurred as a result of a violation of national measures adopted pursuant to Directive	(32) Where damage to human health has occurred as a result of a violation of national measures adopted pursuant to Directive	(32) Where damage to human health has occurred as a result of a violation of national measures adopted pursuant to Directive 2010/75/EU, Member	Where damage to human health has occurred as a result of a violation of national measures adopted pursuant to Directive 2010/75/EU, Member States

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>2010/75/EU, Member States should ensure that the individuals affected are able to claim and obtain compensation for that damage from the relevant natural or legal persons and, where appropriate, from the relevant competent authorities responsible for the infringement. Such rules on compensation contribute to pursuing the objectives of preserving, protecting and improving the quality of the environment and protecting human health as laid down in Article 191 TFEU. They also underpin the right to life, integrity of the person and health care laid down in Article 2, 3 and 35 of the Charter of Fundamental Rights of the European Union and the right to an effective remedy as laid down in Article 47 of the Charter. Moreover, Directive 2004/35/EC of the European Parliament and of the Council does not give private parties a right of compensation as a consequence of environmental damage or of an imminent threat of such damage.</p>	<p>2010/75/EU, Member States should ensure that the individuals affected are able to claim and obtain compensation for that damage from the relevant natural or legal persons and, where appropriate, from the relevant competent authorities responsible for the infringement <u>when a decision, act or omission of the authority caused or contributed to the damage</u>. Such rules on compensation— contribute to pursuing the objectives of preserving, protecting and improving the quality of the environment and protecting human health as laid down in Article 191 TFEU. They also underpin the right to life, integrity of the person and health care laid down in Article 2, 3 and 35 of the Charter of Fundamental Rights of the European Union and the right to an effective remedy as laid down in Article 47 of the Charter. Moreover, Directive 2004/35/EC of the European Parliament and of the Council— does not give private parties a right of compensation as a consequence of environmental damage or of an imminent threat of such damage.</p>	<p>States should ensure that the individuals affected are able to claim and obtain compensation for that damage from the relevant natural or legal persons and, where appropriate, from the relevant competent authorities responsible for the infringement. Such rules on compensation— contribute to pursuing the objectives of preserving, protecting and improving the quality of the environment and protecting human health as laid down in Article 191 TFEU. They also underpin the right to life, integrity of the person and health care laid down in Article 2, 3 and 35 of the Charter of Fundamental Rights of the European Union and the right to an effective remedy as laid down in Article 47 of the Charter. Moreover, Directive 2004/35/EC of the European Parliament and of the Council— does not give private parties a right of compensation as a consequence of environmental damage or of an imminent threat of such damage.</p>	<p>should ensure that the individuals affected are able to claim and obtain compensation for that damage from the relevant natural or legal persons, without prejudice to the application of the Union¹ and national rules on State liability. and, where appropriate, from the relevant competent authorities responsible for the infringement.</p> <p><i>1: See judgments of 5 March 1996, Brasserie du pêcheur et Factortame, C-46/93 and C-48/93, paragraphs 32 and 36; or judgment of 28 June 2022, European Commission v Kingdom of Spain; C-278/20, paragraphs 29 to 32.</i></p> <p>[...]. For the most serious infringements committed by a legal person, such as those of a high level of gravity due to their nature, extent and repetition, or where these infringements pose a significant risk to health or environment, Member States should ensure that their national system of penalties includes fines which should be at least [X] % annual turnover of the operator in the financial year preceding the year in which the fine is imposed in the Union.</p>
Recital 32a				
42a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u><i>(32a) In case of exceptional circumstances like the COVID-19 pandemic or the Russian war against Ukraine, where an installation faces a persistent interruption in the supply of raw materials or fuels or a disruption of an abatement technique's elements due to force majeure, it could be necessary to temporarily set less strict emission or environmental performance limit values, while ensuring the overall protection of the environment.</i></u></p>		
Recital 33				
43	<p>(33) It is therefore appropriate for Directive 2010/75/EU to address the right for compensation for damages suffered by individuals. To ensure that individuals can defend their rights against damages to health caused by violations of Directive 2010/75/EU and thereby ensure a more efficient enforcement of that Directive, non-governmental organisations promoting the protection of human health or the environment, including those promoting the protection of consumers and meeting any requirements under national</p>	<p>(33) It is therefore appropriate for Directive 2010/75/EU to address the right for compensation for damages suffered by individuals. To ensure that individuals can defend their rights against damages to health caused by violations of Directive 2010/75/EU and thereby ensure a more efficient enforcement of that Directive, non-governmental organisations promoting the protection of human health or the environment, including those promoting the protection of consumers and meeting any requirements under national law, as members of the public concerned, should be empowered to engage in proceedings, as the Member States</p>	<p>(33) It is therefore appropriate for Directive 2010/75/EU to address the right for compensation for damages suffered by individuals. To ensure that individuals can defend their rights against damages to health caused by violations of Directive 2010/75/EU and thereby ensure a more efficient enforcement of that Directive, non-governmental organisations promoting the protection of human health or the environment, including those promoting the protection of consumers and meeting any requirements under national law, as members of the public concerned, should be empowered to engage in proceedings, as the Member States so determine, either on behalf of or in support of any victim, without</p>	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>law, as members of the public concerned, should be empowered to engage in proceedings, as the Member States so determine, either on behalf or or in support of any victim, without prejudice to national rules of procedure concerning representation and defence before the courts. Member States usually enjoy procedural autonomy to ensure an effective remedy against violations of Union law, subject to the respect of the principles of equivalence and effectivity. However, experience shows that while there is overwhelming epidemiologic evidence on the negative health impacts of pollution on the population, in particular as regards air, it is difficult for the victims of violations of Directive 2010/75/EU under the procedural rules on the burden of proof generally applicable in the Member States to demonstrate a causality link between the suffered harm and the violation. As a result, in the majority of cases, victims of violations of Directive 2010/75/EU do not have an effective way to obtain compensation for the harm caused by such violations. To</p>	<p>so determine, either on behalf or or in support of any victim, without prejudice to national rules of procedure concerning representation and defence before the courts. Member States usually enjoy procedural autonomy to ensure an effective remedy against violations of Union law, subject to the respect of the principles of equivalence and effectivity. <i>However</i>, Experience shows that while there is overwhelming epidemiologic evidence on the negative health impacts of pollution on the population, in particular as regards air, it is difficult for the victims of violations of Directive 2010/75/EU under the procedural rules <i>on the burden of proof generally applicable in the Member States</i> to demonstrate a causality link between the suffered harm and the violation. As a result, in the majority of cases, victims of violations of Directive 2010/75/EU do not have an effective way to obtain compensation for the harm caused by such violations. To strengthen the rights of individuals to obtain compensation for violations of Directive 2010/75/EU and to contribute to a more efficient enforcement of its requirements throughout the Union, it is necessary to adapt <i>the burden of proof national legislation on</i></p>	<p>prejudice to national rules of procedure concerning representation and defence before the courts. Member States usually enjoy procedural autonomy to ensure an effective remedy against violations of Union law, subject to the respect of the principles of equivalence and effectivity. However, experience shows that while there is overwhelming epidemiologic evidence on the negative health impacts of pollution on the population, in particular as regards air, it is difficult for the victims of violations of Directive 2010/75/EU under the procedural rules on the burden of proof generally applicable in the Member States to demonstrate a causality link between the suffered harm and the violation. As a result, in the majority of cases, victims of violations of Directive 2010/75/EU do not have an effective way to obtain compensation for the harm caused by such violations. To strengthen the rights of individuals to obtain compensation for violations of Directive 2010/75/EU and to contribute to a more efficient enforcement of its requirements throughout the Union, it is necessary to adapt the burden of proof applicable to such situations. Therefore, when an individual can provide sufficiently robust evidence to give rise to a presumption that the violation of</p>	

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<p>strengthen the rights of individuals to obtain compensation for violations of Directive 2010/75/EU and to contribute to a more efficient enforcement of its requirements throughout the Union, it is necessary to adapt the burden of proof applicable to such situations. Therefore, when an individual can provide sufficiently robust evidence to give rise to a presumption that the violation of Directive 2010/75/EU is at the origins of the damage caused to the health of an individual, or has significantly contributed to it, it should be for the defendant to rebut that presumption in order to escape his liability.</p>	<p><u>rebuttable presumptions</u> applicable to such situations. Therefore, when an individual can provide <u>Rebuttable presumptions are a common mechanism for alleviating a claimant's evidential difficulties, while preserving the rights of the defendant. Rebuttable presumptions are only applicable provided that certain conditions are fulfilled. In order to maintain a fair apportionment of risk, and to avoid a reversal of the burden of proof, a claimant should be required to demonstrate</u> sufficiently robust <u>relevant</u> evidence, <u>including scientific data, that</u> to give rise to a presumption that the violation of Directive 2010/75/EU is at the origins <u>has caused or contributed to the damage. In light of the evidentiary challenges faced by injured persons, especially in complex cases, the rebuttable presumption mechanism would achieve a fair balance for the individual suffering from damage to their health, industry and, where appropriate, authorities. It should also be possible to use relevant scientific data, irrespective of whether they are published on the Portal, as evidence in accordance with the national law. Where such relevant scientific data are not available, it should be possible to</u></p>	<p>Directive 2010/75/EU is at the origins of the damage caused to the health of an individual, or has significantly contributed to it, it should be for the defendant to rebut that presumption in order to escape his liability .</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i>use other evidence to support the claim in accordance with the national law of the damage caused to the health of an individual, or has significantly contributed to it, it should be for the defendant to rebut that presumption in order to escape his liability.</i>		
Recital 34				
44	(34) The impact of Directive 2010/75/EU on the procedural autonomy of the Member States should be limited to what is necessary to ensure the objectives of protection of human health through a safe environment pursued by it and should not affect other national procedural rules establishing the right to seek compensation for violations of that Directive. Such national rules should however not hamper the effective functioning of the mechanism for seeking compensation required by Directive 2010/75/EU.	(34) The impact of Directive 2010/75/EU on the procedural autonomy of the Member States should be limited to what is necessary to ensure the objectives of protection of human health through a safe environment pursued by it and should not affect other national procedural rules establishing the right to seek compensation for violations of that Directive. Such national rules should however not hamper the effective functioning of the mechanism for seeking compensation required by Directive 2010/75/EU.	(34) The impact of Directive 2010/75/EU on the procedural autonomy of the Member States should be limited to what is necessary to ensure the objectives of protection of human health through a safe environment pursued by it and should not affect other national procedural rules establishing the right to seek compensation for violations of that Directive. Such national rules should however not hamper the effective functioning of the mechanism for seeking compensation required by Directive 2010/75/EU.	(34) The impact of Directive 2010/75/EU on the procedural autonomy of the Member States should be limited to what is necessary to ensure the objectives of protection of human health through a safe environment pursued by it and should not affect other national procedural rules establishing the right to seek compensation for violations of that Directive. Such national rules should however not hamper the effective functioning of the mechanism for seeking compensation required by Directive 2010/75/EU.
Recital 35				
45	(35) The implementation of Directive 2010/75/EU has shown divergent applications	(35) The implementation of Directive 2010/75/EU has shown divergent applications across	(35) The implementation of Directive 2010/75/EU has shown divergent applications across Member States	(35) The implementation of Directive 2010/75/EU has shown divergent applications across Member States

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>across Member States concerning the coverage of installations for the manufacturing of ceramic products by firing, because the wording of the definition of this activity allowed Member States to decide whether to apply both or only one of the two criteria on production capacity and kiln capacity. With a view to ensuring a more consistent implementation of that Directive and securing a level-playing field throughout the Union, such installations should be included within the scope of that Directive whenever any one of those two criteria is met.</p>	<p>Member States concerning the coverage of installations for the manufacturing of ceramic products by firing, because the wording of the definition of this activity allowed Member States to decide whether to apply both or only one of the two criteria on production capacity and kiln capacity. With a view to ensuring a more consistent implementation of that Directive, <i>as well as compliance with Directive 2003/87/EC</i> and securing a level-playing field throughout the Union, <i>such installations should be included</i> <u>clear and unambiguous criteria for the inclusion of industrial-scale manufacturing of ceramic products by firing</u> within the scope of that <u>Directive 2010/75/EU should be laid down. Such criteria should correspond to the criteria laid down in Directive 2003/87/EC</u> <i>Directive whenever any one of those two criteria is met.</i></p>	<p>concerning the coverage of installations for the manufacturing of ceramic products by firing, because the wording of the definition of this activity allowed Member States to decide whether to apply both or only one of the two criteria on production capacity and kiln capacity. With a view to ensuring a more consistent implementation of that Directive and securing a level-playing field throughout the Union, such installations should be included within the scope of that Directive whenever any one of those two criteria is met.</p>	<p>concerning the coverage of installations for the manufacturing of ceramic products by firing, because the wording of the definition of this activity allowed Member States to decide whether to apply both or only one of the two criteria on production capacity and kiln capacity. With a view to ensuring a more consistent implementation of that Directive and securing a level-playing field throughout the Union, such installations should be included within the scope of that Directive whenever any one of those two criteria is met.</p>
Recital 36				
46	<p>(36) When setting emission limit values for polluting substances, the competent authority should consider all substances, including substances of emerging concern, which may be emitted from the concerned installation and may</p>	<p>(36) When setting emission limit values for polluting substances, the competent authority should consider all substances, including substances of emerging concern <u>and olfactory pollution</u>, which may be emitted from the concerned installation <u>to air, soil, surface and ground water</u></p>	<p>(36) When setting emission limit values for polluting substances, the competent authority should consider all substances, including substances of emerging concern, which may be emitted from the concerned installation and may have a significant impact on the environment or human</p>	

Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
<p>have a significant impact on the environment or human health. In doing so, the hazard characteristics, quantity and nature of the substances emitted and their potential to pollute any environmental media should be considered. The BAT conclusions, where relevant, are the reference point for selecting the substances for which emission limit values are to be set, although the competent authority may decide to select additional substances. Currently, individual polluting substances are listed in a non-exhaustive way in Annex II to Directive 2010/75/EU; which is not compatible with the holistic approach of that Directive and does not reflect the need for competent authorities to take into account all relevant polluting substances, including those of emerging concern. The non-exhaustive list of polluting substances should therefore be deleted. Instead, reference should be made to the list of pollutants in Annex II to Regulation (EC) No 166/2006¹.</p> <p><small>1. Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 establishing a European Pollutant</small></p>	<p>and may have a significant impact on the environment or human health. In doing so, the hazard characteristics, quantity and nature of the substances emitted and their potential to pollute any environmental media—should be considered <u>as well as seasonal environmental fluctuations, which should be also taken into account</u>. The BAT conclusions, where relevant, are the reference point for selecting the substances for which emission limit values are to be set, although the competent authority may decide to select additional substances. Currently, individual polluting substances are listed in a non-exhaustive way in Annex II to Directive 2010/75/EU; which is not compatible with the holistic approach of that Directive and does not reflect the need for competent authorities to take into account all relevant polluting substances, including those of emerging concern. The non-exhaustive list of polluting substances should therefore be deleted. Instead, reference should be made to the list of pollutants in Annex II to Regulation (EC) No 166/2006¹.</p> <p><small>1. Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 establishing a European Pollutant Release and Transfer Register (OJ L 33, 4.2.2006, p. 1).</small></p>	<p>health. In doing so, the hazard characteristics, quantity and nature of the substances emitted and their potential to pollute any environmental media should be considered. The BAT conclusions, where relevant, are the reference point for selecting the substances for which emission limit values are to be set, although the competent authority may decide to select additional substances. Currently, individual polluting substances are listed in a non-exhaustive way in Annex II to Directive 2010/75/EU; which is not compatible with the holistic approach of that Directive and does not reflect the need for competent authorities to take into account all relevant polluting substances, including those of emerging concern. The non-exhaustive list of polluting substances should therefore be deleted. Instead, reference should be made to the list of pollutants in Annex II to Regulation (EC) No 166/2006¹.</p> <p><small>1. Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 establishing a European Pollutant Release and Transfer Register (OJ L 33, 4.2.2006, p. 1).</small></p>	

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	Release and Transfer Register (OJ L 33, 4.2.2006, p. 1).			
Recital 37				
47	<p>(37) Although landfills are included within the scope of Directive 2010/75/EU, no BAT conclusions exist for landfills since that activity falls within the scope of Council Directive 1999/31/EC¹ and the requirements of the latter Directive are deemed to constitute BAT. Due to the technical developments and innovation that have taken place since the adoption of Directive 1999/31/EC, more effective techniques for protecting human health and the environment are now available. The adoption of BAT conclusions under Directive 2010/75/EU would allow addressing the key environmental issues related to the operation of waste landfills, including significant emissions of methane. Directive 1999/31/EC should therefore allow for the adoption of BAT conclusions on landfills under Directive 2010/75/EU.</p> <p>¹. Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182 16.7.1999, p. 1).</p>	<p>(37) Although landfills are included within the scope of Directive 2010/75/EU, no BAT conclusions exist for landfills since that activity falls within the scope of Council Directive 1999/31/EC¹ and the requirements of the latter Directive are deemed to constitute BAT. Due to the technical developments and innovation that have taken place since the adoption of Directive 1999/31/EC, more effective techniques for protecting human health and the environment are now available. The adoption of BAT conclusions under Directive 2010/75/EU would allow addressing the key environmental issues related to the operation of waste landfills, including significant emissions of methane. Directive 1999/31/EC should therefore allow for the adoption of BAT conclusions on landfills under Directive 2010/75/EU. <u>Directives 2010/75/EU and 1999/31/EC should therefore be amended accordingly.</u></p> <p>¹. Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182 16.7.1999, p. 1).</p>	<p>(37) Although landfills are included within the scope of Directive 2010/75/EU, no BAT conclusions exist for landfills since that activity falls within the scope of Council Directive 1999/31/EC¹ and the requirements of the latter Directive are deemed to constitute BAT. Due to the technical developments and innovation that have taken place since the adoption of Directive 1999/31/EC, more effective techniques for protecting human health and the environment are now available. The adoption of BAT conclusions under Directive 2010/75/EU would allow addressing the key environmental issues related to the operation of waste landfills, including significant emissions of methane. Directive 1999/31/EC should therefore allow for the adoption of BAT conclusions on landfills under Directive 2010/75/EU.</p> <p>¹. Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste (OJ L 182 16.7.1999, p. 1).</p>	


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Recital 38				
48	(38) Directives 2010/75/EU and 1999/31/EC should therefore be amended accordingly.	(38) Directives 2010/75/EU and 1999/31/EC should therefore be amended accordingly. deleted	(38) Directives 2010/75/EU and 1999/31/EC should therefore be amended accordingly.	
Recital 38a				
48a		<u><i>(38a) The procedures under Directive 2010/75/EU, including BAT preparation and national permit procedures, are considered by the industries concerned to be too lengthy and cause uncertainty for the public concerned, which is, to a large extent, due to insufficient administrative capacity. In this respect, the considerable extension of the scope of Directive 2010/75/EU represents a further challenge for the Commission, the Forum under Article 13 and, especially, for the national competent authorities. The Commission should present an action plan for enhancing administrative capacity at Union and national level, thus enabling the acceleration of procedures provided for under the Directive, in particular for enabling technologies. The Commission should, furthermore, provide technical assistance to the Member</i></u>		

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		<u>States in complying with the new legislative and technical procedures, such as by means of a uniform digital tool for applying for permits.</u>		
Recital 38b				
48b		<u>(38b) From the entry into force of this amending act, Member States should take adequate measures to ensure that the competent authorities are able to handle the increased workload related to implementing Directive 2010/75/EU as amended by this Directive and ensure a swift efficient and smooth permitting process, in particular, in the case of fast-track permits for installations applying emerging techniques, thus, reducing the uncertainty for businesses to a minimum and supporting transformation towards a clean, circular and climate-neutral industry, while safeguarding the health and rights of the public concerned.</u>		
Recital 39				
49	(39) Since the objectives of this Directive, namely to ensure a high level of environmental	(39) Since the objectives of this Directive, namely to ensure a high level of environmental protection	(39) Since the objectives of this Directive, namely to ensure a high level of environmental protection and	(39) Since the objectives of this Directive, namely to ensure a high level of environmental protection and



	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>protection and the improvement of environmental quality, cannot be sufficiently achieved by Member States and can, therefore, by reason of the transboundary nature of pollution from industrial activities, 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.</p>	<p>and the improvement of environmental quality, cannot be sufficiently achieved by Member States and can, therefore, by reason of the transboundary nature of pollution from industrial activities, 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.</p>	<p>the improvement of environmental quality, cannot be sufficiently achieved by Member States and can, therefore, by reason of the transboundary nature of pollution from industrial activities, 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.</p>	<p>the improvement of environmental quality, cannot be sufficiently achieved by Member States and can, therefore, by reason of the transboundary nature of pollution from industrial activities, 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.</p>
Recital 40				
50	<p>(40) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of ensuring a high level of environmental protection and the improvement of environmental quality to lay down rules on integrated prevention and control of pollution arising from industrial activities. This Directive does not go beyond what is necessary in order to achieve the</p>	<p>(40) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of ensuring a high level of environmental protection and the improvement of environmental quality to lay down rules on integrated prevention and control of pollution arising from industrial activities. This Directive does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with Article</p>	<p>(40) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of ensuring a high level of environmental protection and the improvement of environmental quality to lay down rules on integrated prevention and control of pollution arising from industrial activities. This Directive does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with Article 5(4) of the Treaty on European Union.</p>	<p>(40) In accordance with the principle of proportionality, it is necessary and appropriate for the achievement of the basic objective of ensuring a high level of environmental protection and the improvement of environmental quality to lay down rules on integrated prevention and control of pollution arising from industrial activities. This Directive does not go beyond what is necessary in order to achieve the objectives pursued, in accordance with Article 5(4) of the Treaty on European Union.</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	objectives pursued, in accordance with Article 5(4) of the Treaty on European Union.	5(4) of the Treaty on European Union.		
Recital 41				
51	<p>(41) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents¹, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified,</p> <p>¹ OJ C 369, 17.12.2011, p. 14.</p>	<p>(41) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents¹, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified,</p> <p>¹ OJ C 369, 17.12.2011, p. 14.</p>	<p>(41) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents¹, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified,</p> <p>¹ OJ C 369, 17.12.2011, p. 14.</p>	<p>(41) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents¹, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified,</p> <p>¹ OJ C 369, 17.12.2011, p. 14.</p>
Recital 41a				
51a		<p><u><i>(41a) Combustion plants that are part of small isolated systems, specifically those located in the outermost regions, may, due to their geographical location and lack of interconnection to the</i></u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>mainland grid of Member States or the grid of another Member State, face special challenges requiring more time to comply with the obligations set out in Directive 2010/75/EU. The Member States concerned should establish a plan for compliance covering combustion plants being part of a small isolated system that sets out the measures taken by the Member State to ensure compliance with the emission limit values at the latest by 31 December 2029. The plan should describe the measures taken to ensure compliance, apply the best available techniques as applicable and measures to minimise the magnitude and duration of the pollutant emissions during the period covered by the plan and include information on demand management measures and possibilities for switching to cleaner alternatives such as the deployment of renewables and interconnection with the mainland grids or the grid of another Member State. Member States concerned should communicate their Compliance Plan to the Commission. Member States should update the plan in case the Commission raises objections. Member States concerned should report annually on progress towards compliance.</u></p>		

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 43				
51b			<p>(43) In order to give the Member States, Competent Authorities and installations time to comply with the new provisions, and also to give time to adopt new BATconclusions that take the new provisions into account transitional provisions should be prescribed. To ensure legal certainty there is a need to have a fixed date when the provisions should be complied with at the absolute latest. With regard to the Seville process and the number of BAT reference documents that need to be reviewed, this date should be set to 16 years for existing activities and 10 years for new activities. This does not prevent BAT-conclusions to be adopted earlier. Existing installation shall comply with the provisions in the current IED, until there are new BAT conclusions or there is a permit update.</p>	
Recital 44				
51c			<p>(44) Combustion plants that are part of small isolated systems may, due to their geographical location and lack of interconnection to the mainland grid of Member States or the grid of another Member State,</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p>face special challenges requiring more time to comply with emission limit values. The Member States concerned should establish a plan for compliance covering combustion plants being part of a small isolated system that sets out the measures taken by the Member State to ensure compliance with the emission limit values at the latest by 31 December 2029. The Plan should describe the measures taken to ensure compliance and measures to minimise the magnitude and duration of the pollutant emissions during the period covered by the plan and include information on demand management measures and cleaner fuel switching possibilities such as deployment of renewables and interconnection with the mainland grids or the grid of another Member State. Member States concerned should communicate their Compliance Plan to the Commission. Member States should update the plan in case the Commission raises objections. Member States concerned should report annually on progress towards compliance.</p>	

Formula				
52	HAVE ADOPTED THIS DIRECTIVE:		HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:
Article 1				
53	Article 1 Amendments to Directive 2010/75/EU	Article 1 Amendments to Directive 2010/75/EU	Article 1 Amendments to Directive 2010/75/EU	Article 1 Amendments to Directive 2010/75/EU
Article 1, first paragraph				
54	Directive 2010/75/EU is amended as follows:	Directive 2010/75/EU is amended as follows:	Directive 2010/75/EU is amended as follows:	Directive 2010/75/EU is amended as follows:
Article 1, first paragraph, point (-1)				
54a		<i>(-1) The Title is replaced by the following:</i>		<i>(-1) The Title is replaced by the following:</i>
Article 1, first paragraph, point (-1), amending provision, first paragraph				
54b		" Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial and agricultural emissions (integrated pollution prevention and control) "		" Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial and agro-industrial emissions (integrated pollution prevention and control) "
Article 1, first paragraph, point (1)				

55	(1) In Article 1, the second paragraph is replaced by the following	(1) In Article 1, the second paragraph is replaced by the following	(1) In Article 1, the second paragraph is replaced by the following	
Article 1, first paragraph, point (1), amending provision, first paragraph				
56	It also lays down rules designed to prevent or, where that is not practicable, to reduce emissions into air, water and land and to prevent the generation of waste, in order to achieve a high level of protection of human health and the environment taken as a whole..	It also lays down rules designed to prevent or, where that is not practicable, to continuously reduce emissions into air, water and land and to prevent the generation of waste, in order to achieve a high level of protection of human health and the environment taken as a whole.-	It also lays down rules designed to prevent or, where that is not practicable, to reduce emissions into air, water and land and , to prevent the generation of waste, and to promote circular economy and decarbonisation , in order to achieve a high level of protection of human health and the environment taken as a whole.-	It also lays down rules designed to prevent or, where that is not practicable, to continuously reduce emissions into air, water and land and ,to prevent the generation of waste, improve resource efficiency, and to promote circular economy, and decarbonisation , in order to achieve a high level of protection of human health and the environment taken as a whole..
Article 1, first paragraph, point (1a)				
56a		<i>1a) In Article 1, the following paragraph is added:</i>		<i>1a) In Article 1, the following paragraph is added:</i>
Article 1, first paragraph, point (1a), amending provision, Article 1, paragraph 2a (new)				
56b		<i>In addition, it lays down rules designed to improve resource efficiency in order to reduce the use of water, energy, and raw materials.</i>		<i>In addition, it lays down rules designed to improve resource efficiency in order to reduce the use of water, energy, and raw materials.</i>
Article 1, first paragraph, point (1b)				
56c				


		<i>(1b) In Article 1, the following paragraph is added:</i>		
Article 1, first paragraph, point (1b), amending provision, Article 1, paragraph 2b (new)				
56d		" <i>When undertaking the actions to meet their obligations set out in this Directive, Member States shall consider the need to ensure a just and socially fair transition for all. The Commission may issue guidance to support Member States in that regard.</i> "		
Article 1, first paragraph, point (2)				
57	(2) In Article 2, paragraph 1 is replaced by the following:	(2) In Article 2, paragraph 1 is replaced by the following:	(2) In Article 2, paragraph 1 is replaced by the following:	(2) In Article 2, paragraph 1 is replaced by the following:
Article 1, first paragraph, point (2), amending provision, numbered paragraph (1)				
58	‘ 1. This Directive shall apply to the industrial activities giving rise to pollution referred to in Chapters II to VIa.. ’	‘ 1. This Directive shall apply to the industrial activities giving rise to pollution referred to in Chapters II to VIa.. ’	‘ 1. This Directive shall apply to the industrial activities giving rise to pollution referred to in Chapters II to VIa.. ’	‘ 1. This Directive shall apply to the industrial activities giving rise to pollution referred to in Chapters II to VIa.. ’
Article 1, first paragraph, point (3)				
59	(3) Article 3 is amended as follows:	(3) Article 3 is amended as follows:	(3) Article 3 is amended as follows:	

Article 1, first paragraph, point (3)(-a)				
59a		<i>(-a) point (2) is replaced as follow</i>		<i>(-a) point (2) is replaced as follow</i>
Article 1, first paragraph, point (3)(-a), amending provision, Article 3, paragraph 1, point (2)				
59b		" (2) 'pollution' means the direct or indirect introduction, as a result of human activity, of substances, vibrations, heat, or noise <i>or odours</i> (' <i>olfactory pollution</i> ') into air, water or land which may be harmful to human health or the quality of the environment, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment; "		<u>Possible compromise:</u> " (2) 'pollution' means the direct or indirect introduction, as a result of human activity, of substances, vibrations, heat, noise <i>or odour</i> into air, water or land which may be harmful to human health or the quality of the environment, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment; Comment - package on olfactory
Article 1, first paragraph, point (3)(-b)				
59c		<i>(-b) the following point (2 a) is inserted</i>		<i>(-b) the following point (2 a) is inserted</i>
Article 1, first paragraph, point (3)(-b), amending provision, Article 3, paragraph 1, point (2a new)				
59d		" <i>(2a) 'olfactory pollution' means pollution produced by gaseous emissions in the atmosphere which may cause injuries to, or a condition of general significant unwellness or sickness in, persons living in the proximity of the installation.</i>		<i>(2a) 'olfactory pollution' means pollution produced by gaseous emissions in the atmosphere which may cause injuries to, or a condition of general significant unwellness or sickness in, persons living in the proximity of the installation.</i>

			"	
Article 1, first paragraph, point (3)(a)				
60	(a) point (3) is replaced by the following:	(a) point (3) is replaced by the following:	(a) point (3) is replaced by the following:	(a) point (3) is replaced by the following:
Article 1, first paragraph, point (3)(a), amending provision, numbered paragraph (3)				
61	(3) ‘installation’ means a stationary technical unit within which one or more activities listed in Annex I, in Annex Ia or in Part 1 of Annex VII are carried out, and any other directly associated activities on the same site which have a technical connection with the activities listed in those Annexes and which could have an effect on emissions and pollution;;	(3) ‘installation’ means a stationary technical unit within which one or more activities listed in Annex I, in Annex Ia or in Part 1 of Annex VII are carried out, and any other directly associated activities on the same site which have a technical connection with the activities listed in those Annexes and which could have an effect on emissions and pollution;;	(3) ‘installation’ means a stationary technical unit within which one or more activities listed in Annex I, in Annex Ia or in Part 1 of Annex VII are carried out, and any other directly associated activities on the same site which have a technical connection with the activities listed in those Annexes and which could have an effect on emissions and pollution;;	(3) ‘installation’ means a stationary technical unit within which one or more activities listed in Annex I, in Annex Ia or in Part 1 of Annex VII are carried out, and any other directly associated activities on the same site which have a technical connection with the activities listed in those Annexes and which could have an effect on emissions and pollution;;
Article 1, first paragraph, point (3)(aa)				
61c		<i>(aa) the following point (5a) is inserted:</i>	(aa) the following point (5a) is inserted:	
Article 1, first paragraph, point (3)(aa), amending provision, first paragraph				
61d		<i>(5a) ‘environmental performance limit value’ means the indicative</i>	‘(5a)‘environmental performance limit value’ means the	(5a) ‘environmental performance limit value’ means a performance

		<i>environmental performance value within the binding range of environmental performance levels, including consumption levels, resource efficiency levels covering materials, water and energy resources, waste, and other levels obtained under specified reference conditions, where the range may not be exceeded during one or more periods of time.</i>	<i>environmental performance levels, including consumption levels, resource efficiency levels and reuse levels covering materials, water and energy resources, waste and other levels obtained under specified reference conditions, which may not be exceeded during one or more periods of time.</i>	<i>value included in a permit, expressed for specified conditions in terms of certain specific parameters;</i>
Article 1, first paragraph, point (3)(ab)				
61e		<i>(ab) point (9) is replaced by the following:</i>		<i>(ab) point (9) is replaced by the following:</i>
Article 1, first paragraph, point (3)(ab), amending provision, first paragraph				
61f		<i>" (9) 'substantial change' means a change in the nature or functioning, an extension or an extension of duration of the permit of an installation or combustion plant, waste incineration plant or waste co-incineration plant which may have significant negative effects on human health or the environment;</i>	<i>"</i>	<i>(9) 'substantial change' means a change in the nature or functioning, an extension or an extension of duration of the permit of an installation or combustion plant, waste incineration plant or waste co-incineration plant which may have significant negative effects on human health or the environment;</i> <i>"</i> <i>In Article 21, the following paragraph 5d (new) is inserted:</i> <i>"</i> <i>(d) in case of a request from the operator to extend the duration of the</i>

				<i>operation of an installation undertaking the activity referred to in Annex I, point 5.4.</i>
Article 1, first paragraph, point (3)				
61fa				<i>The following point (9a) is inserted:</i>
Article 1, first paragraph, point (3)				
61fb				<i>'deep industrial transformation' means the implementation by industrial operators of emerging techniques or best available techniques involving a major change in the design or technology of all or part of an installation or the replacement of an existing installation by a new installation allowing a extremely substantive reduction of emissions of greenhouse gases in consistency with the objective of carbon neutrality and optimising environmental co-benefits, at least to the levels that can be achieved by techniques identified in the applicable BAT conclusions, taking into account cross-media effects.</i>
Article 1, first paragraph, point (3)(ac)				
61g		<i>(ac) points (b) and (c) of point (10) are replaced by the following:</i>		<i>(ac) points (b) and (c) of point (10) are replaced by the following:</i>
Article 1, first paragraph, point (3)(ac), amending provision, first paragraph				
61h				"

		" (b) 'available techniques' means those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages whether or not the techniques are used or produced inside Member State in question the Union , as long as they are reasonably accessible to the operator;		(b) 'available techniques' means those developed on a scale which allows implementation in the relevant industrial sector, under economically and technically viable conditions, taking into consideration the costs and advantages whether or not the techniques are used or produced inside Member State in question the Union , as long as they are reasonably accessible to the operator;
Article 1, first paragraph, point (3)(ac), amending provision, second paragraph				
61i		(c) 'best' means most effective in achieving a high general level of protection of the environment as a whole, including human health and climate protection;	"	(c) 'best' means most effective in achieving a high general level of protection of the environment as a whole, including human health and climate protection;
Article 1, first paragraph, point (3)(b)				
62	(b) point (12) is replaced by the following:	(b) point (12) is replaced by the following:	(b) point (12) is replaced by the following:	(b) point (12) is replaced by the following:
Article 1, first paragraph, point (3)(b), amending provision, numbered paragraph (12)				
63	(12) 'BAT conclusions' means a document containing the parts of a BAT reference document laying down the conclusions on best available techniques, their description, information to	(12) 'BAT conclusions' means a document containing the parts of a BAT reference document laying down the conclusions on best available techniques, their description, information to assess their	(12) 'BAT conclusions' means a document containing the parts of a BAT reference document laying down the conclusions on best available techniques, their description, information to assess	(12) 'BAT conclusions' means a document containing the parts of a BAT reference document laying down the conclusions on best available techniques, their description, information to assess their

	<p>assess their applicability, the emission levels associated with the best available techniques, the environmental performance levels associated with the best available techniques, the minimum content of an environmental management system including benchmarks associated with the best available techniques, associated monitoring, associated consumption levels and, where appropriate, relevant site remediation measures;;</p>	<p>applicability, the emission levels associated with the best available techniques, the environmental performance levels associated with the best available techniques, the minimum content of an environmental management system including benchmarks associated with the best available techniques, <i>emission levels associated with emerging techniques, environmental performance levels associated with emerging techniques,</i> associated monitoring, associated consumption levels and, where appropriate, relevant site remediation measures;;</p>	<p>their applicability, the emission levels associated with the best available techniques and with emerging techniques, the environmental performance levels associated with the best available techniques, the minimum and with emerging techniques, the content of an environmental management system including benchmarks associated with the best available techniques, associated monitoring, associated consumption levels and, where appropriate, relevant site remediation measures;;</p>	<p>applicability, the emission levels associated with the best available techniques and with emerging techniques, the environmental performance levels associated with the best available techniques, the minimum and with emerging techniques, the content of an environmental management system including benchmarks associated with the best available techniques, associated monitoring, associated consumption levels and, where appropriate, relevant site remediation measures;;</p>
Article 1, first paragraph, point (3)(c)				
64	<p>(c) the following point (13a) is inserted:</p>	<p>(c) the following point (13a), <i>(13aa) and (13ab) are</i> inserted:</p>	<p>(c) the following point (13a) is points points (12 a), (13a) and (13b) are inserted:</p>	<p>(c) the following point (13a) is points points (12 a), (13a) and (13b) are inserted:</p>
Article 1, first paragraph, point (3)(c), amending provision, first paragraph 12a				
64a			<p>‘(12a) ‘Operating rules‘ means the rules included in permits or general binding rules for the operation of activities referred to in annex I a, containing the emission limit values, the environmental performance limit values, associated monitoring requirements, and where relevant</p>	<p>‘(12a) ‘Operating rules‘ means the rules included in permits or general binding rules for the operation of activities referred to in annex I a, containing the emission limit values, the environmental performance limit values, associated monitoring requirements, and where relevant land spreading practices, pollution</p>

			land spreading practices, pollution prevention and mitigation practices, nutritional management, feed preparation, housing, manure management (collection, storage, processing, land spreading) and storage of dead animals, which are consistent with the use of best available techniques.	prevention and mitigation practices, nutritional management, feed preparation, housing, manure management (collection, storage, processing, land spreading) and storage of dead animals, which are consistent with the use of best available techniques.
Article 1, first paragraph, point (3)(c), amending provision, first paragraph				
65	<p>(13a) ‘environmental performance levels associated with the best available techniques’ means the range of environmental performance levels, except emission levels, obtained under normal operating conditions using a BAT or a combination of BATs;</p>	<p>(13a) ‘environmental performance levels associated with the best available techniques’ means the binding range of environmental performance levels for installations within the same sectoral activities and having similar characteristics, such as energy carriers, raw materials, production units and final products, when the data made available in the exchange of information supporting the determination of BAT are sufficiently robust across the Union, which shall include consumption and resource efficiency levels, for BAT Conclusions following the first conclusion after [insert the end date for transposition of this amending Directive], reuse levels for water, energy, and raw materials, except emission levels, obtained under normal operating conditions using a BAT or a combination of BATs as described in</p>	<p>(13a) ‘Environmental performance levels associated with the best available techniques’ means the range of environmental performance levels, except emission levels, obtained under normal operating conditions using a BAT or a combination of BATs;- as described in BAT conclusions’</p>	<p>(13a) ‘Environmental performance levels associated with the best available techniques’ means the range of environmental performance levels, except emission levels, obtained under normal operating conditions using a BAT or a combination of BATs as described in BAT conclusions’</p>


		<i>BAT conclusions, expressed as an average over a given period of time, under specified reference conditions;</i>		
Article 1, first paragraph, point (3)(c), amending provision, first paragraph a5C				
65a		<p><i>the following point is inserted:</i></p> <p><i>(13aa) "Industrial Waste Water Treatment Plant" means a waste water treatment plant covered by Directive 2010/75/EU</i></p>		<p><i>the following point is inserted:</i></p> <p><i>(13aa) "Industrial Waste Water Treatment Plant" means a waste water treatment plant covered by Directive 2010/75/EU</i></p>
Article 1, first paragraph, point (3)(c), amending provision, first paragraph 13b				
65aa				<p>(13aa) ‘environmental performance’ includes consumption levels, resource efficiency covering materials, water and energy resources, reuse of materials, reuse of water, waste generation.</p>
Article 1, first paragraph, point (3)(c), amending provision, first paragraph 13b				
65b			<p>(13b) ‘benchmarks’ means the indicative range of environmental performance levels associated with best available techniques, other than emission levels, and may include which shall be used as a reference in the EMS.</p>	<p>(13b) ‘benchmarks’ means the indicative range of environmental performance levels associated with best available techniques, other than emission levels, and may include which shall be used as a reference in the EMS.</p>
Article 1, first paragraph, point (3)(c), amending provision, third paragraph				

65c		<i>(13ab) "Urban Waste Water Treatment Plant" means a waste water treatment plant covered by Directive 91/271/EEC;</i>		<i>(13ab) "Urban Waste Water Treatment Plant" means a waste water treatment plant covered by Directive 91/271/EEC;</i>
Article 1, first paragraph, point (3)(ca)				
65d		<i>(ca) point (14) is replaced by the following:</i>		<i>(ca) point (14) is replaced by the following:</i>
Article 1, first paragraph, point (3)(ca), amending provision, first paragraph				
65e		" (14) ‘emerging technique’ means a novel technique for an industrial activity that, if commercially developed, could provide either a higher general level of protection of the environment <i>and human health</i> or at least the same level of protection of <i>human health</i> and the environment and higher cost savings than existing best available techniques;"		(14) ‘emerging technique’ means a novel technique for an industrial activity that, if commercially developed, could provide either a higher general level of protection of the environment <i>and human health</i> or at least the same level of protection of <i>human health</i> and the environment and higher cost savings than existing best available techniques;
Article 1, first paragraph, point (3)(d)				
66	(d) point (17) is replaced by the following:	(d) point (17) is replaced by the following:	(d) point (17) is replaced by the following:	(d) point (17) is replaced by the following:
Article 1, first paragraph, point (3)(d), amending provision, numbered paragraph (17)				
67	‘the public concerned’ means the public affected or likely to be affected by, or having an interest in, the taking	(17) ‘the public concerned’ means the public affected or likely to be affected by, or having an interest in, the taking of a decision on the granting or the	(17) ‘the public concerned’ means the public affected or likely to be affected by, or having an interest in, the taking of a decision on the	(17) ‘the public concerned’ means the public affected or likely to be affected by, or having an interest in, the taking of a decision on the granting or the

	of a decision on the granting or the updating of a permit or of permit conditions; for the purposes of this definition, non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law shall be deemed to have an interest;.	updating of a permit or of permit conditions; for the purposes of this definition, non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law shall be deemed to have an interest;.	granting or the updating of a permit or of permit conditions; for the purposes of this definition, non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law shall be deemed to have an interest;.	updating of a permit or of permit conditions; for the purposes of this definition, non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law shall be deemed to have an interest;.
Article 1, first paragraph, point (3)(da)				
67a		<i>(da) point (23) is replaced by the following:</i>		<i>(da) point (23) is replaced by the following:</i>
Article 1, first paragraph, point (3)(da), amending provision, first paragraph				
67b		<p>"</p> <p>'(23) 'poultry' means poultry as defined in <i>point 1 of Article 2 of Council Directive 90/539/EEC of 15 October 1990 on animal health conditions governing intra-Community trade in, and imports from third countries of, poultry and hatching eggs</i> Article 4, point 9, of Regulation (EU) 2016/429 of the European Parliament and of the Council on transmissible animal diseases* ;</p> <p>"</p> <p>*. <i>OJ L 084, 31.3.2016, p. 1</i></p>		<p>'(23) 'poultry' means poultry as defined in Article 4, point 9, of Regulation (EU) 2016/429 of the European Parliament and of the Council on transmissible animal diseases* ; _____</p> <p>*. <i>OJ L 084, 31.3.2016, p. 1</i></p>

Article 1, first paragraph, point (3)(e)				
68	(e) the following points (23a), (23b) and (23c) are inserted:	(e) the following points (23a), (23b) and (23c) are inserted:	(e) the following points (23a), (23b) and (23c) are inserted:	
Article 1, first paragraph, point (3)(e), amending provision, first paragraph				
69	(23a) ‘pigs’ means pigs as defined in Article 2 of Council Directive 2008/120/EC*;	(23a) ‘pigs’ means pigs as defined in Article 2 of Council Directive 2008/120/EC*;	(23a) ‘pigs’ means pigs as defined in Article 2 of Council Directive 2008/120/EC*;	(23a) ‘pigs’ means pigs as defined in Article 2 of Council Directive 2008/120/EC*;
Article 1, first paragraph, point (3)(e), amending provision, third paragraph, second subparagraph				
72	* Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (OJ L 47, 18.2.2009, p. 5).	* Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (OJ L 47, 18.2.2009, p. 5).	* Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (OJ L 47, 18.2.2009, p. 5).	* Council Directive 2008/120/EC of 18 December 2008 laying down minimum standards for the protection of pigs (OJ L 47, 18.2.2009, p. 5).
Article 1, first paragraph, point (3)(e), amending provision, second paragraph				
70	(23b) ‘cattle’ means domestic animals of the species Bos taurus;	(23b) ‘cattle’ means domestic animals of the species Bos taurus;	(23b) ‘cattle’ means domestic animals of the species Bos taurus;	(23b) ‘cattle’ means domestic animals of the species Bos taurus;
Article 1, first paragraph, point (3)(e), amending provision, third paragraph, first subparagraph				
71	‘livestock unit’ or ‘LSU’ means the grazing equivalent of one adult dairy cow producing 3 000 kg of milk annually, without additional concentrated foodstuffs, which is used to	(23c) ‘livestock unit’ or ‘LSU’ means the grazing equivalent of one adult dairy cow producing 3 000 kg of milk annually, without additional concentrated foodstuffs, which is used to express the size of farms rearing	(23c) ‘livestock unit’ or ‘LSU’ means the grazing equivalent of one adult dairy cow producing 3 000 kg of milk annually, without additional concentrated foodstuffs, which is unit used to express the size of	(23c) ‘livestock unit’ or ‘LSU’ means the unit used to express the size of livestock rearing farms, by aggregating the different categories of animals reared in a farm, using the conversion rates set out in Annex Ia.

	express the size of farms rearing different categories of animals, using the conversion rates, with reference to actual production within the calendar year, set out in Annex II to Commission Implementing Regulation (EU) No 808/2014**.	different a standard measurement unit that allows for the aggregation of categories of animals, using the conversion rates, with reference to actual production within the calendar year livestock units covering pigs and poultry the coefficients of which are listed in Annex -Ia, set out in Annex II to Commission Implementing Regulation (EU) No 808/2014**. in order to compare those categories;	farms rearing different categories of animals, using the conversion rates; with reference to actual production within the calendar year, set out in Annex H to Commission Implementing Regulation (EU) No 808/2014**.-Ia	
Article 1, first paragraph, point (3)(e), amending provision, third paragraph, third subparagraph				
73	** Commission Implementing Regulation (EU) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 227 31.7.2014, p. 18).’;	** Commission Implementing Regulation (EU) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 227 31.7.2014, p. 18).’; deleted	** Commission Implementing Regulation (EU) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) (OJ L 227 31.7.2014, p. 18).’;	Deleted
Article 1, first paragraph, point (3)(ea)				
73a		(ea) the following point (23 ca) is inserted:		
Article 1, first paragraph, point (3)(ea), amending provision, Article 3, paragraph 1, point 23 (ca new)				
73b		"		


		<p><i>(23ca) ‘extensive farming’ refers to a type of animal rearing characterised by low levels of input per unit area of land, based on extensive practices, with livestock unit density equal to or less than 2.0 LSU per hectare (LSU/ha density) used for grazing, or based on farming practices certified in accordance with Regulation 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products, with livestock unit density equal to or less than 2.0 LSU per hectare (LSU/ha density) used for grazing or foraging, or rearing practices where livestock is subject to transhumance practices at least 180 days per year or as long as climatic conditions allow, in particular in alpine regions.</i></p>		<i>Deleted</i>
Article 1, first paragraph, point (3)(f)				
74	(f) -----the following points (48) to (53) are added:	(f) -----the following points (48) to (53) are added:	(f) -----the following points (48) to (53) are added:	
Article 1, first paragraph, point (3)(f), amending provision, numbered paragraph (48)				
75	‘(48) ‘industrial minerals’ means minerals used in industry for the production of semi-finished or finished products, with the exception of metalliferous ores,	‘(48) ‘industrial minerals’ means minerals used in industry for the production of semi-finished or finished products, with the exception of metalliferous ores, energy minerals,	<i>deleted</i>	<i>deleted</i> Part of mining package (347a 347b, 422, 423, 424)

	energy minerals, construction minerals and precious stones;	construction minerals and precious stones; <u>deleted</u>		
Article 1, first paragraph, point (3)(f), amending provision, numbered paragraph (49)				
76	(49) ‘metalliferous ores’ means ores that yield metals or metallic substances;	(49) ‘metalliferous ores’ means ores that yield metals or metallic substances; <u>deleted</u>	deleted <u>deleted</u>	deleted <u>Part of mining package (347a 347b, 422, 423, 424)</u>
Article 1, first paragraph, point (3)(f), amending provision, numbered paragraph (50)				
77	(50) ‘emission levels associated with emerging techniques’ means the range of emission levels obtained under normal operating conditions using an emerging technique or a combination of emerging techniques, expressed as an average over a given period of time, under specified reference conditions;	(50) ‘emission levels associated with emerging techniques’ means the range of emission levels obtained under normal operating conditions using an emerging technique or a combination of emerging techniques, as described in BAT conclusions , expressed as an average over a given period of time, under specified reference conditions;	(50) ‘emission levels associated with emerging techniques’ means the range of emission levels obtained under normal operating conditions using an emerging technique or a combination of emerging techniques, as described in BAT conclusions , expressed as an average over a given period of time, under specified reference conditions;	(50) ‘emission levels associated with emerging techniques’ means the range of emission levels obtained under normal operating conditions using an emerging technique or a combination of emerging techniques, as described in BAT conclusions , expressed as an average over a given period of time, under specified reference conditions;
Article 1, first paragraph, point (3)(f), amending provision, numbered paragraph (51)				
78	(51) ‘environmental performance levels associated with emerging techniques’ means the range of environmental performance levels, except emission levels, obtained under normal operating conditions using an emerging	(51) ‘environmental performance levels associated with emerging techniques’ means the indicative range of environmental performance levels, except emission levels, including consumption levels of materials, water and energy , obtained under normal operating conditions using an emerging technique or a combination	(51) ‘environmental performance levels associated with emerging techniques’ means the range of environmental performance levels, except emission levels, obtained under normal operating conditions using an emerging technique or a combination of emerging	(51) ‘environmental performance levels associated with emerging techniques’ means the range of environmental performance levels, except emission levels , obtained under normal operating conditions, using an emerging technique or a combination of emerging techniques as described in BAT conclusions ;

	technique or a combination of emerging techniques;	of emerging techniques, <i>for installations within the same sectoral activities and having similar characteristics, such as energy carriers, raw materials, production units and final products, expressed as an average over a given period of time, under specified reference conditions</i> ;	techniques as described in BAT conclusions;	
Article 1, first paragraph, point (3)(f), amending provision, numbered paragraph (52)				
79	(52) ‘compliance assurance’ means mechanisms for securing compliance using three categories of intervention: compliance promotion; compliance monitoring; follow-up and enforcement.’;	(52) ‘compliance assurance’ means mechanisms for securing compliance using three categories of intervention: compliance promotion; compliance monitoring; follow-up and enforcement.’;	(52) ‘compliance assurance’ means mechanisms for securing compliance using three categories of intervention: compliance promotion; compliance monitoring; follow-up and enforcement.’;	(52) ‘compliance assurance’ means mechanisms for securing compliance using three categories of intervention: compliance promotion; compliance monitoring; follow-up and enforcement.’;
Article 1, first paragraph, point (3)(f), amending provision, numbered paragraph (53)				
80	(53) ‘‘benchmarks’’ means the indicative range of environmental performance levels associated with best available techniques, other than emission levels, and may include:	(53) ‘‘benchmarks’’ means the indicative range of environmental performance levels associated with best available techniques, other than emission levels, and may include:	<i>deleted</i>	(53) ‘‘benchmarks’’ means the indicative range of environmental performance levels associated with best available techniques, other than emission levels, and may include: <i>deleted</i>
Article 1, first paragraph, point (3)(f), amending provision, numbered paragraph (53), point (a)				
81	(a) consumption levels;	(a) consumption levels <i>of energy and water</i> ;	<i>deleted</i>	<i>deleted</i>

Article 1, first paragraph, point (3)(f), amending provision, numbered paragraph (53), point (b)				
82	(b) resource efficiency levels and reuse levels covering materials, water and energy resources;	(b) resource efficiency levels of water, energy, and raw materials ; and reuse levels covering materials, of water, energy, and raw materials and energy resources ;	deleted	deleted
Article 1, first paragraph, point (3)(f), amending provision, numbered paragraph (53), point (c)				
83	(c) waste and other levels obtained under specified reference conditions.	(c) waste and other levels obtained under specified reference conditions as described in BAT conclusions, expressed as an average over a given period of time.	deleted	deleted
Article 1, first paragraph, point (3)(f), amending provision, numbered paragraph (53a)				
86a		53a. 'water reuse system' means the infrastructure and other technical elements necessary for producing, supplying and using reclaimed water; it comprises all the elements from the starting point of the production process to the point where reclaimed water is used, including distribution and storage infrastructure, where relevant;		53a. 'water reuse system' means the infrastructure and other technical elements necessary for producing, supplying and using reclaimed water; it comprises all the elements from the starting point of the production process to the point where reclaimed water is used, including distribution and storage infrastructure, where relevant;
Article 1, first paragraph, point (3)(f), amending provision, numbered paragraph (53b)				
86b		53b. 'reclaimed water' means water that has been reclaimed from previous uses and is reused for a different beneficial purpose;		53b. 'reclaimed water' means water that has been reclaimed from previous uses and is reused for a different beneficial purpose;

Article 1, first paragraph, point (3)(f), amending provision, numbered paragraph (53c)				
86c		53c. 'water reuse' means the process through which water is reclaimed from previous use and converted through a water reuse system into water that can be reused for a variety of purposes;		53c. 'water reuse' means the process through which water is reclaimed from previous use and converted through a water reuse system into water that can be reused for a variety of purposes;
Article 1, first paragraph, point (3a)				
86d		(3a) The following Article 3a is inserted:		
Article 1, first paragraph, point (3a), amending provision, article				
86c		<p style="text-align: center;">Article 3a</p> <p>"</p> <p>Confidential business information</p> <p>1. In accordance with Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC and with Directive (EU) 2016/943 of the European Parliament and of the Council, only non-confidential information shall be made publicly available under the provisions of this Directive.</p> <p>2. Irrespective of who publishes the information, Member States shall</p>		deleted

		<p><i>ensure that the operators are given an opportunity before publication to request in a proportionate manner the confidential treatment of relevant elements and within a reasonable and clearly defined period by the competent authority. Information may be redacted, or if that is not possible, excluded in the case of confidential business information.</i></p> <p><i>3. No later than one month after a request made pursuant to paragraph 2, the competent authority shall assess the request and notify the operator on its decision. If no agreement is reached, the operator may challenge the decision in the competent judicial or administrative authority of the Member State no later than one month after the decision of the competent authority.</i></p> <p><i>4. If the operator requests confidential treatment, the competent authority shall only suspend the publication of the contested elements until an agreement with the competent authorities is reached or final decision by the competent judicial or administrative authority of the Member State is taken.</i></p> <p style="text-align: right;">"</p>		
Article 1, first paragraph, point (4)				
87	<p>(4) In Article 4(1), the second subparagraph is replaced by the following:</p>	<p>(4) In Article 4(1), the second subparagraph is replaced by the following:</p>	<p>(4) In Article 4(1), the second subparagraph is replaced by the following:</p>	<p>(4) In Article 4(1), the second subparagraph is replaced by the following:</p>

Article 1, first paragraph, point (4), amending provision, first paragraph				
88	" ‘By way of derogation from the first subparagraph, Member States may set a procedure for the registration of installations covered only by Chapter V or Chapter VIa.’. "	" ‘By way of derogation from the first subparagraph, Member States may set a procedure for the registration of installations covered only by Chapter V or Chapter VIa.’. "	" ‘By way of derogation from the first subparagraph, Member States may set a procedure for the registration of installations covered only by Chapter V or Chapter VIa.’. "	" ‘By way of derogation from the first subparagraph, Member States may set a procedure for the registration of installations covered only by Chapter V or Chapter VIa.’. "
Article 1, first paragraph, point (4a)				
88a		<i>(4a) In Article 5, paragraph 2 is replaced by the following:</i>		<i>(4a) In Article 5, paragraph 2 is replaced by the following:</i>
Article 1, first paragraph, point (4a), amending provision, first paragraph				
88b		" 2. Member States shall take the measures necessary to ensure that the conditions of, and the procedures for the granting of, the permit are fully coordinated where more than one competent authority or more than one operator is involved or more than one permit is granted. In order to guarantee an effective integrated approach by all authorities competent for this procedure, <i>an electronic permitting system shall be put in place.</i> "		Package proposal: Remove e-permitting from paragraph (2) and introduce as a new paragraph 3(a) instead: <i>(4a) In Article 5, paragraph 3a(new) is inserted:</i> Member States [shall aim to] develop systems for the electronic permitting of installations and implement electronic permitting procedures at the latest by end [2030] . The Commission shall organise an exchange of information with the Member States on electronic permitting and publish guidance on best practices.



+ add new recital (x) and update Art 72(1)

Recital (x) new

The Member States should develop electronic permitting systems that reduce the administrative burden for operators and competent authorities, enhance public access to information and facilitate public participation in permitting procedures. The Commission should support the Member States in developing electronic permitting by organising the exchange of information between Member States and providing guidance on best practices.

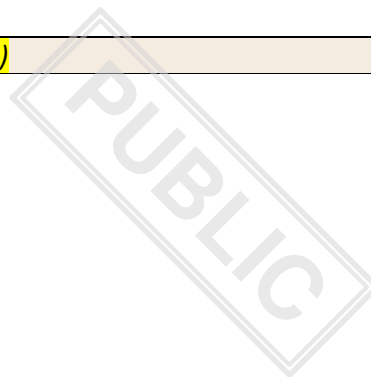
Article 72(1) update – based on Council text proposed in row 333a, addition in bold:


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, environmental performance 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 and on progress made concerning the development and application of emerging techniques and the transformation of industry in accordance with Articles 27, 27b-27d,


				[and on the progress in the development of electronic permitting systems and their use for permitting of installations]. Member States shall make the information available in an electronic format.
Article 1, first paragraph, point (5)				
89	(5) In Article 5, the following paragraph (4) is added:	(5) In Article 5, the following paragraph (4) paragraphs (4), (4a), (4b) and (4c) are added:	<i>deleted</i>	
Article 1, first paragraph, point (5), amending provision, numbered paragraph (4), first subparagraph				
90	Member States shall ensure that permits granted pursuant to this Article are made available on the Internet, free of charge and without restricting access to registered users. In addition, a summary of each permit shall be made available to the public under the same conditions. That summary shall include at least the following:	Member States shall ensure that permits granted pursuant to this Article are made available on the Internet, free of charge and without restricting access to registered users. In addition, a summary of each permit shall be made available to the public under the same conditions. That summary shall include at least the following:	<i>deleted</i>	
Article 1, first paragraph, point (5), amending provision, numbered paragraph (4), first subparagraph, point (a)				
91	(a) an overview of the main permit conditions;	(a) an overview of the main permit conditions, including emissions monitoring requirements ;	<i>deleted</i>	
Article 1, first paragraph, point (5), amending provision, numbered paragraph (4), first subparagraph, point (b)				

92	(b) the emission limit values and environmental performance limits values;	(b) the emission limit values and environmental performance limits values;	<i>deleted</i>	Depending on e-permitting agreement
<i>Article 1, first paragraph, point (5), amending provision, numbered paragraph (4), first subparagraph, point (c)</i>				
93	(c) any derogations granted in accordance with Article 15(4);	(c) any derogations granted in accordance with Article 15(4);	<i>deleted</i>	Depending on e-permitting agreement
<i>Article 1, first paragraph, point (5), amending provision, numbered paragraph (4), first subparagraph, point (d)</i>				
94	(d) the applicable BAT conclusions;	(d) the applicable BAT conclusions;	<i>deleted</i>	
<i>Article 1, first paragraph, point (5), amending provision, numbered paragraph (4), first subparagraph, point (e)</i>				
95	(e) the provisions for reconsideration and updating of the permit.	(e) the provisions for reconsideration and updating of the permit.	<i>deleted</i>	
<i>Article 1, first paragraph, point (5), amending provision, numbered paragraph (4), second subparagraph</i>				
96	The Commission shall adopt an implementing act to establish the format to be used for the summary referred to in the second subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2)..	By 31 December 2024 , the Commission shall adopt an implementing act to establish the format to be used– for the summary referred to in the second subparagraph and guidelines on the publication of the permits as referred to in the first subparagraph . That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).-	<i>deleted</i>	

Article 1, first paragraph, point (5), amending provision, Article 5, paragraph 4 a (new)				
96a		<p><i>4a. By 31 December 2024, Member States shall submit to the Commission an assessment on the measures needed due to the changes of this Directive, including a prognosis and estimations of the accrued workload of the competent authorities in order to ensure they have proper administrative capacity to provide a timely, efficient and smooth permitting process.</i></p>		
Article 1, first paragraph, point (5), amending provision, numbered paragraph (4b)				
96b		<p><i>4b. Without prejudice to other relevant Union law, Member States shall ensure that the process for granting fast-track permits for installations applying an emerging technique related to the main activity of the installation in accordance with Article 27c, does not exceed 18 months, unless exceptional circumstances arise.</i></p> <p><i>If an extension of up to six months is necessary, the Member State shall inform the operator about the exceptional circumstances that justify the extension.</i></p> <p><i>Competent authorities shall complete the processing of the permit applications no later than 90 days after receipt.</i></p>		



		<p><i>Within 90 days of the applicant submitting a respective request, the competent authority shall issue an opinion on the scope and level of detail of information to be included in the environmental impact assessment. If other Union legislation also requires an assessment of the effects on the environment, the national competent authority shall provide coordinated and joint procedures that meet the requirements of that Union legislation.</i></p> <p><i>Within 12 months of the operator submitting a permit request, competent authorities shall complete the public consultation part of the environmental impact assessment of the project.</i></p>		
Article 1, first paragraph, point (5), amending provision, numbered paragraph (4c)				
96c		<p><i>4c. The rules referred to in paragraph 4a shall also apply where an operator applies for a permit covering more than one installation under Article 4(2).</i></p>		
Article 1, first paragraph, point (5a)				
96d		<p><i>(5a) In Article 6, paragraph 2 is replaced by the following:</i></p>		<p><i>(5a) In Article 6, paragraph 2 is replaced by the following:</i></p>
Article 1, first paragraph, point (5a), amending provision, first paragraph				

96c		<p>"</p> <p>Where general binding rules are adopted, the permit may <i>simply</i> include a reference to such rules.</p> <p><i>When adopting general binding rules, Member States shall ensure an integrated approach and a high level of environmental protection equivalent to that achievable with individual permit conditions.</i></p> <p>"</p>		<p>"</p> <p>Where general binding rules are adopted, the permit may <i>simply</i> include a reference to such rules.</p> <p><i>When adopting general binding rules, Member States shall ensure an integrated approach and a high level of environmental protection equivalent to that achievable with individual permit conditions.</i></p> <p><i>Issue concerning general binding rules to be considered in the discussion on Art 70c (row 276)</i></p> <p>"</p>
Article 1, first paragraph, point (6)				
97	(6) Articles 7 and 8 are replaced by the following:	(6) Articles 7 and 8 are replaced by the following:	(6) Articles 7 and 8 are replaced by the following:	
Article 1, first paragraph, point (6), amending provision, first paragraph				
98	Article 7	Article 7	Article 7	Article 7
Article 1, first paragraph, point (6), amending provision, second paragraph				
99	Incidents and accidents	Incidents and accidents	Incidents and accidents	Incidents and accidents
Article 1, first paragraph, point (6), amending provision, third paragraph				
100				


	Without prejudice to Directive 2004/35/EC of the European Parliament and of the Council*, in the event of any incident or accident significantly affecting human health or the environment, Member States shall take the necessary measures to ensure that:	Without prejudice to Directive 2004/35/EC of the European Parliament and of the Council*, in the event of any incident or accident significantly affecting human health or the environment, Member States shall take the necessary measures to ensure that: <i>*. Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56)</i>	Without prejudice to Directive 2004/35/EC of the European Parliament and of the Council*, in the event of any incident or accident significantly affecting human health or the environment, Member States shall take the necessary measures to ensure that:	Without prejudice to Directive 2004/35/EC of the European Parliament and of the Council*, in the event of any incident or accident significantly affecting human health or the environment, Member States shall take the necessary measures to ensure that:
Article 1, first paragraph, point (6), amending provision, third paragraph, point (a)				
101	(a) the operator informs the competent authority immediately;	(a) the operator informs the competent authority immediately;	(a) the operator informs the competent authority immediately;	(a) the operator informs the competent authority immediately;
Article 1, first paragraph, point (6), amending provision, third paragraph, point (b)				
102	(b) the operator immediately takes the measures to limit the environmental consequences and to prevent further possible incidents or accidents;	(b) the operator immediately takes the measures to limit the environmental consequences and to prevent further possible incidents or accidents;	(b) the operator immediately takes the measures to limit the consequences on human health or the environment environmental consequences and to prevent further possible incidents or accidents;	(b) the operator immediately takes the measures to limit the consequences on human health or the environment environmental consequences and to prevent further possible incidents or accidents;
Article 1, first paragraph, point (6), amending provision, third paragraph, point (c)				
103	(c) the competent authority requires the operator to take any appropriate complementary	(c) the competent authority requires the operator to take any appropriate complementary measures that the	(c) the competent authority requires the operator to take any appropriate complementary	(c) the competent authority requires the operator to take any appropriate complementary measures that the

	measures that the competent authority considers necessary to limit the environmental consequences and to prevent further possible incidents or accidents.	competent authority considers necessary to limit the environmental consequences and to prevent further possible incidents or accidents.	measures that the competent authority considers necessary to limit the consequences on human health or the environment environmental consequences and to prevent further possible incidents or accidents.	competent authority considers necessary to limit the consequences on human health or the environment environmental consequences and to prevent further possible incidents or accidents.
Article 1, first paragraph, point (6), amending provision, Article 7, paragraph (1a) new				
103a		<i>In the event of pollution affecting drinking water resources, including transboundary resources, or affecting wastewater infrastructure in the case of indirect discharge, the competent authority shall inform the drinking water and wastewater operators affected, including transboundary wastewater operators, of the measures taken to prevent or remedy the damage caused by that pollution to human health and the environment.</i>		<i>In the event of pollution affecting drinking water resources, including transboundary resources, or affecting wastewater infrastructure in the case of indirect discharge, the competent authority shall inform the drinking water and wastewater operators affected, of the measures taken to prevent or remedy the damage caused by that pollution to human health and the environment.</i>
Article 1, first paragraph, point (6), amending provision, fourth paragraph				
104	In the event of any incident or accident significantly affecting human health or the environment in another Member State, the Member State in whose territory the accident or incident has occurred shall ensure that the competent authority of the other Member State is immediately informed. Transboundary and	In the event of any incident or accident significantly affecting human health or the environment in another Member State, the Member State in whose territory the accident or incident has occurred shall ensure that the competent authority of the other Member State is immediately informed via the established communication channels as referred to in Article 26(5) . Transboundary and	In the event of any incident or accident significantly affecting human health or the environment in another Member State, the Member State in whose territory the accident or incident has occurred shall ensure that the competent authority of the other Member State is immediately informed. Transboundary and multidisciplinary cooperation	In the event of any incident or accident significantly affecting human health or the environment in another Member State, the Member State in whose territory the accident or incident has occurred shall ensure that the competent authority of the other Member State is immediately informed. Transboundary and multidisciplinary cooperation between the affected Member States shall aim

	multidisciplinary cooperation between the affected Member States shall aim at limiting the consequences on the environment and human health and to prevent further possible incidents or accidents.	multidisciplinary cooperation between the affected Member States shall aim at limiting the consequences on the environment and human health and to prevent further possible incidents or accidents.	between the affected Member States shall aim at limiting the consequences on the environment and human health and to prevent further possible incidents or accidents.	at limiting the consequences on the environment and human health and to prevent further possible incidents or accidents.
Article 1, first paragraph, point (6), amending provision, fifth paragraph				
105	Article 8	Article 8	Article 8	Article 8
Article 1, first paragraph, point (6), amending provision, sixth paragraph				
106	Non-compliance	Non-compliance Compliance	Non-compliance	Non-compliance
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), first subparagraph				
107	Member States shall take the necessary measures to ensure that the permit conditions are complied with.	I. Member States shall take the necessary measures to ensure that the permit conditions are complied with.	Member States shall take the necessary measures to ensure that the permit conditions are complied with.	Member States shall take the necessary measures to ensure that the permit conditions are complied with.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), second subparagraph				
108	They shall also adopt compliance assurance measures to to promote, monitor and enforce compliance with obligations placed on natural or legal persons under this Directive.	They shall also adopt compliance assurance measures to to promote, monitor and enforce compliance with obligations placed on natural or legal persons under this Directive.	They shall also adopt compliance assurance measures to to promote, monitor and enforce compliance with obligations placed on natural or legal persons under this Directive.	They shall also adopt compliance assurance measures to to promote, monitor and enforce compliance with obligations placed on natural or legal persons under this Directive.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), first subparagraph				

109	In the event of a breach of the permit conditions, Member States shall ensure that:	2. In the event of a breach of the permit conditions resulting from this Directive , Member States shall ensure that:	In the event of a breach of the permit conditions, Member States shall ensure that:	2. In the event of a breach of the permit conditions, Member States shall ensure that:
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), first subparagraph, point (a)				
110	(a) the operator immediately informs the competent authority;	(a) the operator immediately informs the competent authority;	(a) the operator immediately informs the competent authority;	(a) the operator immediately informs the competent authority;
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), first subparagraph, point (b)				
111	(b) the operator immediately takes the measures necessary to ensure that compliance is restored within the shortest possible time;	(b) the operator immediately takes the measures necessary to ensure that compliance is restored within the shortest possible time;	(b) the operator immediately takes the measures necessary to ensure that compliance is restored within the shortest possible time;	(b) the operator immediately takes the measures necessary to ensure that compliance is restored within the shortest possible time;
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), first subparagraph, point (c)				
112	(c) the competent authority requires the operator to take any appropriate complementary measures that the competent authority considers necessary to restore compliance.	(c) the competent authority requires the operator to take any appropriate complementary measures that the competent authority considers necessary to restore compliance.	(c) the competent authority requires the operator to take any appropriate complementary measures that the competent authority considers necessary to restore compliance.	(c) the competent authority requires the operator to take any appropriate complementary measures that the competent authority considers necessary to restore compliance.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), second subparagraph				
113	Where the breach of the permit conditions poses an immediate danger to human health or threatens to cause an immediate	Where the breach of the permit conditions poses an immediate danger to human health, drinking water intake or threatens to cause an	Where the breach of the permit conditions poses an immediate danger to human health or threatens to cause an immediate significant	Where the breach of the permit conditions poses an immediate danger to human health or threatens to cause an immediate significant adverse effect

	significant adverse effect upon the environment, and until compliance is restored in accordance with the first subparagraph, points (b) and (c), the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof shall be suspended without any delay.	immediate significant adverse effect upon the environment, and until compliance is restored in accordance with the first subparagraph, points (b) and (c), the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof shall be suspended without any delay.	adverse effect upon the environment, and until compliance is restored in accordance with the first subparagraph, points (b) and (c), the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof shall be suspended without any delay.	upon the environment, and until compliance is restored in accordance with the first subparagraph, points (b) and (c), the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof shall be suspended without any delay.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), third subparagraph				
113a				<i>Moved from line 115a:</i> <i>'Where such breach threatens human health or the environment in another Member States, the Member State in whose territory the breach of the permit conditions has occurred shall ensure that the competent authority of the other Member State is informed via the established communication channels as referred to in Article 26(5).</i>

Article 1, first paragraph, point (6), amending provision, Article 8, paragraph 2a (new)				
113a		<p>2a. <i>In the event of a breach of compliance affecting drinking water resources, including transboundary resources, or affecting wastewater infrastructure in the case of an indirect discharge, the competent authority shall inform the drinking water and wastewater operators, and all relevant authorities that ensure compliance with environmental legislation affected, including transboundary authorities, of the breach and the measures taken to prevent or remedy the damage caused to human health and the environment.</i></p>		<p>3a. <i>In the event of a breach of compliance affecting drinking water resources, including transboundary resources, or affecting wastewater infrastructure in the case of an indirect discharge, the competent authority shall inform the drinking water and wastewater operators, and all relevant authorities that ensure compliance with environmental legislation affected, of the breach and the measures taken to prevent or remedy the damage caused to human health and the environment.</i></p>
Article 1, first paragraph, point (6), amending provision, Article 8, paragraph 3a (new)				
113b		<p>3a. <i>The suspension referred to in paragraphs 2 and 3 of this Article shall be enforced in an effective manner and shall not be postponed or ceased by any means, including if the operator challenges the suspension decision through any administrative or judicial means, unless there is a definitive judicial decision concluding that the operation can be resumed.</i></p>		
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3), first subparagraph				
114	Where the breach of the permit conditions continues to cause a	3. Where the breach of the permit conditions continues to cause a danger	Where the breach of the permit conditions continues to cause a	Where persistent breach of the permit conditions causes a danger to human

	danger to human health or a significant adverse effect upon the environment, and where the necessary action for restoring compliance identified in the inspection report referred to in Article 23(6) have not been implemented, the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof may be suspended by the competent authority until compliance with the permit conditions is restored.	to human health or a significant adverse effect upon the environment, and where the necessary action for restoring compliance identified in the inspection report referred to in Article 23(6) have not been implemented, the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof may shall be suspended by the competent authority until compliance with the permit conditions is restored.	danger to human health or a significant adverse effect upon the environment, and where the necessary action for restoring compliance identified in the inspection report referred to in Article 23(6) have not been implemented, the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof may be suspended by the competent authority until compliance with the permit conditions is restored.	health or a significant adverse effect upon the environment, and where the necessary action for restoring compliance identified in the inspection report referred to in Article 23(6) have not been implemented, the operation of the installation, combustion plant, waste incineration plant, waste co-incineration plant or relevant part thereof may be suspended by the competent authority until compliance with the permit conditions is restored.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3), second subparagraph				
115	* Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56)..	technical correction to be made: wrong placement - footnote in row 100	* Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56)..	* Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.4.2004, p. 56)..
Article 1, first paragraph, point (6), amending provision, Article 8, paragraph 3b (new)				
115a		3b. In the event of any breach of the permit conditions affecting human health or the environment in another Member State, the Member State in whose territory the breach of the permit conditions has occurred shall		Agreement to place as new subparagraph under paragraph 2 - moved to new line 113a: 'Where such breach threatens human health or the environment in another Member States, the Member State in whose territory the breach of the


		<i>ensure that the competent authority of the other Member State is informed via the established communication channels as referred to in Article 26(5).</i>		<i>permit conditions has occurred shall ensure that the competent authority of the other Member State is informed via the established communication channels as referred to in Article 26(5).</i>
Article 1, first paragraph, point (7)				
116	(7) In Article 9, paragraph (2) is deleted.	(7) In Article 9, paragraph (2) is deleted.	(7) In Article 9, paragraph (2) is amended as follows: deleted.	(7) In Article 9, paragraph (2) is amended as follows: deleted.
Article 1, first paragraph, point (7), amending provision, first paragraph				
116a			" 2. For activities listed in Annex I to Directive 2003/87/EC, Member States may choose not to impose requirements in accordance with 14 (1) (aa) and Art. 15 (3a) relating to energy efficiency in respect of combustion units or other units emitting carbon dioxide on the site. "	2. For activities listed in Annex I to Directive 2003/87/EC, Member States may choose not to impose requirements in accordance with 14 (1) (aa) and Art. 15 (3a) relating to energy efficiency in respect of combustion units or other units emitting carbon dioxide on the site. " + update recital 16 in line 26
Article 1, first paragraph, point (7a)				
116b		<i>(7a) Article 11, point (c) is replaced by the following:</i>		<i>(7a) Article 11, point (c) is replaced by the following:</i>
Article 1, first paragraph, point (7a), amending provision, Article 11(1), point c				
116c		"		(c) — no significant pollution is caused, including olfactory pollution;

		(c) no significant pollution is caused, <u>including olfactory pollution</u> ."		Part of package on olfactory pollution
Article 1, first paragraph				
116d			‘2. For activities listed in Annex I to Directive 2003/87/EC, Member States may choose not to impose requirements in accordance with 14 (1) (aa) and Art. 15 (3a) relating to energy efficiency in respect of combustion units or other units emitting carbon dioxide on the site.	
Article 1, first paragraph, point (8)				
117	(8) In Article 11, the following points (fa), (fb) and (fc) are inserted:	(8) In Article 11, the following points (f) is replaced while , (fa), (fb) and (fc) are inserted:	(8) In Article 11, the following points (fa), (fb) and (fc) are inserted:	
385d		(f) energy is used efficiently and the use and production of renewable energy is promoted;		(f) energy is used efficiently and the use and, where possible, the use and production of renewable energy is promoted;
Article 1, first paragraph, point (8), amending provision, first paragraph				
118	‘	‘	‘	

	(fa) material resources and water are used efficiently, including through re-use;	(fa) material resources and water are used efficiently, including through re-use and recycling ;	(fa) material resources and water are used efficiently, including through re-use;	fa) material resources and water are used efficiently, including through re-use;
Article 1, first paragraph, point (8), amending provision, second paragraph				
119	(fb) the overall life-cycle environmental performance of the supply chain is taken into account as appropriate;	(fb) the overall life-cycle environmental performance of the supply chain is taken into account as appropriate; deleted	(fb) the overall life-cycle environmental performance of the supply chain is taken into account as appropriate;	(fb) the overall life-cycle environmental performance of the supply chain is taken into account as appropriate; deleted
Article 1, first paragraph, point (8), amending provision, third paragraph				
120	(fc) an environmental management system is implemented as referred to in Article 14a..	(fc) an environmental management system is implemented as referred to in Article 14a..	(fc) an environmental management system is implemented as referred to in Article 14a..	(fc) an environmental management system is implemented as referred to in Article 14a.
Article 1, first paragraph, point (8a)new				
385b		(8a) In Article 11, point (g) is replaced by the following:		
Article 1, first paragraph, point (8a)new, amending provision, Article 11, first paragraph, point g				
385c		" (g) the necessary measures are taken to protect human health , prevent accidents, and limit their consequences; "		
Article 1, first paragraph, point (8a)				

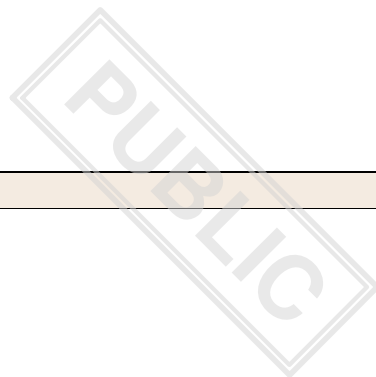
385a		<i>(8a) In Article 12, paragraph 1, points (b), (c) and (f) are replaced by the following:</i>		
Article 1, first paragraph, point (8b), amending provision, Article 12 (1), point (b)				
120b		" (b) the raw and auxiliary materials, other substances, the energy <i>and water</i> used in or generated by the installation;		(b) the raw and auxiliary materials, other substances, the energy <i>and water</i> used in or generated by the installation;
Article 1, first paragraph, point (8b), amending provision, Article 12 (1), point (c)				
120c		(c) the sources of emissions from the installation, <i>including olfactory emissions</i> ;		(c) the sources of emissions from the installation, <i>including odour</i> ;
Article 1, first paragraph, point (8b), amending provision, Article 12 (1), point (f)				
120d		(f) the nature and quantities of foreseeable emissions, <i>including olfactory emissions as concentrations, and where possible, at least for water, in loads</i> , from the installation into each medium as well as identification of significant effects of the emissions on the environment; "		(f) the nature and quantities of foreseeable emissions, <i>including odour</i> from the installation into each medium as well as identification of significant effects of the emissions on the environment;
Article 1, first paragraph, point (9)				
121		(9) Article 13 is amended as follows:		

	(9) Article 13 is amended as follows:		(9) Article 13 is amended as follows:	
Article 1, first paragraph, point (9)(a)				
122	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	(a) paragraph 1 is replaced by the following:	
Article 1, first paragraph, point (9)(a), amending provision, numbered paragraph (1)				
123	1. In order to draw up, review and, where necessary, update BAT reference documents, the Commission shall organise an exchange of information between Member States, the industries concerned, non-governmental organisations promoting environmental protection, the European Chemicals Agency and the Commission.	1. In order to draw up, review and, where necessary, update BAT reference documents, the Commission shall organise an exchange of information between Member States, the industries concerned, non-governmental organisations promoting human health and environmental protection, the European Chemicals Agency, the European Environmental Agency , and the Commission.	1. In order to draw up, review and, where necessary, update BAT reference documents, the Commission shall organise an exchange of information between Member States, the industries concerned, non-governmental organisations promoting environmental protection, the European Chemicals Agency and the Commission.	1. In order to draw up, review and, where necessary, update BAT reference documents, the Commission shall organise an exchange of information between Member States, the industries concerned, non-governmental organisations promoting human health and environmental protection, the European Chemicals Agency, the European Environmental Agency , and the Commission.
Article 1, first paragraph, point (9)(aa)				
123a		(aa) In Article 13, the following paragraph 1a (new) is inserted:		
Article 1, first paragraph, point (8c), first subparagraph, point (aa), amending provision, Article 13, paragraph 1a (new)				
123b		"		"

		<p><i>1a. The Commission shall, by the end date for transposition of this Directive amend Implementing Decision 2012/119/EU and provide both the Seville technical working group and the Forum referred to in Article 13 of this Directive with the necessary resources, and shall adapt their structure, competences and financing in line with the extension of scope of this Directive.</i></p>		<p><i>1a. The Commission shall, (by the end date for transposition of this Directive) amend Implementing Decision 2012/119/EU.</i></p>
Article 1, first paragraph, point (9)(b)				
124	(b) In paragraph 2, the following subparagraph is added:	(b) In paragraph 2, the following subparagraph is added:	(b) In paragraph 2, the following subparagraph is added:	
Article 1, first paragraph, point (9)(b), amending provision, first paragraph				
125	Without prejudice to Union competition law, information considered as confidential business information or commercially sensitive information shall only be shared with the Commission and with the following individuals having signed a confidentiality and non-disclosure agreement: civil servants and other public employees representing Member States or Union agencies, and representatives of non-	<p><i>By way of derogation from Article 3a , and without prejudice to Union competition law, information considered as confidential business information or commercially sensitive information shall only be shared with the Commission. This information shall be anonymised, not referring to a particular operator or installation, before being shared and with the following individuals having signed a confidentiality, and non-disclosure agreement: civil servants and other public employees representing</i></p>	Without prejudice to Union competition law, information considered as confidential business information or commercially sensitive information shall only be shared with the Commission and with the following individuals having signed a confidentiality and non-disclosure agreement: civil servants and other public employees representing Member States or Union agencies, and representatives of non-governmental organisations	<p><i>Without prejudice to Union competition law, information considered as confidential business information or commercially sensitive information shall only be shared with the Commission and, after having signed a confidentiality and non-disclosure agreement, with civil servants and other public employees representing Member States or Union agencies. Information shall be anonymised, not referring to a particular operator or installation, when shared with the other</i></p>

	<p>governmental organisations promoting the protection of human health or the environment. The exchange of information considered as confidential business information or sensitive commercial information shall remain limited to what is required to draw up, review and, where necessary, update BAT reference documents, and such confidential business information or sensitive commercial information shall not be used for other purposes..</p>	<p>Member States or Union agencies, and representatives of non-governmental organisations promoting the protection of human health or the environment and representatives of associations representing the relevant industrial sectors. The exchange of information considered as confidential business information or sensitive commercial information shall remain limited to what is technically required to draw up, review and, where necessary, update BAT reference documents, and such confidential business information or sensitive commercial information shall not be used for other purposes. The Commission shall adopt an implementing act providing the model for the confidentiality and non-disclosure agreement enabling the exchange of information in accordance with this paragraph.</p>	<p>promoting the protection of human health or the environment. The exchange of information considered as confidential business information or sensitive commercial information shall remain limited to what is required to draw up, review and, where necessary, update BAT reference documents, and such confidential business information or sensitive commercial information shall not be used for other purposes..</p>	<p>stakeholders involved in the exchange of information referred to in paragraph 1 representatives of non-governmental organisations promoting the protection of human health or the environment and representatives of associations representing the relevant industrial sectors, where appropriate. <i>Non-anonymised information may only be shared in cases where anonymising the information would not allow an effective exchange of information on BAT in the context of drawing up, reviewing and, where necessary, updating BREFs, with the following individuals having signed a confidentiality and non-disclosure agreement: Representatives of non-governmental organisations promoting the protection of human health or the environment and representatives of associations representing the relevant industrial sectors, where appropriate. The exchange of information considered as confidential business information or sensitive commercial information shall remain strictly limited to what is technically required to draw up, review and, where necessary, update BAT reference documents, and such confidential business information or sensitive commercial information shall not be used for any other purposes.</i></p>
<p>Article 1, first paragraph, point (9)(ba)</p>				

125a		<i>(ba) in Article 13, paragraph 3, the first subparagraph is replaced by the following:</i>		
Article 1, first paragraph, point (9)(ba), amending provision, first paragraph				
125b		" The Commission shall establish and regularly convene <u>a balanced</u> forum composed of representatives of Member States, the industries concerned and non-governmental organisations promoting environmental <u>the</u> protection <u>of human health or the environment.</u> "		" The Commission shall establish and regularly convene a balanced forum composed of representatives of Member States, the industries concerned and non-governmental organisations promoting environmental <u>the</u> protection <u>of human health or the environment.</u> "
Article 1, first paragraph, point (9)(bb)				
125c		<i>(bb) In Article 13, paragraph 3, point (d) is replaced by the following:</i>		
Article 1, first paragraph, point (9)(bb), amending provision, first paragraph				
125d		" (d) guidance on the drawing up of BAT reference documents, <u>including on cross media effects, taking into consideration increased legislative ambition on decarbonisation and energy independence</u> , and on their quality assurance including the suitability of their content and format <u>as well as an indication of the</u>		" (d) guidance on the drawing up of BAT reference documents, <u>including on cross media effects, taking into consideration increased legislative ambition on decarbonisation and energy independence</u> , and on their quality assurance including the suitability of their content and format <u>as well as an indication of the appropriate instrument, such as</u>



		<u>appropriate instrument, such as benchmarks or environmental performance levels, taking into account the recommendations of the technical working group.</u>		benchmarks or environmental performance levels, taking into account the recommendations of the technical working group.
Article 1, first paragraph, point (9), Article 13 (3), new subparagraph (4)				
125d a				<i>The Commission shall also obtain the opinion of the forum on the method for assessing compliance with emission limit values set out in the permit with regard to emissions to air and water, as set out in Article 15a.</i>
Article 1, first paragraph, point (9)(bc)				
125e		<i>(bc) In Article 13, paragraph 5 is replaced by the following:</i>		
Article 1, first paragraph, point (9)(bc), amending provision, first paragraph				
125f		<p>"</p> <p><u>5. The exchange of information for the preparation, review and, if necessary, updating, of a BREF document shall not exceed a period of four years. The opinion of the forum referred to in paragraph 3 on the proposed content of a BREF shall be submitted within 6 months of the final meeting of the expert group responsible for the revision of the BREF.</u></p> <p>Decisions on the BAT conclusions, shall be adopted in accordance with the regulatory procedure referred to in</p>		<p><u>5. The exchange of information for the preparation, review and, if necessary, updating, of a BREF document shall not exceed a period of four years. The opinion of the forum referred to in paragraph 3 on the proposed content of a BREF shall be submitted within 6 months of the final meeting of the expert group responsible for the revision of the BREF.</u></p> <p>Decisions on the BAT conclusions, shall be adopted in accordance with the regulatory procedure referred to in</p>

		Article 75(2). <u>BAT reference documents shall be reviewed and, where necessary updated, at least every 8 years.</u>	"	Article 75(2). <i>The exchange of information shall aim at an 8 years review cycle of <u>BAT reference documents shall be reviewed</u> prioritising the documents that have the highest potential to improve the protection of the environment <u>and, where necessary updated, at least every 8 years.</u></i>
Article 1, first paragraph, point (9)(bd)				
125g		<i>(bd) In Article 13, paragraph 6 is replaced by the following:</i>		
Article 1, first paragraph, point (9)(bd), amending provision, first paragraph				
125h		" After the adoption of a decision in accordance with paragraph 5, the Commission shall without delay <u>within one month</u> make the BAT reference document <u>and the BAT conclusions</u> publicly available and ensure that BAT conclusions are made available on an easy to find webpage. The BAT conclusion shall be published in all the official languages of the Union <u>and shall be made available online on the Industrial Emissions Portal.</u>	"	<u>After the adoption of a decision in accordance with paragraph 5, the Commission shall make without undue delay within one month the BAT reference document and the BAT conclusions and without undue delay the BAT reference document publicly available <u>on an easy to find webpage.</u></u>
Article 1, first paragraph, point (10)				
126		(10) Article 14 is amended as follows:		(10) Article 14 is amended as follows:

	(10) Article 14 is amended as follows:		(10) Article 14 is amended as follows:	
Article 1, first paragraph, point (10)(a)				
127	(a) paragraph 1 is amended as follows:	(a) paragraph 1 is amended as follows:	(a) paragraph 1 is amended as follows:	(a) paragraph 1 is amended as follows:
Article 1, first paragraph, point (10)(a)(i)				
128	(i) the first subparagraph is replaced by the following:	(i) the first subparagraph is replaced by the following:	(i) the first subparagraph is replaced by the following:	(i) the first subparagraph is replaced by the following:
Article 1, first paragraph, point (10)(a)(i), amending provision, first paragraph				
129	Member States shall ensure that the permit includes all measures necessary to comply with the requirements of Articles 11 and 18. To that effect, Member States shall ensure that permits are granted further to consultation of all relevant authorities who ensure compliance with Union environmental legislation, including with environmental quality standards.;	Member States shall ensure that the permit includes all measures necessary to comply with the requirements of Articles 11 and 18. To that effect, Member States shall ensure that permits are granted further to consultation of all relevant authorities who ensure compliance with Union environmental legislation, including with environmental quality standards.;	Member States shall ensure that the permit includes all measures necessary to comply with the requirements of Articles 11 and 18. To that effect, Member States shall ensure that permits are granted further to consultation of all relevant authorities who ensure compliance with Union environmental legislation, including with environmental quality standards.;	Member States shall ensure that the permit includes all measures necessary to comply with the requirements of Articles 11 and 18. To that effect, Member States shall ensure that permits are granted further to consultation of all relevant authorities who ensure compliance with Union environmental legislation, including with environmental quality standards.;
Article 1, first paragraph, point (10)(a)(ia)				

129a		<u><i>(ia) In Article 14 (1), the following subparagraph 1a (new) is inserted</i></u>		<i>(ia) In Article 14 (1), the following subparagraph 1a (new) is inserted</i>
Article 1, first paragraph, point (10)(a)(ia), amending provision, first paragraph				
129b		" <u><i>When an industrial installation discharges wastewater directly or indirectly into surface water, drinking water and wastewater operators shall be consulted, prior to the granting of the permit, on the potential consequences of emissions on their infrastructure and the protection of human health and the environment. The authorities shall take that information duly into account when defining the permit conditions. Such procedure shall not delay the granting of the permit unduly.</i></u> "	PUBLIC	" <i>When an industrial installation discharges wastewater directly or indirectly into surface water, drinking water and wastewater operators shall be consulted, prior to the granting of the permit, on the potential consequences of emissions on their infrastructure and the protection of human health and the environment. The authorities shall take that information duly into account when defining the permit conditions. Such procedure shall not delay the granting of the permit unduly.</i> "
Article 1, first paragraph, point (10)(a)(ii)				
130	(ii) in the second subparagraph, point (a) is replaced by the following:	(ii) In <u><i>Article 14(1)</i></u> , the second subparagraph, point (a) is replaced by the following:	(ii) in the second subparagraph, point (a) is replaced by the following:	(ii) In <u><i>Article 14(1)</i></u> , the second subparagraph, point (a) is replaced by the following:
Article 1, first paragraph, point (10)(a)(ii), amending provision, first paragraph, first subparagraph				
131	‘(a) emission limit values for polluting substances listed in Annex II of Regulation (EC) No 166/2006*, and for other	‘(a) emission limit values for polluting substances listed in Annex II of Regulation (EC) No 166/2006*, and for other polluting substances, in	‘(a) emission limit values for polluting substances listed in Annex II of Regulation (EC) No 166/2006*, and for other polluting	‘(a) emission limit values for polluting substances listed in Annex II of Regulation (EC) No 166/2006*, and for other polluting substances, which are likely to be emitted from the installation concerned in

	<p>polluting substances, which are likely to be emitted from the installation concerned in significant quantities, having regard to their nature and their potential to transfer pollution from one medium to another;</p>	<p><i>particular odour emissions and substances of very high concern in Annex XIV to Regulation (EC) No 1907/2006, designated as priority substances under Directives 2000/60/EC or 2008/105/EC, on the watch lists established in the framework of Directives 2006/118/EC or 2008/105/EC, or other substances that are subject to limit values or other restrictions under Directives 2008/50/EC, 2004/107/EC or 2006/118/EC, until the adoption of the delegated act expanding Annex II to the Industrial Emissions Portal Regulation, which are likely to be emitted from the installation concerned in significant quantities, having regard to their nature and their potential to transfer pollution from one medium to another, take into account seasonal environmental fluctuations;</i></p> <p><i>*. Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (OJ L 33, 4.2.2006, p. 1).’;</i></p>	<p>substances, which are 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;</p>	<p>significant quantities, having regard to their nature, their hazardousness and their potential to transfer pollution from one medium to another; which are likely to be emitted from the installation concerned in significant quantities, having regard to their nature and their potential to transfer pollution from one medium to another; taking into account the variation of water flow dynamics in receiving water bodies.’</p>
<p>Article 1, first paragraph, point (10)(a)(ii), amending provision, first paragraph, second subparagraph</p>				
<p>132</p>	<p>* Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the</p>		<p>* Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the</p>	<p>* Regulation (EC) No 166/2006 of the European Parliament and of the Council of 18 January 2006 concerning the establishment of a</p>

	establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (OJ L 33, 4.2.2006, p. 1).;		establishment of a European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (OJ L 33, 4.2.2006, p. 1).;	European Pollutant Release and Transfer Register and amending Council Directives 91/689/EEC and 96/61/EC (OJ L 33, 4.2.2006, p. 1).;
Article 1, first paragraph, point (10)(a)(iii)				
133	(iii) the following point (aa) is inserted:	(iii) In Article 14(1), subparagraph 2, the following point (aa) is inserted:	(iii) the following point (aa) is inserted:	
Article 1, first paragraph, point (10)(a)(iii), amending provision, first paragraph				
134	(aa) environmental performance limit values;;	(aa) environmental performance limit values, as referred to in Article 3 and Article 15 (3a);	(aa) environmental performance limit values in accordance with Article 15(3a);	(aa) environmental performance limit values in accordance with Article 15(3a);
Article 1, first paragraph a, point (10)(a)(iiia), first subparagraph				
134a			(point iiia) the following point (ab) is inserted:	(point iiia) the following point (ab) is inserted:
Article 1, first paragraph a, point (10)(a)(iiia), second subparagraph				
134b			‘(ab) appropriate requirements ensuring the assessment of the need to prevent or reduce the emissions of substances fulfilling the criteria of article 57 or	‘(ab) appropriate requirements ensuring the assessment of the need to prevent or reduce the emissions of substances fulfilling the criteria of article 57 or substances addressed in

			substances addressed in restrictions in annex XVII to regulation (EC) No 1907/2006.;	restrictions in annex XVII to regulation (EC) No 1907/2006.;
Article 1, first paragraph, point (10)(a)(iv)				
135	(iv) point (b) is replaced by the following:	(iv) In Article 14(1), subparagraph 2, point (b) is replaced by the following:	(iv) point (b) is replaced by the following:	(iv) point (b) is replaced by the following:
Article 1, first paragraph, point (10)(a)(iv), amending provision, first paragraph				
136	(b) appropriate requirements ensuring protection of the soil, groundwater and surface water, and measures concerning the monitoring and management of waste generated by the installation;;	(b) appropriate requirements ensuring protection of the soil, groundwater and surface water, and measures concerning the monitoring and management of waste generated by the installation; with specific attention given to the production of drinking water;	(b) appropriate requirements ensuring protection of the soil, groundwater and surface water, and measures concerning the monitoring and management of waste generated by the installation;;	(b) appropriate requirements ensuring protection of the soil, groundwater, surface water and and drinking-water catchment areas for abstraction points of water intended for human consumption as referred to in article 7 of DIRECTIVE (EU) 2020/2184, and measures concerning the monitoring and management of waste generated by the installation
Article 1, first paragraph, point (10)(a)(v)				
137	(v) the following point (ba) is inserted:	(v) In Article 14(1), subparagraph 2, the following point (ba) is inserted:	(v) the following point (ba) is inserted:	
Article 1, first paragraph, point (10)(a)(v), amending provision, first paragraph				
138	(ba) appropriate requirements for an environmental management system as laid down in Article 14a;;	(ba) appropriate requirements laying down the general characteristics for an environmental management system as laid down in in accordance with Article 14a;;	(ba) appropriate requirements for an environmental management system as laid down in Article 14a;;	(ba) appropriate requirements for laying down the characteristics of an environmental management system as laid down in accordance with Article 14a;

Article 1, first paragraph, point (10)(a)(vi)				
139	(vi) the following point (bb) is inserted:	(vi) <i>In Article 14(1), subparagraph 2,</i> the following point (bb) is inserted:	(vi) the following point (bb) is inserted:	(vi) the following point (bb) is inserted:
Article 1, first paragraph, point (10)(a)(vi), amending provision, first paragraph				
140	(bb) suitable monitoring requirements for the consumption and reuse of resources such as energy, water and raw materials;;	(bb) suitable monitoring requirements for the consumption and reuse of resources such as energy, water and raw materials;;	(bb) suitable monitoring requirements for the consumption and reuse of resources such as energy, water and raw materials;;	(bb) suitable monitoring requirements for the consumption and reuse of resources such as energy, water and raw materials;;
Article 1, first paragraph, point (10)(a)(via)				
140a		<i>(via) In Article 14(1) subparagraph 2, point (c), the following subpoint (ii a new) is added:</i>		<i>(via) In Article 14(1) subparagraph 2, point (c), the following subpoint (ii a new) is added:</i>
Article 1, first paragraph, point (10)(a)(via), amending provision, first paragraph				
140b		<i>" (ii a) requirements for quality control of laboratories performing the monitoring, based on international standards such as ISO 17025. "</i>		<i>" (ii a) requirements for quality control of laboratories performing the monitoring, based on international standards such as ISO 17025. "</i>
Article 1, first paragraph, point (10)(a)(vii)				
141				

	(vii) in point (d), the following subpoint (iii) is added:	(vii) in Article 14(1), subparagraph 2 , point (d), the following subpoint (iii) is added:	(vii) in point (d), the following subpoint (iii) is added:	
Article 1, first paragraph, point (10)(a)(vii), amending provision, first paragraph				
142	(iii) information on progress towards fulfilment of the environmental policy objectives referred to in Article 14a. Such information shall be made public;;	(iii) information on progress towards fulfilment of the environmental policy objectives referred to in Article 14a. Such information shall be made public;;	(iii) information on progress towards fulfilment of the environmental policy objectives referred to in Article 14a. Such information shall be made public;’;	(iii) information on progress towards fulfilment of the environmental policy objectives referred to in Article 14a. Such information shall be made public;’;
Article 1, first paragraph, point (10)(a)(vii), amending provision, first paragraph				
142a		(vii) In Article 14(1), subparagraph 2, point e is replaced by the following:		(vii) In Article 14(1), subparagraph 2, point e is replaced by the following:
Article 1, first paragraph, point (10)(a)(vii), amending provision, first paragraph				
142b		" (e) appropriate requirements for the regular maintenance and surveillance of measures taken to prevent emissions to soil, surface and groundwater pursuant to point (b) and appropriate requirements concerning the periodic monitoring of soil, surface and groundwater in relation to relevant hazardous substances likely to be found on site and having regard to the possibility of soil, surface and groundwater contamination at the site of the installation. "		" (e) appropriate requirements for the regular maintenance and surveillance of measures taken to prevent emissions to soil, surface and groundwater pursuant to point (b) and appropriate requirements concerning the periodic monitoring of soil, surface and groundwater in relation to relevant hazardous substances likely to be found on site and having regard to the possibility of soil, surface and groundwater contamination at the site of the installation. "

Article 1, first paragraph, point (10)(a)(viii)				
143	(viii) point (h) is replaced by the following:	(viii) point (h) is replaced by the following:	(viii) point (h) is replaced by the following:	(viii) point (h) is replaced by the following:
Article 1, first paragraph, point (10)(a)(viii), amending provision, first paragraph				
144	(h) conditions for assessing compliance with the emission limit values and environmental performance limit values or a reference to the applicable requirements specified elsewhere..	(h) conditions for assessing compliance with the emission limit values and environmental performance limit values or a reference to the applicable requirements specified elsewhere..	(h) conditions for assessing compliance with the emission limit values and environmental performance limit values or a reference to the applicable requirements specified elsewhere..	(h) conditions for assessing compliance with the emission limit values and environmental performance limit values or a reference to the applicable requirements specified elsewhere..
Article 1, first paragraph, point (10a)				
144a		<i>(10a) In Article 14, the following paragraph 2a (new) is inserted:</i>		
Article 1, first paragraph, point (10a), amending provision, first paragraph				
144b		<i>2a. Member States may grant derogations from the measure referred to in paragraph 1 subparagraph 2, point (bb) for up to twelve months. Such a derogation may apply only after the granting of the permit, provided that sufficient</i>		

		<i>efforts have already been undertaken to finalise the EMS within that time period.</i>	"	
Article 1, first paragraph, point (11)				
145	(11) The following Article 14a is inserted:	(11) The following Article 14a is inserted:	(11) The following Article 14a is inserted:	(11) The following Article 14a is inserted:
Article 1, first paragraph, point (11), amending provision, first paragraph				
146	Article 14a	Article 14a	Article 14a	Article 14a
Article 1, first paragraph, point (11), amending provision, second paragraph				
147	Environmental management system	Environmental management system	Environmental management system	Environmental management system
Article 1, first paragraph, point (11), amending provision, numbered paragraph (1), first subparagraph				
148	Member States shall require the operator to prepare and implement, for each installation falling within the scope of this Chapter, an environmental management system ('EMS'). The EMS shall comply with the provisions included in relevant BAT conclusions that determine aspects to be covered in the EMS.	Member States shall require the operator to prepare and implement, for each installation, including, pursuant to Article 4(2), for jointly covered installations by a permit , falling within the scope of this Chapter, an environmental management system ('EMS'). Member States shall ensure that requirements to be mentioned in the permit conditions concerning the characteristics of the EMS are of a general nature only.	Member States shall require the operator to prepare and implement, for each installation falling within the scope of this Chapter, an environmental management system ('EMS'). The EMS shall comply with the provisions included in paragraph 2-3(a) and relevant BAT conclusions that determine aspects to be covered in the EMS.	Member States shall require the operator to prepare and implement, for each installation falling within the scope of this Chapter, an environmental management system ('EMS'). The EMS shall include the elements listed in paragraph 2 and shall comply with the provisions included in relevant BAT conclusions that determine aspects to be covered in the EMS.

		The EMS shall comply with the provisions included in relevant BAT conclusions that determine aspects to be covered in the EMS <i>in the form of a standardised text as published by the European Commission in BREFs based upon an opinion by the forum referred to in Article 13.</i>		
Article 1, first paragraph, point (11), amending provision, numbered paragraph (1), second subparagraph				
149	The EMS shall be reviewed periodically to ensure that it continues to be suitable, adequate and effective.	The EMS shall be reviewed periodically to ensure that it continues to be suitable, adequate and effective <i>audited at least every 3 years by an environmental verifier, as defined in Article 2(20) of Regulation 1221/2009, who verifies the conformity of the EMS, and of its implementation, with this article. The licence or accreditation referred to in Article 2(20) of Regulation 1221/2009 shall include the requirements set out in this Article.</i>	<i>deleted</i>	<i>deleted</i>
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2)				
150	2. The EMS shall include at least the following:	2. The EMS shall include at least the following <u>information</u> :	2. The EMS shall include at least the following:	2. The EMS shall include at least the following:
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2), point (a)				
151	(a) environmental policy objectives for the continuous improvement of the	(a) environmental policy objectives for the continuous improvement of the environmental performance and safety	(a) environmental policy objectives for the continuous improvement of the environmental performance and	(a) environmental policy objectives for the continuous improvement of the environmental performance and safety


	environmental performance and safety of the installation, which shall include measures to:	of the installation, which shall include measures to:	safety of the installation, which shall include measures to:	of the installation, which shall include measures to:
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2), point (a)(i)				
152	(i) prevent the generation of waste;	(i) prevent the generation of waste;	(i) prevent the generation of waste;	(i) prevent the generation of waste;
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2), point (a)(ii)				
153	(ii) optimise resource use and water reuse;	(ii) optimise resource use and water reuse;	(ii) optimise resource and energy use and water reuse;	(ii) optimise resource and energy use and water reuse;
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2), point (a)(iii)				
154	(iii) prevent or reduce risks associated with the use of hazardous substances.	(iii) prevent or reduce risks associated with the use of hazardous substances.	(iii) prevent or reduce risks associated with the use or emissions of hazardous substances.	(iii) prevent or reduce risks associated with the use or emissions of hazardous substances.
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2), point (b)				
155	(b) objectives and performance indicators in relation to significant environmental aspects, which shall take into account benchmarks set out in the relevant BAT conclusions and the life-cycle environmental performance of the supply chain;	(b) objectives and performance indicators in relation to significant environmental aspects, which shall take into account benchmarks set out in the relevant BAT conclusions and the life-cycle environmental performance of the supply chain ;	(b) objectives and performance indicators in relation to significant environmental aspects, which shall take into account benchmarks set out in the relevant BAT conclusions and the life-cycle environmental performance of the supply chain;	(b) objectives and performance indicators in relation to significant environmental aspects, which shall take into account benchmarks <u>when</u> set out in the relevant BAT conclusions and the contribution of the operation of the installation to the life-cycle environmental performance of the supply chain;
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2), point (c)				

156	(c) for installations covered by the obligation to conduct an energy audit or implement an energy management system pursuant to Article 8 of Directive 2012/27/EU, inclusion of the results of that audit or implementation of the energy management system pursuant to Article 8 and Annex VI of that Directive and of the measures to implement their recommendations;	(c) for installations covered by the obligation to conduct an energy audit or implement an energy management system pursuant to Article 8 of Directive 2012/27/EU, inclusion of the results of that audit or implementation of the energy management system pursuant to Article 8 and Annex VI of that Directive and of the measures to implement their recommendations;	(c) for installations covered by the obligation to conduct an energy audit or implement an energy management system pursuant to Article 8 of Directive 2012/27/EU, inclusion of the results of that audit or implementation of the energy management system pursuant to Article 8 and Annex VI of that Directive and of the measures to implement their recommendations;	(c) for installations covered by the obligation to conduct an energy audit or implement an energy management system pursuant to Article 8 of Directive 2012/27/EU, inclusion of the results of that audit or implementation of the energy management system pursuant to Article 8 and Annex VI of that Directive and of the measures to implement their recommendations;
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2), point (d)				
157	(d) a chemicals inventory of the hazardous substances present in the installation as such, as constituents of other substances or as part of mixtures, a risk assessment of the impact of such substances on human health and the environment and an analysis of the possibilities to substitute them with safer alternatives;	(d) a chemicals inventory of the <i>relevant</i> hazardous substances present in the installation as such, as constituents of other substances or as part of mixtures, a risk-assessment of the impact of such substances on human health and the environment and an analysis of the possibilities to substitute them with safer alternatives;	(d) a chemicals inventory of the hazardous substances present in or emitted from the installation as such, as constituents of other substances or as part of mixtures, a risk-assessment of the impact of such substances on human health and the environment and an analysis of the possibilities to substitute them with safer alternatives or reduce their use or emissions, with special regard to the substances fulfilling the criteria of Article 57 and substances addressed in restrictions in Annex XVII to Regulation (EC) No 1907/2006;	(d) a chemicals inventory of the hazardous substances present in or emitted from the installation as such, as constituents of other substances or as part of mixtures, with special regard to the substances fulfilling the criteria of Article 57 and substances addressed in restrictions in Annex XVII to Regulation (EC) No 1907/2006, and a risk-assessment of the impact of such substances on human health and the environment, as well as an analysis of the possibilities to substitute them with safer alternatives or reduce their use or emissions.
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2), point (e)				

158	(e) measures taken to achieve the environmental objectives and avoid risks for human health or the environment, including corrective and preventive measures where needed;	(e) measures taken to achieve the environmental objectives and avoid risks for human health or the environment, including corrective and preventive measures where needed;	(e) measures taken to achieve the environmental objectives and avoid risks for human health or the environment, including corrective and preventive measures where needed;	(e) measures taken to achieve the environmental objectives and avoid risks for human health or the environment, including corrective and preventive measures where needed;
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2), point (f)				
159	(f) a transformation plan as referred to in Article 27d.	(f) a transformation plan as referred to in Article 27d.	(f) a transformation plan as referred to in Article 27d. The level of detail of the EMS shall be consistent with the nature, scale and complexity of the installation, and the range of environmental impacts it may have. Where elements of the EMS, have already been developed elsewhere and comply with this article a reference may be made in the EMS to the relevant documents.	(f) a transformation plan as referred to in Article 27d.
Article 1, first paragraph, point (11), amending provision, numbered paragraph 2, second subparagraph				
159a		<i>2a. The level of detail of the EMS shall be consistent with the nature, scale and complexity of the installation, and the range of environmental impacts it may have.</i>		2a. The level of detail of the EMS shall be consistent with the nature, scale and complexity of the installation, and the range of environmental impacts it may have.
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2), third subparagraph				
159b				

		<i>In cases where an EMS is included in a BAT conclusion but the EMS does not cover elements set out in Article 14a(2), points (a) to (e), Member States shall require the operator to prepare and implement the EMS by 12 months after the end date of transposition of this Directive.</i>		<i>Alternative proposal to be tabled by the Commission.</i>
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2), fourth subparagraph				
159c		<i>Where elements of the EMS, or the related performance indicators, objectives, measures have already been developed in other relevant Union legislation and comply with this paragraph, a reference in the EMS to the relevant documents shall be sufficient.</i>		
Article 1, first paragraph, point (11), amending provision, numbered paragraph (3)				
160	3. The EMS of an installation shall be made available on the Internet, free of charge and without restricting access to registered users..	3. The EMS of an installation shall be made available on the Internet, free of charge and without restricting access to registered users- <i>in accordance with Article 4a of this Directive.</i>	3. Member States shall ensure that relevant information of the EMS of an installation from paragraph 2 a – e and the transformation plan shall be made available on the Internet, free of charge and without restricting access to registered users.’ The Commission shall, by 31 December 2025, adopt an implementing act on what information that is relevant for publication. That implementing act shall be adopted in	3. Member States shall ensure that relevant information of the EMS of an installation from paragraph 2 a – e and the transformation plan shall be made available on the Internet, free of charge and without restricting access to registered users.’ The Commission shall, by 31 December 2025, adopt an [delegated / implementing act] on what information that is relevant for publication. That implementing act shall be adopted in accordance with

			<p>accordance with the examination procedure referred to in Article 75(2).</p> <p>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 (a)-(h) of Directive 2003/4/EC.</p>	<p>the examination procedure referred to in Article 75(2).</p> <p>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 (a)-(h) of Directive 2003/4/EC.</p>
Article 1, first paragraph a, point (11), amending provision, numbered paragraph (3a)				
160a			<p>3a. Member States shall take the necessary measures to ensure that the operator reviews its EMS to ensure that it is suitable, adequate and effective and that the EMS is audited at least every 3 years by an external auditor or an environmental verifier contracted by the operator, who verifies the conformity of the EMS and of its implementation with this article.</p> <p>The first audit of the EMS shall take place at the latest 36 months after [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive].</p>	<p><i>Commission proposed wording, linked to row 40, from November 7th pending final confirmation by the EP that the technical solution proposed by the commission is acceptable:</i></p> <p>The operator shall prepare and implement the EMS in accordance with the relevant BAT conclusions for the sector at the latest by [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive], <i>except for installations referred to in Article 2a(4) [row 387k].</i></p> <p>The EMS shall be reviewed periodically to ensure that it continues to be suitable, adequate and effective.</p> <p>The EMS shall be audited for the first time at the latest by [OP please insert the date = the first day of the month</p>

				<p><i>following 24 months after the date of entry into force of this Directive] except for installations referred to in Article 2a(4). The EMS shall be audited and subsequently at least every 3 years, by a conformity assessment body accredited in accordance with Regulation (EC) No 765/2008 or an accredited or licensed environmental verifier as defined in Art. 2 No. 20 of Regulation (EC) No. 1221/2009, who verifies the conformity of the EMS, and of its implementation, with this article.</i></p>
Article 1, first paragraph, point (12)				
161	(12) Article 15 is replaced by the following:	(12) Article 15 is replaced by the following:	(12) Article 15 is replaced by the following:	(12) Article 15 is replaced by the following:
Article 1, first paragraph, point (12), amending provision, numbered paragraph (1), first subparagraph				
162	<p>The emission limit values for polluting substances shall apply at the point where the emissions leave the installation, and any dilution prior to that point shall be disregarded when determining those values.</p>	<p>The emission limit values for polluting substances shall apply at the point where the emissions leave the installation, and any dilution prior to that point shall be disregarded when determining those values.</p>	<p>The emission limit values for polluting substances shall apply at the point where the emissions leave the installation, and any dilution prior to that point shall be disregarded when determining those values.</p>	<p>The emission limit values for polluting substances shall apply at the point where the emissions leave the installation, and any dilution prior to that point shall be disregarded when determining those values.</p>
Article 1, first paragraph, point (12), amending provision, numbered paragraph (1), second subparagraph				

163	<p>With regard to indirect releases of polluting substances into water, the effect of a waste water treatment plant outside the installation may be taken into account when determining the emission limit values of the installation concerned, provided that the operator ensures that all of the following requirements are fulfilled:</p>	<p>With regard to indirect releases of polluting substances into water, in the first instance the effect on an urban or industrial wastewater treatment plant, as applicable, outside the installation shall be taken into account when determining the emission limit values of the installation concerned in accordance with Article 14 of Directive [Urban Wastewater Treatment Directive (recast)]. As a second step the effect of an urban or industrial of a waste water treatment plant outside the installation may be taken into account when determining the emission limit values of the installation concerned. The steps, as referred to in this paragraph, shall be undertaken ; provided that an equivalent level of protection of the environment as a whole is guaranteed, that such steps do not lead to higher levels of pollution in the environment and provided the operator ensures that all of the following requirements are fulfilled:</p>	<p>With regard to indirect releases of polluting substances into water, the effect of a waste water treatment plant outside the installation may be taken into account when determining the emission limit values of the installation concerned, provided that the operator ensures that all of the following requirements are fulfilled:</p>	<p>‘With regard to indirect releases of polluting substances into water, the effect of a waste water treatment plant outside the installation may be taken into account when determining the emission limit values of the installation concerned, provided that this does not lead to higher levels of pollution in the environment, an equivalent level of protection of the environment as a whole is guaranteed, and the operator ensures, in consultation with the operator of the waste water treatment plant, that the indirect releases do not jeopardize the provisions of the permit of the waste water treatment plant under this directive or the specific authorisation under Directive 1991/271/EEC and that all of the following requirements are fulfilled:</p>
Article 1, first paragraph, point (12), amending provision, numbered paragraph (1), second subparagraph, point (a)				
164	(a) the released polluting substances do not impede the	(a) the released polluting substances do not impede the operation of the	(a) the released polluting substances do not impede the	

	operation of the waste water treatment plant;	waste water treatment plant <i>or the capacity to recover resources from the waste water treatment stream</i> ;	operation of the waste water treatment plant;	(aa) the released polluting substances do not impede the capacity of the waste water treatment plant <i>to recover resources from the waste water treatment stream</i> ;
Article 1, first paragraph, point (12), amending provision, numbered paragraph (1), second subparagraph, point (b)				
165	(b) the released polluting substances do not harm the health of the staff working in collecting systems and waste water treatment plants;	(b) the released polluting substances do not harm the health of the staff working in collecting systems and waste water treatment plants;	(b) the released polluting substances do not harm the health of the staff working in collecting systems and waste water treatment plants;	(b) the released polluting substances do not harm the health of the staff working in collecting systems and waste water treatment plants;
Article 1, first paragraph, point (12), amending provision, numbered paragraph (1), second subparagraph, point (c)				
166	(c) the waste water treatment plant is designed and equipped to abate the released polluting substances;	(c) the waste water treatment plant is designed and equipped to abate the released polluting substances;	(c) the waste water treatment plant is designed and equipped to abate the released polluting substances;	(c) the waste water treatment plant is designed and equipped to abate the released polluting substances;
Article 1, first paragraph, point (12), amending provision, numbered paragraph (1), second subparagraph, point (d)				
167	(d) the overall load of the concerned polluting substances eventually released into the water is not increased compared to the situation where the emissions from the installation concerned remained compliant with emission limit values set for direct releases in accordance with paragraph (3) of this Article, without prejudice to	(d) the overall load of the concerned polluting substances eventually released into the water is not increased compared to the situation where the emissions from the installation concerned remained compliant with emission limit values set for direct releases in accordance with paragraph (3) of this Article, without prejudice to stricter measures required pursuant to Article 18.	(d) the overall load of the concerned polluting substances eventually released into the water is not increased compared to the situation where the emissions from the installation concerned remained compliant with emission limit values set for direct releases in accordance with paragraph (3) of this Article, without prejudice to stricter measures required pursuant to Article 18.	(d) the overall load of the concerned polluting substances eventually released into the water is not increased compared to the situation where the emissions from the installation concerned remained compliant with emission limit values set for direct releases in accordance with paragraph (3) of this Article, without prejudice to stricter measures required pursuant to Article 18.


	stricter measures required pursuant to Article 18.			
Article 1, first paragraph, point (12), amending provision, numbered paragraph (1), third subparagraph				
168	The competent authority shall set out in an annex to the permit conditions the reasons for the application of the second subparagraph, including the result of the assessment by the operator of the fulfilment of the required conditions.	The competent authority shall set out in an annex to the permit conditions the reasons for the application of the second subparagraph, including the result of the assessment by the operator of the fulfilment of the required conditions.	The competent authority shall set out in an annex to the permit conditions the reasons for the application of the second subparagraph, including the result of the assessment by the operator of the fulfilment of the required conditions.	The competent authority shall set out in an annex to the permit conditions the reasons for the application of the second subparagraph, including the result of the assessment by the operator of the fulfilment of the required conditions.
Article 1, first paragraph, point (12), amending provision, numbered paragraph (1), fourth subparagraph				
169	The operator shall provide an updated assessment in cases where the permit conditions should be changed to ensure that the requirements set out in the second subparagraph, points (a) to (d) are fulfilled.	The operator shall provide an updated assessment in cases where the permit conditions should be changed to ensure that the requirements set out in the second subparagraph, points (a) to (d) are fulfilled.	The operator shall provide an updated assessment in cases where the permit conditions should be changed to ensure that the requirements set out in the second subparagraph, points (a) to (d) are fulfilled.	The operator shall provide an updated assessment in cases where the permit conditions should be changed to ensure that the requirements set out in the second subparagraph, points (a) to (d) are fulfilled.
Article 1, first paragraph, point (12), amending provision, numbered paragraph (2)				
170	2. Without prejudice to Article 18, the emission limit values and the equivalent parameters and technical measures referred to in Article 14(1) and (2) shall be based on BAT without prescribing the use of any technique or specific technology.	2. Without prejudice to Article 18, the emission limit values and the equivalent parameters and technical measures referred to in Article 14(1) and (2) shall be based on BAT without prescribing the use of any technique or specific technology.	2. Without prejudice to Article 18, the emission limit values and the equivalent parameters and technical measures referred to in Article 14(1) and (2) shall be based on BAT without prescribing the use of any technique or specific technology.	2. Without prejudice to Article 18, the emission limit values and the equivalent parameters and technical measures referred to in Article 14(1) and (2) shall be based on BAT without prescribing the use of any technique or specific technology.

Article 1, first paragraph, point (12), amending provision, numbered paragraph (3), first subparagraph

<p>171</p>	<p>The competent authority shall set the strictest possible emission limit values that are consistent with the lowest emissions achievable by applying BAT in the installation, and that ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques (BAT-AELs) as laid down in the decisions on BAT conclusions referred to in Article 13(5). The emission limit values shall be based on an assessment by the operator analysing the feasibility of meeting the strictest end of the BAT-AEL range and demonstrating the best performance the installation can achieve by applying BAT as described in BAT conclusions. The emission limit values shall be set through either of the following:</p>	<p>3. Subject to the publication of new or amended BAT conclusions, after the transposition of this Directive in accordance with Article 21 (3), or when the permit is granted or updated pursuant to Article 21(5), or [date of the first day of the month following 10 years after the date of entry into force of this Directive], whichever is the sooner and for operators which have filed for application of a permit after the date of transposition of this Directive and taking into account Commission Implementing Decision 2012/119/EU ("The BREF Guidance") the competent authority shall set the strictest possible achievable emission limit values for the specific installation that are consistent with the lowest emissions achievable by applying BAT in the installation, and that. Those limit values shall take into account cross-media effects and ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques (BAT-AELs) as laid down in the decisions on BAT conclusions referred to in Article 13(5). The emission limit values shall be based on an assessment by the operator of the whole BAT-AEL range, analysing the feasibility of meeting the strictest</p>	<p>The competent authority shall set the strictest possible achievable emission limit values by applying BAT in the installation, considering the entire range of the emission levels associated with the best available techniques (BAT-AELs) to that are consistent with the lowest emissions achievable by applying BAT in the installation, and that ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques (BAT-AELs)BAT-AELs as laid down in the decisions on BAT conclusions referred to in Article 13(5). The emission limit values shall be based on an assessment by the operator analysing the feasibility of meeting the strictest end of the BAT-AEL range and demonstrating the best performance the installation can achieve by applying BAT as described in BAT conclusions, having regard to possible cross-media effects. The emission limit values shall be set through either of the following:</p>	<p>The competent authority shall set the strictest possible achievable emission limit values by applying BAT in the installation, considering the entire range of the emission levels associated with the best available techniques (BAT-AELs) to that are consistent with the lowest emissions achievable by applying BAT in the installation, and that ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques (BAT-AELs)BAT-AELs as laid down in the decisions on BAT conclusions referred to in Article 13(5). The emission limit values shall be based on an assessment by the operator of the entire BAT-AEL range, analysing the feasibility of meeting the strictest end of the BAT-AEL range and demonstrating the best overall performance that the installation can achieve by applying BAT as described in BAT conclusions, having regard to possible cross-media effects. The emission limit values shall be set through either of the following:</p>
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		end of the BAT-AEL range and demonstrating the best <i>overall</i> performance the <i>specific</i> installation can achieve <i>under normal operating conditions, while taking into consideration standard operating fluctuations in cases of short-term averages</i> , by applying BAT as described in BAT conclusions. The emission limit values– shall be set through either of the following:		
Article 1, first paragraph, point (12), amending provision, numbered paragraph (3), first subparagraph, point (a)				
172	(a) setting emission limit values expressed for the same or shorter periods of time and under the same reference conditions as the emission levels associated with the best available techniques; or	(a) setting emission limit values expressed for the same or shorter periods of time and under the same reference conditions as the emission levels associated with the best available techniques; or	(a) setting emission limit values expressed for the same or shorter periods of time and under the same reference conditions as the emission levels associated with the best available techniques; or	(a) setting emission limit values expressed for the same or shorter periods of time and under the same reference conditions as the emission levels associated with the best available techniques; or
Article 1, first paragraph, point (12), amending provision, numbered paragraph (3), first subparagraph, point (b)				
173	(b) setting different emission limit values than those referred to under point (a) in terms of values, periods of time and reference conditions.	(b) setting different emission limit values than those referred to under point (a) in terms of values, periods of time and reference conditions.	(b) setting different emission limit values than those referred to under point (a) in terms of values, periods of time and reference conditions.	(b) setting different emission limit values than those referred to under point (a) in terms of values, periods of time and reference conditions.
Article 1, first paragraph, point (12), amending provision, numbered paragraph (3), second subparagraph				
174	Where the emission limit values are set in accordance with point (b), the competent authority	Where the emission limit values are set in accordance with point (b), the competent authority shall, at least	Where the emission limit values are set in accordance with point (b); the competent authority shall, at least	Where the emission limit values are set in accordance with point (b); the competent authority shall, at least

	<p>shall, at least annually, assess the results of emission monitoring in order to ensure that emissions under normal operating conditions have not exceeded the emission levels associated with the best available techniques.</p>	<p>annually, assess the results of emission monitoring in order to ensure that emissions under normal operating conditions have not exceeded the emission levels associated with the best available techniques.</p>	<p>annually, assess the results of emission monitoring in order to ensure that emissions under normal operating conditions have not exceeded the emission levels associated with the best available techniques.</p> <p>General binding rules referred to in Article 6 may be applied while setting relevant emission limit values according to this article. If general binding rules are adopted, the strictest achievable emission limit values by applying BAT shall be set for categories of installations having similar characteristics that are relevant in determining the lowest emission levels achievable, considering the entire range of the BAT AELs. The general binding rules shall be established by the Member State, based on the information in the BAT conclusions, analysing the feasibility of meeting the strictest end of the BAT-AEL range and demonstrating the best performance that those categories of installations can achieve by applying BAT as described in BAT conclusions.</p>	<p>annually, assess the results of emission monitoring in order to ensure that emissions under normal operating conditions have not exceeded the emission levels associated with the best available techniques.</p> <p>General binding rules referred to in Article 6 may be applied while setting relevant emission limit values according to this article. If general binding rules are adopted, the strictest achievable emission limit values by applying BAT shall be set for categories of installations having similar characteristics that are relevant in determining the lowest emission levels achievable, considering the entire range of the BAT AELs. The general binding rules shall be established by the Member State, based on the information in the BAT conclusions, analysing the feasibility of meeting the strictest end of the BAT-AEL range and demonstrating the best performance that those categories of installations can achieve by applying BAT as described in BAT conclusions.</p>
<p>Article 1, first paragraph, point (12), amending provision, numbered paragraph (3), second subparagraph a</p>				
<p>174a</p>		<p><i>If general binding rules are adopted concerning Article 15(3), Member</i></p>		<p>If general binding rules are adopted concerning Article 15(3), Member</p>

		States shall set general binding rules on the strictest achievable emission limit values by applying BAT only for categories of installations within the same sectoral activities that have similar characteristics, and based on an assessment by the Member States analysing the feasibility of meeting the strictest end of the range achievable.		States shall set general binding rules on the strictest achievable emission limit values by applying BAT only for categories of installations within the same sectoral activities that have similar characteristics, and based on an assessment by the Member States analysing the feasibility of meeting the strictest end of the range achievable.
Article 1, first paragraph, point (12), amending provision, fourth paragraph				
175	3a. The competent authority shall set environmental performance limit values that ensure that, under normal operating conditions, such performance limits values do not exceed the environmental performance levels associated with BATs as laid down in the decisions on BAT conclusions referred to in Article 13(5).	3a. Subject to the publication of new or amended BAT conclusions under this Directive, and after its transposition, taking into account Commission Implementing Decision 2012/119/EU ("The BREF Guidance") , the competent authority shall set indicative environmental performance limit -values that ensure that, under normal operating conditions, such performance limits values do not exceed the environmental performance levels associated with BATs as laid down in the decisions on BAT conclusions referred to in Article 13(5) taking into consideration the cross-media effects in installations, including with heterogeneous emissions and industrial emissions.	3a. Without prejudice to Article 9 (2) the competent authority shall set environmental performance limit values that ensure that, under normal operating conditions, such performance limits values do not exceed the environmental performance levels associated with BATs as laid down in the decisions on BAT conclusions referred to in Article 13(5).	3a. Without prejudice to Article 9(2) , the competent authority shall set for normal operating conditions [indicative environmental performance limit values/ [environmental performance limit values that may not be exceeded during one or more periods of time] , that ensure that, under normal operating conditions, such performance limits values which do not exceed the environmental performance levels associated with BATs as laid down in the decisions on BAT conclusions referred to in Article 13(5).
Article 1, first paragraph, point (12), amending provision, numbered paragraph (4), first subparagraph				
176				

	By way of derogation from paragraph 3, and without prejudice to Article 18, the competent authority may, in specific cases, set less strict emission limit values. Such a derogation may apply only where an assessment shows that the achievement of emission levels associated with the best available techniques as described in BAT conclusions would lead to disproportionately higher costs compared to the environmental benefits due to:	4. By way of derogation from paragraph 3, and without prejudice to Article 18, the competent authority may, in specific cases, set less strict emission limit values. Such a derogation may apply only where an assessment shows that the achievement of emission levels associated with the best available techniques as described in BAT conclusions would lead to disproportionately higher costs compared to the environmental benefits due to:	4. By way of derogation from paragraph 3, and without prejudice to Article 18, the competent authority may, in specific cases, set emission limit values higher than the less strict emission limit values levels associated with best available techniques . Such a derogation may apply only where an assessment shows that the achievement of emission levels associated with the best available techniques as described in BAT conclusions would lead to disproportionately higher costs compared to the environmental benefits due to:	4. By way of derogation from paragraph 3, and without prejudice to Article 18, the competent authority may, in specific cases, set emission limit values higher than the less strict emission limit values levels associated with best available techniques . Such a derogation may apply only where an assessment shows that the achievement of emission levels associated with the best available techniques as described in BAT conclusions would lead to disproportionately higher costs compared to the environmental benefits due to:
Article 1, first paragraph, point (12), amending provision, numbered paragraph (4), first subparagraph, point (a)				
177	(a) the geographical location or the local environmental conditions of the installation concerned; or	(a) the geographical location or the local environmental conditions of the installation concerned; or	(a) the geographical location or the local environmental conditions of the installation concerned; or	(a) the geographical location or the local environmental conditions of the installation concerned; or
Article 1, first paragraph, point (12), amending provision, numbered paragraph (4), first subparagraph, point (b)				
178	(b) the technical characteristics of the installation concerned.	(b) the technical characteristics of the installation concerned, including in the case of an agreed closure plan of the installation, within 4 years of the publication of BAT conclusion.	(b) the technical characteristics of the installation concerned.	(b) the technical characteristics of the installation concerned.
Article 1, first paragraph, point (12), amending provision, numbered paragraph (4), second subparagraph				
179				

	The competent authority shall document in an annex to the permit conditions the reasons for the application of the first subparagraph including the result of the assessment and the justification for the conditions imposed.	The competent authority shall document in an annex to the permit conditions the reasons for the application of the first subparagraph including the result of the assessment and the justification for the conditions imposed.	The competent authority shall document in an annex to the permit conditions the reasons for the application of the first subparagraph including the result of the assessment and the justification for the conditions imposed.	The competent authority shall document in an annex to the permit conditions the reasons for the application of the first subparagraph including the result of the assessment and the justification for the conditions imposed.
Article 1, first paragraph, point (12), amending provision, numbered paragraph (4), third subparagraph				
180	The emission limit values set in accordance with the first subparagraph shall, however, not exceed the emission limit values set out in the Annexes to this Directive, where applicable.	The emission limit values set in accordance with the first subparagraph shall, however, not exceed the emission limit values set out in the Annexes to this Directive, where applicable.	The emission limit values set in accordance with the first subparagraph shall, however, not exceed the emission limit values set out in the Annexes to this Directive, where applicable.	The emission limit values set in accordance with the first subparagraph shall, however, not exceed the emission limit values set out in the Annexes to this Directive, where applicable.
Article 1, first paragraph, point (12), amending provision, numbered paragraph (4), fourth subparagraph				
181	Derogations referred to in this paragraph shall respect the principles set out in Annex II. The competent authority shall in any case ensure that no significant pollution is caused and that a high level of protection of the environment as a whole is achieved. Derogations shall not be granted where they may put at risk compliance with environmental quality standards referred to in Article 18.	Derogations granted after the transposition of this Directive referred to in this paragraph shall respect be granted for a maximum of five years and in compliance with the principles set out in Annex II. The competent authority shall aim to prevent pollution and in any case ensure that no significant pollution is caused and that a high level of protection of the environment as a whole is achieved. Derogations shall not be granted, where they may put at risk compliance with environmental quality standards referred to in Article 18.	Derogations referred to in this paragraph shall respect the principles set out in Annex II. The competent authority shall ensure that the operator provides an assessment of the impact of the derogation on the concentration of the pollutants concerned in the receiving environment and in any case ensure that no significant pollution is caused and that a high level of protection of the environment as a whole is achieved. Derogations shall not be granted where they may put at risk compliance with environmental	Derogations referred to in this paragraph shall respect the principles set out in Annex II. The competent authority shall ensure that the operator provides an assessment of the impact of the derogation on the concentration of the pollutants concerned in the receiving environment and in any case ensure that no significant pollution is caused and that a high level of protection of the environment as a whole is achieved. Derogations shall not be granted where they may put at risk compliance with environmental quality standards referred to in Article 18.

			quality standards referred to in Article 18.	
Article 1, first paragraph, point (12), amending provision, numbered paragraph (4), fifth subparagraph				
182	The competent authority shall re-assess whether the derogation granted in accordance with this paragraph is justified every 4 years or as part of each reconsideration of the permit conditions pursuant to Article 21, where such reconsideration is made earlier than 4 years after the derogation was granted.	The competent authority shall re-assess whether the derogation granted in accordance with this paragraph is justified every 45 years or as part of each reconsideration of the permit conditions pursuant to Article 21, where such reconsideration is made occurs earlier than 45 years after the derogation was granted.	The competent authority shall re-assess whether the derogation granted in accordance with this paragraph is justified every 4 years or as part of each reconsideration of the permit conditions pursuant to Article 21, where such reconsideration is made earlier than 4 years after the derogation was granted.	The competent authority shall re-assess whether the derogation granted in accordance with this paragraph is justified every 4 years or as part of each reconsideration of the permit conditions pursuant to Article 21, where such reconsideration is made earlier than 4 years after the derogation was granted.
Article 1, first paragraph, point (12), amending provision, numbered paragraph (4), sixth subparagraph				
183	The Commission shall adopt an implementing act, to establish a standardised methodology for assessing the disproportionality between the costs of implementation of the BAT conclusions and the potential environmental benefits referred to in the first subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2)..	The Commission shall adopt an implementing act, to establish a standardised methodology for assessing the disproportionality between the costs of implementation of the BAT conclusions and the potential environmental benefits referred to in the first subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2)..	The Commission shall adopt an implementing act, to establish a standardised methodology for assessing the disproportionality between the costs of implementation of the BAT conclusions and the potential environmental benefits referred to in the first subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2)..	The Commission shall adopt an implementing act, to establish a standardised methodology for assessing the disproportionality between the costs of implementation of the BAT conclusions and the potential environmental benefits referred to in the first subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).
Article 1, first paragraph, point (12), amending provision, numbered paragraph (4a), sixth subparagraph a				
183a				

		<p>4a. By way of derogation from paragraph 3a, and without prejudice to Article 18, the competent authority, in specific cases, may set environmental performance limit values, which are less strict than the mandatory upper end of the range. Such a derogation may apply only where an assessment shows that the achievement of environmental performance limit values with the best available techniques as described in BAT conclusions would lead to disproportionately higher costs compared to the environmental benefits and cross-media effects due to:</p> <p>(a) the geographical location or local climatic conditions of the installation concerned; or</p> <p>(b) technical characteristics of the installation concerned, including in a situation of an agreed closure plan of the installation, within 4 years of the publication of the BAT conclusions.</p>	<p>4a. By way of derogation from paragraph 3a, the competent authority may, in specific cases, set less strict environmental performance limit values. Such a derogation may apply only where an assessment shows that that, the achievement of performance levels associated with the best available techniques as described in BAT conclusions will lead to significant negative environmental impact, including cross media effects, or significant economical impact due to:</p> <p>(a) the geographical location or the local environmental conditions of the installation concerned; or</p> <p>(b) the technical characteristics of the installation concerned,</p> <p>The competent authority shall document in an annex to the permit conditions the reasons for the application of the first subparagraph including the result of the assessment and the justification for the conditions imposed.</p> <p>The competent authority shall in any case ensure that operating under less strict environmental performance limit value shall not cause any significant environmental impact and shall achieve a high level of protection of the environment as a whole.</p>	<p>4a. By way of derogation from paragraph 3a, the competent authority may, in specific cases, set less strict environmental performance limit values. Such a derogation may apply only where an assessment shows that that, the achievement of performance levels associated with the best available techniques as described in BAT conclusions will lead to significant negative environmental impact, including cross media effects, or significant economical impact due to:</p> <p>(a) the geographical location or the local environmental conditions of the installation concerned; or</p> <p>(b) the technical characteristics of the installation concerned,</p> <p>The competent authority shall document in an annex to the permit conditions the reasons for the application of the first subparagraph including the result of the assessment and the justification for the conditions imposed.</p> <p>The competent authority shall in any case ensure that operating under less strict environmental performance limit value shall not cause any significant environmental impact, including depletion of water resources, and shall achieve a high level of protection of the environment as a whole.</p>
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			<p>The Commission shall establish, by means of implementing acts, a standardised methodology for undertaking the assessment referred to in the first subparagraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 75(2).</p>	<p>The Commission shall establish, by means of implementing acts, a standardised methodology for undertaking the assessment referred to in the first subparagraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 75(2).</p>
Article 1, first paragraph, point (12), amending provision, numbered paragraph (5), eighth subparagraph				
183b			<p>5. By way of derogation from paragraph 3 and 3a, the competent authority may set less strict emission limit values or environmental performance limit values in case of a crisis due to extra ordinary circumstances beyond the control of the operator and Member States, leading to severe disruption or shortage of:</p> <ul style="list-style-type: none"> a. energy supplies and where there is an overriding public interest in security of energy supply, or b. resources, materials and equipment essential for the operator to perform its activities, of public interest, in compliance with the applicable emission limit values or environmental performance limit values, or c. essential resources, materials or equipment, that the 	<p>5. By way of derogation from paragraph 3 and 3a, the competent authority may set less strict emission limit values or environmental performance limit values in case of a crisis due to extra ordinary circumstances beyond the control of the operator and Member States, leading to severe disruption or shortage of:</p> <ul style="list-style-type: none"> a. energy supplies and where there is an overriding public interest in security of energy supply, or b. resources, materials and equipment essential for the operator to perform its activities, of public interest, in compliance with the applicable emission limit values or environmental performance limit values, or c. essential resources, materials or equipment, that the operator produces in order to compensate such shortage or

			<p>operator produces in order to compensate such shortage or disruption for reasons of public health or public safety, or other imperative reasons of overriding public interests.</p> <p>As soon as the supply conditions are restored or when there is another alternative, the Member State shall ensure that the decision to set less strict emission limit values and environmental performance limit values ceases to have effect, and the installation shall comply with permit conditions set in accordance with paragraph 3 and 3a.</p> <p>The competent authority shall ensure that no significant pollution is caused and set less strict limit values only when all less polluting measures have been exhausted.</p> <p>The Members States shall take measures to ensure that the emissions are monitored. The derogation shall not be granted for more than 3 months. If the reasons justifying the derogations persists the derogation may be prolonged for a period of maximum 3 months.</p> <p>The competent authority shall make the derogation and the conditions imposed publicly</p>	<p>disruption for reasons of public health or public safety, or other imperative reasons of overriding public interests.</p> <p>As soon as the supply conditions are restored or when there is another alternative, the Member State shall ensure that the decision to set less strict emission limit values and environmental performance limit values ceases to have effect, and the installation shall comply with permit conditions set in accordance with paragraph 3 and 3a.</p> <p>The competent authority shall ensure that no significant pollution is caused and set less strict limit values only when all less polluting measures have been exhausted.</p> <p>The Members States shall take measures to ensure that the emissions are monitored. The derogation shall not be granted for more than 3 months. If the reasons justifying the derogations persists the derogation may be prolonged for a period of maximum 3 months.</p> <p>The competent authority shall make the derogation and the conditions imposed publicly available in accordance with Art. 24(2).</p> <p>The Commission may, where necessary, assess and further clarify, through guidance, the criteria to be</p>
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			<p>available in accordance with Art. 24(2). The Commission may, where necessary, assess and further clarify, through guidance, the criteria to be taken into account for the application of this paragraph. Member states shall notify the Commission of any derogation granted under this paragraph, including the reasons for justifying the derogation and the conditions imposed.</p>	<p>taken into account for the application of this paragraph. Member states shall notify the Commission of any derogation granted under this paragraph, including the reasons for justifying the derogation and the conditions imposed.</p> <p>The Commission shall assess whether the use of the derogation clause is justified having due regard to the criteria set in this paragraph. If the Commission raises objections within two month of the notification by the Member State, the Member States shall, without delay, revise the derogation provided accordingly.</p>
Article 1, first paragraph, point (12), amending provision, Article 15, paragraph 4a (new), subparagraph 2				
183c		<p><i>The derogation from water-related environmental performance limit values, referred to in the first subparagraph, shall be conditional upon a robust assessment of a present and future water risk for the installation.</i></p>		deletion
Article 1, first paragraph, point (12), amending provision, Article 15, paragraph 4a (new), subparagraph 3				
183d		<p><i>The competent authority shall document in an annex to the permit conditions the reasons for the application of the first subparagraph</i></p>		


		<i>including the result of the assessment and the justification for the conditions imposed.</i>		
Article 1, first paragraph, point (12), amending provision, numbered paragraph (4b), second subparagraph				
183e		<i>The competent authority shall in any case ensure that no significant environmental impact is caused and that a high level of protection of the environment as a whole is achieved. Derogations shall not be granted where they could put at risk compliance with environmental quality standards referred to in Article 18.</i>		
Article 1, first paragraph, point (12), amending provision, Article 15, paragraph 4a (new), subparagraph 5				
183f		<i>The competent authority shall reassess whether the derogation granted in accordance with this paragraph is justified every 5 years or as part of each reconsideration of the permit conditions pursuant to Article 21, where such reconsideration is carried out earlier than 5 years after the derogation was granted.</i>		
Article 1, first paragraph, point (12), amending provision, Article 15, paragraph 4a (new) subparagraph 6				
183g		<i>The Commission shall adopt an implementing act to establish a standardised methodology for assessing the elements referred to in</i>		

		<i>the first subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).</i>		
Article 1, first paragraph, point (12), amending provision, numbered paragraph 4b (new)				
183h		<p><i>4b. Without prejudice to Article 18, by way of derogation from paragraphs 3 and 3a, the competent authority may, in cases where an installation faces a persistent interruption in the supply of raw materials or fuels or a disruption of abatement technique's elements due to force majeure, establish less strict emission limit values and environmental performance levels, for a maximum of 3 months, which may be extended by 3 months where the extraordinary circumstances as referred to in this paragraph persist, subject to a simplified assessment justifying the reasons and period for this temporary adjustment. As soon as the supply or abatement conditions are restored, the Member State shall ensure that this derogation ceases to have effect.</i></p> <p><i>Member States shall inform the Commission of any derogation granted under the extraordinary circumstances as referred to in the first subparagraph.</i></p> <p><i>The Commission shall assess whether the use of the derogation clause is justified having due regard</i></p>	PUBLIC	<p><i>4b. Without prejudice to Article 18, by way of derogation from paragraphs 3 and 3a, the competent authority may, in cases where an installation faces a persistent interruption in the supply of raw materials or fuels or a disruption of abatement technique's elements due to force majeure, establish less strict emission limit values and environmental performance levels, for a maximum of 3 months, which may be extended by 3 months where the extraordinary circumstances as referred to in this paragraph persist, subject to a simplified assessment justifying the reasons and period for this temporary adjustment. As soon as the supply or abatement conditions are restored, the Member State shall ensure that this derogation ceases to have effect.</i></p> <p><i>Member States shall inform the Commission of any derogation granted under the extraordinary circumstances as referred to in the first subparagraph.</i></p> <p><i>The Commission shall assess whether the use of the derogation clause is justified having due regard</i></p>

		<i>to the criteria set in this subparagraph. If the Commission raises objections, the Member States shall, without delay, revise the derogation provided accordingly. As soon as the supply conditions are restored then the derogation shall cease to apply.</i>		<i>to the criteria set in this subparagraph. If the Commission raises objections, the Member States shall, without delay, revise the derogation provided accordingly. As soon as the supply conditions are restored then the derogation shall cease to apply.</i>
Article 1, first paragraph, point (13)				
184	(13) The following Article 15a is inserted:	(13) The following Article 15a is inserted:	(13) The following Article 15a is inserted:	(13) The following Article 15a is inserted:
Article 1, first paragraph, point (13), amending provision, first paragraph				
185	Article 15a	Article 15a	Article 15a	Article 15a
Article 1, first paragraph, point (13), amending provision, second paragraph				
186	Compliance assessment	Compliance assessment	Compliance assessment	Compliance assessment
Article 1, first paragraph, point (13), amending provision, numbered paragraph (1)				
187	1. For the purpose of assessing compliance with emission limit values in accordance with Article 14(1), point (h), the correction made to measurements to determine the validated average emission values shall not exceed the	1. For the purpose of assessing compliance with emission limit values in accordance with Article 14(1), point (h), the correction made to measurements to determine the validated average emission values shall not exceed the measurement uncertainty <i>determined according to</i>	1. For the purpose of assessing compliance under normal operating conditions with emission limit values in accordance with Article 14(1), point (h), the correction made to measurements to determine the validated average emission values shall not exceed	1. For the purpose of assessing compliance under normal operating conditions with emission limit values in accordance with Article 14(1), point (h), the correction made to measurements to determine the validated average emission values

	measurement uncertainty of the measuring method.	<i>the method in the EIPPCB Reference Report on Monitoring. The EIPPCB Reference Report on Monitoring shall be updated by [OP please insert date = the first day of the measuring method month following 18 months after the date of entry into force of this Directive].</i>	the measurement uncertainty of the measuring method.	shall not exceed the measurement uncertainty of the measuring method. <u>On condition:</u> - Comm to provide a drafting suggestion for art 13, on expanding role of ID forum - Pending issue for EP shutdown / startup phase for incinerators
Article 1, first paragraph, point (13), amending provision, numbered paragraph (2), first subparagraph				
188	The Commission shall by [OP please insert date = the first day of the month following 24 months after the date of entry into force of this Directive] adopt an implementing act establishing the measuring method for assessing compliance with emission limit values set out in the permit with regard to emissions to air and water. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).	The Commission shall by [OP please insert date = the first day of the month following 24 months after the date of entry into force of this Directive] adopt an implementing act establishing the measuring method for assessing compliance with emission limit values set out in the permit with regard to emissions to air and water. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).	The Commission shall by [OP please insert date = the first day of the month following 24 months after the date of entry into force of this Directive] adopt an implementing act establishing the measuring method for assessing compliance under normal operating conditions with emission limit values set out in the permit with regard to emissions to air and water. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).	The Commission shall by [OP please insert date = the first day of the month following 24 months after the date of entry into force of this Directive] adopt an implementing act establishing the measuring method for assessing compliance under normal operating conditions with emission limit values set out in the permit with regard to emissions to air and water. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).
Article 1, first paragraph, point (13), amending provision, numbered paragraph (2), second subparagraph				
189	The method referred to in the first subparagraph shall address, as a minimum, the determination of validated average emission	The method referred to in the first subparagraph shall address, as a minimum, the determination of validated average emission values and	The method referred to in the first subparagraph shall address, as a minimum, the determination of validated average emission values	The method referred to in the first subparagraph shall address, as a minimum, the determination of validated average emission values and

	values and shall set out how measurement uncertainty and the frequency of exceedance of emission limit values are to be taken into account in the compliance assessment.	shall set out how measurement uncertainty, <i>as determined in the EIPPCB Reference Report on Monitoring</i> , and the frequency of exceedance of emission limit values are to be taken into account in the compliance assessment.	and shall set out how measurement uncertainty and the frequency of exceedance of emission limit values are to be taken into account in the compliance assessment.	shall set out how measurement uncertainty and the frequency of exceedance of emission limit values are to be taken into account in the compliance assessment.
Article 1, first paragraph, point (13), amending provision, numbered paragraph (3)				
190	3. Where an installation falling within the scope of this Chapter also falls within the scope of Chapter III or IV and compliance with emission limit values set in accordance with this Chapter is demonstrated pursuant to paragraph 1 of this Article, the installation shall be deemed to also comply with the emission limit values set pursuant to Chapter III or IV for the pollutants concerned..	3. Where an installation falling within the scope of this Chapter also falls within the scope of Chapter III or IV and compliance with emission limit values set in accordance with this Chapter is demonstrated pursuant to paragraph 1 of this Article, the installation shall be deemed to also comply with the emission limit values set pursuant to Chapter III or IV for the pollutants concerned..	3. Where an installation falling within the scope of this Chapter also falls within the scope of Chapter III or IV and compliance with emission limit values set in accordance with this Chapter is demonstrated pursuant to paragraph 1 of this Article, the installation shall be deemed to also comply with the emission limit values set pursuant to Chapter III or IV for the pollutants concerned under normal operating conditions. '	3. Where an installation falling within the scope of this Chapter also falls within the scope of Chapter III or IV and compliance with emission limit values set in accordance with this Chapter is demonstrated pursuant to paragraph 1 of this Article, the installation shall be deemed to also comply with the emission limit values set pursuant to Chapter III or IV for the pollutants concerned under normal operating conditions '.
Article 1, first paragraph, point (13a)				
190a		<i>(13a) In Article 16, paragraph 2 is replaced by the following:</i>		<i>(13a) In Article 16, paragraph 2 is replaced by the following:</i>
Article 1, first paragraph, point (13a), amending provision, first paragraph				
190b		" 2. The frequency of the periodic monitoring referred to in Article		" 2. The frequency of the periodic monitoring referred to in Article

		<p>14(1)(e) shall be determined by the competent authority in a permit for each individual installation or in general binding rules.</p> <p>Without prejudice to the first subparagraph, periodic monitoring shall be carried out <i>as set out in the BAT Conclusions, where applicable</i>, and at least once every 3 years for groundwater and 7 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination.</p>		<p>14(1)(e) shall be determined by the competent authority in a permit for each individual installation or in general binding rules.</p> <p>Without prejudice to the first subparagraph, periodic monitoring shall be carried out <i>as set out in the BAT Conclusions, where applicable</i>, and at least once every 4 years for groundwater and 9 years for soil, unless such monitoring is based on a systematic appraisal of the risk of contamination.</p>
Article 1, first paragraph, point (13b)				
190c		<i>(13b) In Article 16, paragraph 2a (new) is added:</i>		<i>(13b) In Article 16, paragraph 2a (new) is added:</i>
Article 1, first paragraph, point (13b), amending provision, first paragraph				
190d		<p>"</p> <p><i>2a. The quality control of laboratories performing the monitoring shall be based on international standards, such as ISO 17025.</i></p>		<p>"</p> <p>2a. The quality control of laboratories performing the monitoring shall be based on CEN standards or, if CEN standards are not available, ISO, national or other international standards which ensure the provision of data of an equivalent scientific quality.</p>
Article 1, first paragraph, point (14)				
191	(14) In Article 16, the following paragraph 3 is added:	(14) In Article 16, the following paragraph 3 is added:	(14) In Article 16, the following paragraph 3 is added:	(14) In Article 16, the following paragraph 3 is added:

Article 1, first paragraph, point (14), amending provision, numbered paragraph (3)

<p>192</p>	<p>3. Where a derogation referred to in Article 15(4) has been granted, Member States shall ensure that the operator monitors the concentration of the pollutants concerned by the derogation which are present in the receiving environment. The results of the monitoring shall be transmitted to the competent authority. Where relevant, monitoring and measuring methods for each concerned pollutant set out in other relevant Union legislation shall be used for the purpose of the monitoring referred to in this paragraph..</p>	<p>3. Where a derogation referred to in Article 15(4) has been granted, Member States shall ensure that the operator monitors the concentration of the pollutants concerned by the derogation which are present in the receiving environment. The results of the monitoring shall be transmitted to the competent authority. Where relevant, monitoring and measuring methods for each concerned pollutant set out in other relevant Union legislation shall be used for the purpose of the monitoring referred to in this paragraph..</p>	<p>3. Where a derogation the assessment referred to in Article 15(4) has been granted, Member States shall ensure demonstrates that the operator monitors the concentration of the pollutants concerned by the derogation which are present in the receiving environment. The results derogation will have a quantifiable or measurable effect on the environment, Member States shall ensure that the concentration of the monitoring pollutants concerned shall be transmitted to the competent authority monitored in the receiving environment. Where relevant, monitoring and measuring methods for each concerned pollutant set out in other relevant Union legislation shall be used for the purpose of the monitoring referred to in this paragraph.-</p>	<p>3. Where a derogation the assessment referred to in Article 15(4) has been granted, Member States shall ensure demonstrates that the operator monitors the concentration of the pollutants concerned by the derogation which are present in the receiving environment. The results derogation will have a quantifiable or measurable effect on the environment, Member States shall ensure that the concentration of the monitoring pollutants concerned shall be transmitted to the competent authority monitored in the receiving environment. Where relevant, monitoring and measuring methods for each concerned pollutant set out in other relevant Union legislation shall be used for the purpose of the monitoring referred to in this paragraph.-</p>
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Article 1, first paragraph, point (14a), amending provisions Article 17 (1)

<p>192a</p>		<p><i>(14a) In Article 17, paragraph 1 is replaced by the following:</i></p> <p>"1. When adopting general binding rules, Member States shall</p>		<p><u><i>(14a) In Article 17, paragraph 1 is replaced by the following:</i></u></p> <p>—"1. When adopting general binding rules, Member States shall ensure an integrated approach <u>in</u></p>
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		ensure an integrated approach <i>in accordance with Article 15(3), subparagraph 2 a (new)</i> , and a high level of environmental protection equivalent to that achievable with individual permit conditions."		accordance with Article 15(3), subparagraph 2 a (new) , and a high level of environmental protection equivalent to that achievable with individual permit conditions."
Article 1, first paragraph, point (15)				
193	(15) Article 18 is replaced by the following:	(15) Article 18 is replaced by the following:	(15) Article 18 is replaced by the following:	(15) Article 18 is replaced by the following:
Article 1, first paragraph, point (15), amending provision, first paragraph				
194	Article 18	Article 18	Article 18	Article 18
Article 1, first paragraph, point (15), amending provision, second paragraph				
195	Environmental quality standards	Environmental quality standards	Environmental quality standards	Environmental quality standards
Article 1, first paragraph, point (15), amending provision, third paragraph				
196	Where an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, additional measures shall be included in the permit with a view to reducing the specific contribution of the installation to the pollution occurring in the relevant area.	Where an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, additional measures <i>such as setting supplementary load limits for the relevant polluting substances</i> shall be included in the permit, with a view to reducing the specific contribution of the installation to the pollution	Where an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, additional measures shall be included in the permit with a view to reducing the specific contribution of the installation to the pollution occurring in the relevant area.	Where an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, additional measures shall be included in the permit, with a view to reducing the specific contribution of the installation to the pollution occurring in the relevant area <i>without prejudice to other measures which may be taken</i>


		occurring in the relevant area <i>without prejudice to other measures which may be taken to comply with environmental quality standards.</i>		<i>to comply with environmental quality standards.</i>
Article 1, first paragraph, point (15), amending provision, fourth paragraph				
197	<p>Where stricter conditions have been included in the permit in accordance with the first paragraph, regular monitoring of the concentration of relevant pollutants in the receiving environment resulting from operations of the installations concerned shall be required from the operator, and the results of such monitoring shall be transmitted to the competent authority.</p> <p>Where monitoring and measurement methods for the concerned pollutants are set out in other relevant Union legislation, such methods shall be used for the purpose of the monitoring referred to in this paragraph..</p>	<p>Where stricter conditions have been included in the permit in accordance with the first paragraph, regular monitoring of the concentration <i>and loads</i> of relevant pollutants in the receiving environment resulting from operations of the installations concerned shall be required from the operator, and the results of such monitoring shall be transmitted to the competent authority <i>and the downstream drinking water and/or wastewater treatment plants operators, as relevant, within the shortest possible time after the information has been generated, and not later than 1 month after the information has been generated.</i></p> <p>Where monitoring and measurement methods for the concerned pollutants, <i>including so-called cocktail effects,</i> are set out in other relevant Union legislation, such methods shall be used for the purpose of the monitoring referred to in this paragraph.</p>	<p>Where stricter conditions have been included in the permit in accordance with the first paragraph, regular monitoring the competent authority shall assess the impact of the stricter conditions on the concentration of relevant the pollutants concerned in the receiving environment.</p> <p>Where the stricter conditions included in the permit in accordance with the first paragraph have a quantifiable or measurable effect on the environment, the competent authority may require resulting from operations of the installations concerned shall be required from the operator, and to monitor the concentration of the pollutants concerned in the receiving environment. The results of such monitoring shall be transmitted to the competent authority.</p> <p>Where monitoring and measurement methods for the concerned pollutants are set out in other relevant Union legislation, such methods shall be used for the</p>	<p>Where stricter conditions have been included in the permit in accordance with the first paragraph, regular monitoring the competent authority shall assess the impact of the stricter conditions on the concentration of relevant the pollutants concerned in the receiving environment.</p> <p>Where the <i>load of</i> pollutants emitted by the installation has a quantifiable or measurable effect on the environment, Member States shall ensure that the concentration of the pollutants concerned in the receiving environment is monitored. The results of such monitoring shall be transmitted to the competent authority.</p> <p>Where monitoring and measurement methods for the concerned pollutants are set out in other relevant Union legislation, such methods, <i>including effect-based methods as appropriate,</i> shall be used for the purpose of the monitoring referred to in this paragraph.</p>

			purpose of the monitoring referred to in this paragraph.:'	
Article 1, first paragraph, point (15a)				
197a		<i>(15a) Article 19 is replaced by the following:</i>		
Article 1, first paragraph, point (15a), amending provision, Article 19				
197b		" Article 19 Developments in best available techniques Member States shall ensure that the competent authority follows or is informed of developments in best available techniques and of the publication of any new or updated BAT conclusions <i>or operating rules</i> and shall make that information available to the public concerned. "		Deleted
Article 1, first paragraph, point (15b)				
197c		<i>(15b) In Article 20, paragraph 1 is replaced by the following:</i>		<i>(15b) In Article 20, paragraph 1 is replaced by the following:</i>
Article 1, first paragraph, point (15b), amending provision, Article 20, first paragraph				
197d		"		Member States shall take the necessary measures to ensure that the operator

		<p>1. Member States shall take the necessary measures to ensure that the operator informs the competent authority of any planned change in the nature or functioning, or an extension of the installation which may have consequences for the environment, at least six months prior to the implementation of any such change or extension. Where appropriate, the competent authority shall update the permit including the relevant processes for the extension.</p> <p style="text-align: right;">"</p>		<p>informs the competent authority of any planned change in the nature or functioning, or an extension of the installation which may have consequences for the environment, in due time and prior to the implementation of any such change or extension. Where appropriate, the competent authority shall update the permit. Member States shall take the necessary measures to ensure that the competent authority reacts in due time to the information provided by the operator</p>
Article 1, first paragraph, point (15c)				
197e		<p>(15c) In Article 21 paragraph 1 is replaced by the following:</p>		<p>(15c) In Article 21 paragraph 1 is replaced by the following:</p>
Article 1, first paragraph, point (15c), amending provision, Article 21, first paragraph				
197f		<p>"</p> <p>1. Member States shall take the necessary measures to ensure that the competent authority periodically reconsiders in accordance with paragraphs 2 to 5 all permit conditions and, where necessary to ensure compliance with this Directive, updates those conditions. Member States shall ensure that the competent</p>		<p>"</p> <p>1. Member States shall take the necessary measures to ensure that the competent authority periodically reconsiders in accordance with paragraphs 2 to 5 all permit conditions and, where necessary to ensure compliance with this Directive, updates those conditions. Member States shall ensure that the competent</p>

		<i>authorities reconsider the permit at least every 8 years.</i>	"	<i>authorities reconsider the permit at least every 8 years.</i>	"
Article 1, first paragraph, point (15d)					
197g		<i>(15d) In Article 21, paragraph 3, subparagraph 1, point a is replaced by the following:</i>			
Article 1, first paragraph, point (15d), amending provision, first paragraph					
197h		" (a) all the permit conditions for the installation concerned are reconsidered and, if necessary, updated to ensure compliance with this Directive, in particular, with Article 15(3), (3a) and (4), where applicable;	"	(a) all the permit conditions for the installation concerned are reconsidered and, if necessary, updated to ensure compliance with this Directive, in particular, with Article 15(3), (3a) and (4), where applicable;	
Article 1, first paragraph, point (15e)					
197i		<i>(15e) In Article 21, the following paragraph 3a (new) is inserted:</i>		<i>(15e) In Article 21, the following paragraph 3a (new) is inserted:</i>	
Article 1, first paragraph, point (15d), amending provision, Article 21(3a) new					
197j		" <i>3a. By way of derogation from paragraph 3, the competent authority may, in case undertakings implement deep industrial transformation in accordance with Article 3 towards</i>		<i>3a. By way of derogation from paragraph 3, the competent authority may, in case undertakings implement deep industrial transformation in accordance with Article 3 towards</i>	

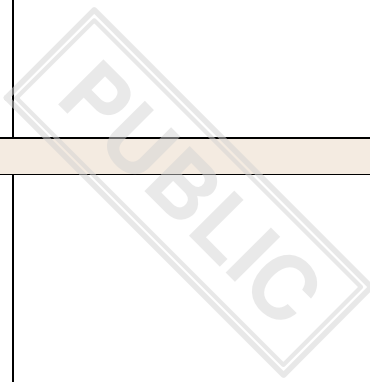
		<i>Union objectives on a clean, circular and climate neutral economy by building new installations or having received the authorisation for new installations, postpone the reconsideration and updating of the permit for the activities concerned - without prejudice to the relevant provisions in the sector-specific chapters - until the transformation is completed, but not later than until 2035.</i>		<i>Union objectives on a clean, circular and climate neutral economy by building new installations or having received the authorisation for new installations, postpone the reconsideration and updating of the permit for the activities concerned - without prejudice to the relevant provisions in the sector-specific chapters - until the transformation is completed, but not later than until 2035.</i>
Article 1, first paragraph, point (16)				
198	(16) In Article 21(5), point (c) is replaced by the following:	(16) In Article 21(5), point (c) is replaced by the following:	(16) In Article 21(5), point (c) is replaced by the following:	(16) In Article 21(5), point (c) is replaced by the following:
Article 1, first paragraph, point (16), amending provision, first paragraph				
199	‘ (c) where it is necessary to comply with an environmental quality standard referred to in Article 18, including in the case of a new or revised quality standard or where the status of the receiving environment requires a revision of the permit in order to achieve compliance with plans and programmes set under Union legislation..’	‘ (c) where it is necessary to comply with an environmental quality standard referred to in Article 18, including in the case of a new or revised quality standard or where the status of the receiving environment requires a revision of the permit in order to achieve compliance with plans and programmes set under Union legislation..’	‘ (c) where it is necessary to comply with an environmental quality standard referred to in Article 18, including in the case of a new or revised quality standard or where the status of the receiving environment requires a revision of the permit in order to achieve compliance with plans and programmes set under Union legislation..’	‘ (c) where it is necessary to comply with an environmental quality standard referred to in Article 18, including in the case of a new or revised quality standard or where the status of the receiving environment requires a revision of the permit in order to achieve compliance with plans and programmes set under Union legislation..’
Article 1, first paragraph, point (16), amending provision, first paragraph				


199(- a)				<p><i>In Article 21, the following paragraph 5d (new) is inserted:</i> "</p> <p><i>(d) in case of a request from the operator to extend the duration of the operation of an installation undertaking the activity referred to in Annex I, point 5.4.</i></p>
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Article 1, first paragraph, point (16a)				
199a		(16a) In Article 22, paragraph 2, first and second subparagraphs are replaced by the following:		deleted
Article 1, first paragraph, point (16a), amending provision, first paragraph				
199b		<p>"</p> <p>2. Where the activity involves the use, production or release of relevant hazardous substances and having regard to the possibility of soil, surface and groundwater contamination at the site of the installation, the operator shall prepare and submit to the competent authority a baseline report before starting operation of an installation or before a permit for an installation is updated for the first time after 7 January 2013.</p> <p>The baseline report shall contain the information necessary to determine the state of soil, surface and groundwater contamination so as to make a quantified comparison with the state upon definitive cessation of activities provided for under paragraph 3.</p> <p>"</p>		deleted
Article 1, first paragraph, point (16b)				
199c				deleted

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		<i>(16b) In Article 22, paragraph 3, subparagraph 1 is replaced by the following:</i>		
Article 1, first paragraph, point (16b), amending provision, first paragraph				
199d		<p>"</p> <p>Upon definitive cessation of the activities, the operator shall assess the state of soil and groundwater contamination by relevant hazardous substances used, produced or released by the installation. Where the installation has caused significant pollution of soil, surface or groundwater by relevant hazardous substances compared to the state established in the baseline report referred to in paragraph 2, the operator shall take the necessary measures to address that pollution so as to return the site to that state. For that purpose, the technical feasibility of such measures may be taken into account.</p> <p>"</p>		<i>deleted</i>
Article 1, first paragraph, point (16c)				
199e		<i>(16c) In Article 23, paragraph 4, subparagraph 2 is replaced by the following:</i>		<i>(16c) In Article 23, paragraph 4, subparagraph 2 is replaced by the following:</i>
Article 1, first paragraph, point (16c), amending provision, first paragraph				



199f		<p>"</p> <p>The period between two site visits shall be based on a systematic appraisal of the environmental risks of the installations concerned and shall not exceed 1 year for installations posing the highest risks and 3 years for installations posing the lowest risks. <i>The public shall be informed about the appraisal of the environmental risks of the installations.</i></p> <p>"</p>		<p>"</p> <p>The period between two site visits shall be based on a systematic appraisal of the environmental risks of the installations concerned and shall not exceed 1 year for installations posing the highest risks and 3 years for installations posing the lowest risks. <i>The public shall be informed about the appraisal of the environmental risks of the installations.</i></p>
Article 1, first paragraph, point (16d)				
199g		<p><i>(16d) In Article 23(4), subparagraph 5 is replaced by the following:</i></p>		<p><i>(16d) In Article 23(4), subparagraph 5 is replaced by the following:</i></p>
Article 1, first paragraph, point (16d), amending provision, first paragraph				
199h		<p>"</p> <p><i>By two years after the transposition of this Directive at the latest, the Commission may shall adopt and, where appropriate, regularly update, guidance on the criteria for the appraisal of environmental risks.</i></p> <p>"</p>		<p>"</p> <p>The Commission may shall adopt and, where appropriate, regularly update, guidance on the criteria for the appraisal of environmental risks.</p> <p>"</p>
Article 1, first paragraph, point (17)				
200				

	(17) Article 24 is amended as follows:	(17) Article 24 is amended as follows:	(17) Article 24 is amended as follows:	(17) Article 24 is amended as follows:
Article 1, first paragraph, point (17)(a)				
201	(a) paragraph 1 is amended as follows:	(a) paragraph 1 is amended as follows:	(a) paragraph 1 is amended as follows:	(a) paragraph 1 is amended as follows:
Article 1, first paragraph, point (17)(a)(-i)				
201a		<i>(-i) In Article 24(1), point b is replaced by the following:</i>		<i>Deleted</i>
Article 1, first paragraph, point (17)(a)(-i), amending provision, first paragraph				
201b		" (b) the granting <i>or reconsidering</i> of a permit for any substantial change; "		<i>Deleted</i>
Article 1, first paragraph, point (17)(a)(i)				
202	(i) point (d) is replaced by the following:	(i) point (d) is replaced by the following:	(i) point (d) is replaced by the following:	(i) point (d) is replaced by the following:
Article 1, first paragraph, point (17)(a)(i), amending provision, first paragraph				
203	(d) the updating of a permit or permit conditions for an installation in accordance with Article 21(5), points (a), (b) and (c);;	(d) the updating of a permit or permit conditions for an installation in accordance with Article 21(5), points (a), (b) and (c);;	(d) the updating of a permit or permit conditions for an installation in accordance with Article 21(5), points (a), (b) and (c);;	(d) the updating of a permit or permit conditions for an installation in accordance with Article 21(5), points (a), (b) and (c);;

Article 1, first paragraph, point (17)(a)(ii)				
204	(ii) the following point (e) is added:	(ii) the following point (e) is added:	(ii) the following point (e) is added:	(ii) the following point (e) is added:
Article 1, first paragraph, point (17)(a)(ii), amending provision, first paragraph				
205	(e) the updating of a permit in accordance with Article 21(3) or Article 21(4)..	(e) the updating of a permit in accordance with Article 21(3) or Article 21(4)..	(e) the updating of a permit in accordance with Article 21(3) or Article 21(4)..	(e) the updating of a permit in accordance with Article 21(3) or Article 21(4).
Article 1, first paragraph, point (17)(b)				
206	(b) paragraph 2 is amended as follows:	(b) paragraph 2 is amended as follows:	(b) paragraph 2 is amended as follows:	(b) paragraph 2 is amended as follows:
Article 1, first paragraph, point (17)(b)(i)				
207	(i) the first subparagraph is replaced by the following:	(i) the first subparagraph is replaced by the following:	(i) the first subparagraph is replaced by the following:	(i) the first subparagraph is replaced by the following:
Article 1, first paragraph, point (17)(b)(i), amending provision, numbered paragraph (2)				
208	2. When a decision on granting, reconsideration or updating of a permit has been taken, the competent authority shall make available to the public, including systematically via the Internet, free	2. When a decision on granting, reconsideration or updating of a permit has been taken, the competent authority shall make available to the public, including systematically via the Internet, on	2. —When a decision on granting, reconsideration or updating of a permit has been taken, the competent authority shall make available to the public, including systematically via the Internet, free	2. When a decision on granting, reconsideration or updating of a permit has been taken, the competent authority shall make available to the public, including systematically via the Internet, on

	of charge and without restricting access to registered users, in relation to points (a), (b) and (f), the following information:;	<i>its website, on a webpage which is easy to find</i> , free of charge and without restricting access to registered users, in relation to points (a), (b) and (f), the following information:;	of charge and without restricting access to registered users, in relation to points (a), (b) and (f), the following information:;	its website, in a manner on a webpage which is easy to find , free of charge and without restricting access to registered users, in relation to points (a), (b) and (f), the following information:;
Article 1, first paragraph, point (17)(b)(ia)				
208a		<i>(ia) In Article 24(2), point a a (new) is inserted:</i>		
Article 1, first paragraph, point (17)(b)(ib), amending provision, Article 24(2), point aa new				
208b		" <i>(aa) the summary of the permit referred to in Article 5 (4);</i> "		
Article 1, first paragraph, point (17)(b)(ii)				
209	(ii) point (c) is replaced by the following:	(ii) point (c) is replaced by the following:	(ii) point (a), (c) and (f) are (e)-is replaced by the following:	(ii) point (a), (c) and (f) are (e)-is replaced by the following:
Article 1, first paragraph a, point (17)(b)(ii), amending provision, first paragraph -a				
209a			(a) the content of the decision, including a copy of the permit and any subsequent updates, including consolidated permit conditions where relevant;	(a) the content of the decision, including a copy of the permit and any subsequent updates, including consolidated permit conditions where relevant;

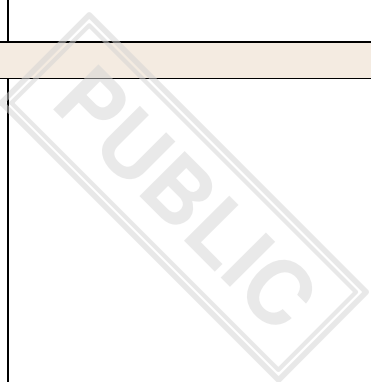
Article 1, first paragraph, point (17)(b)(ii), amending provision, first paragraph				
210	(c) the results of the consultations held before the decision was taken, including consultations held pursuant to Article 26, and an explanation of how those consultations were taken into account in that decision;;	(c) the results of the consultations held before the decision was taken, including consultations held pursuant to Article 26, and an explanation of how those consultations were taken into account in that decision;;	(c) the results of the consultations held before the decision was taken, including consultations held pursuant to Article 26, and an explanation of how those consultations were taken into account in that decision;;	(c) the results of the consultations held before the decision was taken, including consultations held pursuant to Article 26, and an explanation of how those consultations were taken into account in that decision;;
Article 1, first paragraph a, point (17)(b)(ii), amending provision, first paragraph a				
210a			(f) where a derogation is granted in accordance with Article 15(4) Article 15 , the specific reasons for that derogation based on the criteria laid down in that paragraph and the conditions imposed.’;	(f) where a derogation is granted in accordance with Article 15(4) Article 15 , the specific reasons for that derogation based on the criteria laid down in that paragraph and the conditions imposed.’;
Article 1, first paragraph, point (17)(b)(iia)				
210b		<i>(iia) In Article 24, (2), point e is replaced by the following:</i>		<i>Package on EPLVs.</i>
Article 1, first paragraph, point (17)(b)(iia), amending provision, Article 24(2), point e				
210c		" (e) how the permit conditions referred to in Article 14, including the emission limit values <i>and environmental performance levels</i> , have been determined in relation to		<i>Package on EPLVs.</i>

		the best available techniques and emission levels <i>and environmental performance levels</i> associated with the best available techniques;		
Article 1, first paragraph, point (17)(c)				
211	(c) paragraph 3 is replaced by the following:	(c) paragraph 3 is replaced by the following:	(c) paragraph 3 is replaced by the following:	(c) paragraph 3 is replaced by the following:
Article 1, first paragraph, point (17)(c), amending provision, numbered paragraph (3)				
212	3. The competent authority shall also make available to the public, including systematically via the Internet, free of charge and without restricting access to registered users, the following:	3. The competent authority shall also make available to the public, including systematically via the Internet, <i>on its website, on a webpage which is easy to find</i> , free of charge and without restricting access to registered users, the following:	3. The competent authority shall also make available to the public, including systematically via the Internet, free of charge and without restricting access to registered users, the following:	3. The competent authority shall also make available to the public, including systematically via the Internet, <i>in a manner which is easy to find</i> , free of charge and without restricting access to registered users, the following:
Article 1, first paragraph, point (17)(c), amending provision, numbered paragraph (3), point (a)				
213	(a) relevant information on the measures taken by the operator upon definitive cessation of activities in accordance with Article 22;	(a) relevant information on the measures taken by the operator upon definitive cessation of activities in accordance with Article 22;	(a) relevant information on the measures taken by the operator upon definitive cessation of activities in accordance with Article 22;	(a) relevant information on the measures taken by the operator upon definitive cessation of activities in accordance with Article 22;
Article 1, first paragraph, point (17)(c), amending provision, numbered paragraph (3), point (b)				
214				

	(b) the results of emission monitoring as required under the permit conditions and held by the competent authority;	(b) the results of emission monitoring as required under the permit conditions and held by the competent authority <i>in a database that allows query-based datasets to be downloaded;</i>	(b) the results of emission monitoring as required under the permit conditions and held by the competent authority;	b) the results of emission monitoring as required under the permit conditions and held by the competent authority;
Article 1, first paragraph, point (17)(c), amending provision, numbered paragraph (3), point (c)				
215	(c) the results of the monitoring referred to in Article 16(3) and in Article 18, second subparagraph..	(c) the results of the monitoring referred to in Article 16(3) and in Article 18, second subparagraph..	(c) the results of the monitoring referred to in Article 16(3) and in Article 18, second subparagraph..	
Article 1, first paragraph, point (17a)				
215a		<i>(17a) In Article 25, paragraph 1, the introductory part is replaced by the following:</i>		
Article 1, first paragraph, point (17a), amending provision, first paragraph				
215b		" Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, acts or omissions subject to <i>Article 14, Article 17(1) to(3), Article 22 and</i>		<i>Deleted.</i>

		Article 24 when one of the following conditions is met.	"	
Article 1, first paragraph, point (18)				
216	(18) In Article 25(1), the following subparagraphs are added:	(18) In Article 25(1), the following subparagraphs are added:	(18) In Article 25(1), the following subparagraphs are added:	(18) In Article 25(1), the following subparagraphs are added:
Article 1, first paragraph, point (18), amending provision, first paragraph				
217	Standing in the review procedure may not be conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive.	Standing in the review procedure may shall not be conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive.	Standing in the review procedure may shall not be conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive.	Standing in the review procedure may shall not be conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive.
Article 1, first paragraph, point (18), amending provision, second paragraph				
218	The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, including injunctive relief as appropriate..	The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, including injunctive relief as appropriate..	The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.’.	The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.’.
Article 1, first paragraph, point (18a)				
218a		<i>(18a) In Article 25, paragraph 3 is replaced by the following:</i>		

Article 1, first paragraph, point (18a), amending provision, first paragraph				
218b		<p>"</p> <p>3. What constitutes a sufficient interest and impairment of a right shall be determined by Member States, consistently with the objective of giving the public concerned wide access to justice.</p> <p>To this end, the interest of any non-governmental organisation promoting environmental protection and meeting any requirements under national <i>law and the interest of any sub-national public authority whose territory or population could be adversely affected by lack of compliance with this Directive</i> shall be deemed sufficient for the purpose of paragraph 1(a).</p> <p>Such organisations <i>and authorities</i> shall also be deemed to have rights capable of being impaired for the purpose of paragraph 1(b).</p> <p>"</p>		
Article 1, first paragraph, point (19)				
219	(19) In Article 26, paragraphs 1 and 2 are replaced by the following:	(19) In Article 26, paragraphs 1 and 2 are replaced by the following:	(19) In Article 26, paragraphs 1 and 2 are replaced by the following:	(19) In Article 26, paragraphs 1 and 2 are replaced by the following:
Article 1, first paragraph, point (19), amending provision, numbered paragraph (1)				
220	,	,	,	,



	<p>1. Where a Member State is aware that the operation of an installation may have significant negative effects on the environment of another Member State, or where a Member State which may be significantly affected so requests, the Member State in whose territory the application for a permit pursuant to Article 4 or Article 20(2) was submitted shall forward to the other Member State any information required to be given or made available pursuant to Annex IV at the same time as it makes it available to the public. On the basis of that information, consultations shall be carried out between the two Member States, while ensuring that the comments from the Member State that may be significantly affected are provided before the competent authority of the Member State in whose territory the application for a permit was submitted reaches its decision. Should no comments be provided by the Member State which may be significantly affected within the period for consultation of the public concerned, the competent authority shall proceed with the permitting procedure.</p>	<p>1. Where a Member State is aware that the operation of an installation may have significant negative effects on the environment of another Member State, or where a Member State which may be significantly affected so requests, the Member State in whose territory the application for a permit pursuant to Article 4 or Article 20(2) was submitted, <i>or in whose territory a permit was reconsidered pursuant to Article 21</i>, shall forward to the other Member State any information required to be given or made available pursuant to Annex IV at the same time as it makes it available to the public <i>and after three months at the latest</i>. On the basis of that information, consultations shall be carried out between the two Member States, while ensuring that the comments from the Member State that may be significantly affected are provided before the competent authority of the Member State in whose territory the application for a permit was submitted reaches its decision. Should no comments be provided by the Member State which may be significantly affected within the period for consultation of the public concerned, the competent authority shall proceed with the permitting procedure.</p>	<p>1. Where a Member State is aware that the operation of an installation may have significant negative effects on the environment of another Member State, or where a Member State which may be significantly affected so requests, the Member State in whose territory the application for a permit pursuant to Article 4 or Article 20(2) was submitted shall forward to the other Member State any information required to be given or made available pursuant to Annex IV at the same time as it makes it available to the public. On the basis of that information, consultations shall be carried out between the two Member States, while ensuring that the comments from the Member State that may be significantly affected are provided before the competent authority of the Member State in whose territory the application for a permit was submitted reaches its decision. Should no comments be provided by the Member State which may be significantly affected within the period for consultation of the public concerned, the competent authority shall proceed with the permitting procedure.</p>	<p>1. Where a Member State is aware that the operation of an installation may have significant negative effects on the environment of another Member State, or where a Member State which may be significantly affected so requests, the Member State in whose territory the application for a permit pursuant to Article 4 or Article 20(2) was submitted shall forward to the other Member State any information required to be given or made available pursuant to Annex IV at the same time as it makes it available to the public. On the basis of that information, consultations shall be carried out between the two Member States, while ensuring that the comments from the Member State that may be significantly affected are provided before the competent authority of the Member State in whose territory the application for a permit was submitted reaches its decision. Should no comments be provided by the Member State which may be significantly affected within the period for consultation of the public concerned, the competent authority shall proceed with the permitting procedure.</p>
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Article 1, first paragraph, point (19), amending provision, numbered paragraph (2)

221	2. Member States shall ensure that, in the cases referred to in paragraph 1, the application for a permit is also made available for comments to the public of the Member State which may be significantly affected and remains available for the same period of time as provided in the Member State where the application has been made..	2. Member States shall ensure that, in the cases referred to in paragraph 1, the application for a permit is also made available for comments to the public of the Member State which may be significantly affected and remains available for the same period of time as provided in the Member State where the application has been made..	2. Member States shall ensure that, in the cases referred to in paragraph 1, the application for a permit is also made available for comments to the public of the Member State which may be significantly affected and remains available for the same period of time as provided in the Member State where the application has been made..	2. Member States shall ensure that, in the cases referred to in paragraph 1, the application for a permit is also made available for comments to the public of the Member State which may be significantly affected and remains available for the same period of time as provided in the Member State where the application has been made..
Article 1, first paragraph, point (19a)				
221a		<i>(19a) In Article 26, the following paragraph is added:</i>		(19a) In Article 26, the following paragraph is added:
Article 1, first paragraph, point (19a), amending provision, Article 26, 4a new				
221b		" <i>4a. Member States shall ensure that competent authorities establish appropriate regional transboundary communication channels.</i> "		4a. Member States shall ensure that competent authorities establish appropriate regional transboundary communication channels.
Article 1, first paragraph, point (20)				
222	(20) The following heading is inserted after Article 26:	(20) The following heading is inserted after Article 26:	(20) The following heading is inserted after Article 26:	(20) The following heading is inserted after Article 26:
Article 1, first paragraph, point (20), amending provision, first paragraph				

223	‘ CHAPTER IIa	‘ CHAPTER IIa	‘ CHAPTER IIa	‘ CHAPTER IIa
Article 1, first paragraph, point (20), amending provision, second paragraph				
224	PROMOTING INNOVATION’	ENABLING AND PROMOTING INNOVATION’	PROMOTING INNOVATION’	ENABLING AND PROMOTING INNOVATION’
Article 1, first paragraph, point (21)				
225	(21) Article 27 is replaced by the following:	(21) Article 27 is replaced by the following:	(21) Article 27 is replaced by the following:	(21) Article 27 is replaced by the following:
Article 1, first paragraph, point (21), amending provision, first paragraph				
226	‘ Article 27	‘ Article 27	‘ Article 27	‘ Article 27
Article 1, first paragraph, point (21), amending provision, second paragraph				
227	Emerging techniques	Emerging techniques	Emerging techniques	Emerging techniques
Article 1, first paragraph, point (21), amending provision, third paragraph				
228	Member States shall, where appropriate, encourage the development and application of emerging techniques, in particular where such techniques have been identified in the BAT conclusions, the BAT reference documents or the	Without prescribing the use of any technique or specific technology, Member States shall, where appropriate, encourage the development and application of emerging techniques, in particular where such techniques have been	Member States shall, where appropriate, encourage the development and application of emerging techniques, in particular where such techniques have been identified in the BAT conclusions, the BAT reference documents or the	Member States shall, where appropriate, encourage the development and application of emerging techniques, in particular where such techniques have been identified in the BAT conclusions, the BAT reference documents or the

	findings of the innovation centre for industrial transformation and emissions referred to in Article 27a..	identified in the BAT conclusions, the BAT reference documents or the findings of the innovation centre for industrial transformation and emissions– referred to in Article 27a.-	findings of the innovation centre for industrial transformation and emissions referred to in Article 27a..	findings of the innovation centre for industrial transformation and emissions referred to in Article 27a.
Article 1, first paragraph, point (22)				
229	(22) The following Articles 27a to 27d are inserted:	(22) The following Articles 27a to 27d are inserted:	(22) The following Articles 27a to 27d are inserted:	(22) The following Articles 27a to 27e are inserted:
Article 1, first paragraph, point (22), amending provision, first paragraph				
230	Article 27a	Article 27a	Article 27a	Article 27a
Article 1, first paragraph, point (22), amending provision, second paragraph				
231	Innovation centre for industrial transformation and emissions	Innovation centre for industrial transformation and emissions	Innovation centre for industrial transformation and emissions	Innovation centre for industrial transformation and emissions
Article 1, first paragraph, point (22), amending provision, numbered paragraph (1)				
232	1. The Commission shall establish and operate an innovation centre for industrial transformation and emissions (the 'centre' or 'INCITE').	1. The Commission shall establish and operate an innovation centre for industrial transformation and emissions (the 'centre' or 'INCITE').	1. The Commission shall establish and operate an innovation centre for industrial transformation and emissions (the 'centre' or 'INCITE').	1. The Commission shall establish and operate an innovation centre for industrial transformation and emissions (the 'centre' or 'INCITE').
Article 1, first paragraph, point (22), amending provision, numbered paragraph (2)				
233				

	2. The centre shall collect and analyse information on innovative techniques, including emerging techniques relevant to activities within the scope of this Directive, and characterise their level of development and their environmental performance. The Commission shall take into account the findings of the centre when preparing the work programme for the exchange of information referred to in Article 13(3), point (b), and when drawing up, reviewing and updating the BAT reference documents referred to in Article 13(1).	2. The centre shall collect and analyse information on innovative techniques, including emerging techniques relevant to activities within the scope of this Directive, and characterise their level of development and their environmental performance. The Commission shall take into account the findings of the centre when preparing the work programme for the exchange of information referred to in Article 13(3), point (b), and when drawing up, reviewing and updating, <i>after an <u>assessment by the relevant technical working group in Sevilla</u></i> , the BAT reference documents referred to in Article 13(1).	2. The centre shall collect and analyse information on emerging techniques contributing inter alia to minimisation of pollution, decarbonisation, resource efficiency, circular economy and innovative techniques, including emerging techniques using less or safer chemicals , relevant to activities within the scope of this Directive, and characterise their level of development and their environmental performance. The Commission shall take into account the findings of the centre when preparing the work programme for the exchange of information referred to in Article 13(3), point (b), and when drawing up, reviewing and updating the BAT reference documents referred to in Article 13(1).	2. The centre shall collect and analyse information on innovative techniques, including emerging and transformative techniques, which contribute inter alia to minimisation of pollution, decarbonisation, resource efficiency, circular economy using less or safer chemicals , relevant to activities within the scope of this Directive, and characterise their level of development and their environmental performance. The Commission shall take into account the findings of the centre when preparing the work programme for the exchange of information referred to in Article 13(3), point (b), and when drawing up, reviewing and updating the BAT reference documents referred to in Article 13(1).
Article 1, first paragraph, point (22), amending provision, numbered paragraph (3)				
234	3. The centre shall be assisted by:	3. The centre shall be assisted by:	3. The centre shall be assisted by:	3. The centre shall be assisted by:
Article 1, first paragraph, point (22), amending provision, numbered paragraph (3), point (a)				
235	(a) representatives of Member States;	(a) representatives of Member States;	(a) representatives of Member States;	(a) representatives of Member States;
Article 1, first paragraph, point (22), amending provision, numbered paragraph (3), point (b)				
236	(b) relevant public institutions;	(b) relevant public institutions;	(b) relevant public institutions;	(b) relevant public institutions;

Article 1, first paragraph, point (22), amending provision, numbered paragraph (3), point (c)				
237	(c) relevant research institutes;	(c) relevant research institutes;	(c) relevant research institutes;	(c) relevant research institutes;
Article 1, first paragraph, point (22), amending provision, numbered paragraph (3), point (d)				
238	(d) research and technology organisations;	(d) research and technology organisations;	(d) research and technology organisations;	(d) research and technology organisations;
Article 1, first paragraph, point (22), amending provision, numbered paragraph (3), point (e)				
239	(e) representatives of the industries concerned;	(e) representatives of the industries concerned;	(e) representatives of the industries concerned;	(e) representatives of the industries concerned;
Article 1, first paragraph, point (22), amending provision, numbered paragraph (3), point (ea)				
239a		<u><i>(ea) representatives of the farmers concerned;</i></u>		
Article 1, first paragraph, point (22), amending provision, numbered paragraph (3), point (f)				
240	(f) technology providers;	(f) technology providers;	(f) technology providers;	(f) technology providers;
Article 1, first paragraph, point (22), amending provision, numbered paragraph (3), point (g)				
241	(g) non-governmental organisations promoting environmental protection;	(g) non-governmental organisations promoting environmental <u>the protection of human health or the environment;</u>	(g) non-governmental organisations promoting environmental protection;	g) non-governmental organisations promoting the protection of human health or the environment;
Article 1, first paragraph, point (22), amending provision, numbered paragraph (3), point (h)				

242	(h) the Commission.	(h) the Commission.	(h) the Commission.	(h) the Commission.
Article 1, first paragraph, point (22), amending provision, numbered paragraph (4), first subparagraph				
243	The centre shall make its findings public, subject to the restrictions laid down in Article 4(1) and (2) of Directive 2003/4/EC.	The centre shall make its findings public, subject to the restrictions laid down in Article 4(1) and (2) of Directive 2003/4/EC.	The centre shall make its findings public, subject to the restrictions laid down in Article 4(1) and (2) of Directive 2003/4/EC.	The centre shall make its findings public, subject to the restrictions laid down in Article 4(1) and (2) of Directive 2003/4/EC.
Article 1, first paragraph, point (22), amending provision, numbered paragraph (4), second subparagraph				
244	The Commission shall adopt an implementing act setting out the detailed arrangements necessary for the establishment and functioning of the centre. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).	The Commission shall adopt an implementing act setting out the detailed arrangements necessary for the establishment and functioning of the centre. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).	The Commission shall adopt an implementing act setting out the detailed arrangements necessary for the establishment and functioning of the centre. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).	The Commission shall adopt an implementing act setting out the detailed arrangements necessary for the establishment and functioning of the centre. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).
Article 1, first paragraph, point (22), amending provision, seventh paragraph				
245	Article 27b	Article 27b	Article 27b	Article 27b
Article 1, first paragraph, point (22), amending provision, eighth paragraph				
246	Testing of emerging techniques	Testing of emerging techniques	Testing of emerging techniques	Testing of emerging techniques
Article 1, first paragraph, point (22), amending provision, ninth paragraph				
247				

	Without prejudice to Article 18, the competent authority may grant temporary derogations from the requirements set out in Article 15(2) and (3) and from the principles set out in Article 11, points (a) and (b), for the testing of emerging techniques for a total period of time not exceeding 24 months.	Without prejudice to Article 18 <u>and Article 2(2)</u> , the competent authority may grant temporary derogations from the requirements set out in Article 15(2) and (3) and from the principles set out in Article 11, points (a) and (b), for the testing of emerging techniques for a total period of time not exceeding 24 ³⁶ months, <u>provided that after the period specified, either the technique is stopped or the activity achieves at least the emission levels associated with the best available techniques</u> .	Without prejudice to Article 18, the competent authority may grant temporary derogations from the requirements set out in Article 15(2) and (3) and (3a) and from the principles set out in Article 11, points (a) and (b), for the testing of emerging techniques for a total period of time not exceeding 24 months.	Without prejudice to Article 18, the competent authority may grant temporary derogations from the requirements set out in Article 15(2) and (3) and [(3a)] and from the principles set out in Article 11, points (a) and (b), for the testing of emerging techniques for a total period of time not exceeding 24 ³⁰ months, <u>provided that after the period specified, either the technique is stopped or the activity achieves at least the emission levels associated with the best available techniques</u> .
Article 1, first paragraph, point (22), amending provision, tenth paragraph				
248	Article 27c	Article 27c	Article 27c	Article 27c
Article 1, first paragraph, point (22), amending provision, eleventh paragraph				
249	Emission levels associated with emerging techniques	Emission levels associated with emerging techniques	Emission levels associated with emerging techniques	Emission levels associated with emerging techniques
Article 1, first paragraph, point (22), amending provision, twelfth paragraph				
250	By way of derogation from Article 21(3), the competent authority may set emission limit values that ensure that, within 6 years of publication of a decision on BAT conclusions in accordance with Article 13(5) relating to the main activity of an installation, emissions shall not,	By way of derogation from Article 15(3) and (3a) and Article 21(3); the competent authority may, <u>upon a request by the operator, set indicative</u> set emission limit values that ensure that, within 6 years of publication of a decision on BAT conclusions in accordance with	By way of derogation from Article 21(3), the competent authority may set emission limit values and environmental performance limit values that ensure that, within 6 years of publication of a decision on BAT conclusions in accordance with Article 13(5) relating to the	By way of derogation from Article 21(3), the competent authority may set emission limit values [environmental performance limit values] that ensure that, within 6 years of publication of a decision on BAT conclusions in accordance with Article 13(5) relating to the

	under normal operating conditions, exceed emission levels associated with emerging techniques as laid down in the decisions on BAT conclusions.	Article 13(5) relating to the main activity of an installation, emissions shall not, under normal operating conditions, exceed emission levels associated with emerging techniques as laid down in the decisions on BAT conclusions. <i>The Member States or the competent authorities shall notify INCITE on the emerging techniques for which a permit has been granted.</i>	main activity of an installation, emissions shall not, under normal operating conditions, exceed emission levels or environmental performance levels associated with emerging techniques as laid down in the decisions on BAT conclusions.	main activity of an installation, emissions shall not, under normal operating conditions, exceed emission [levels or environmental performance] levels associated with emerging techniques as laid down in the decisions on BAT conclusions + update of recital 24 (line 34)
Article 1, first paragraph, point (22), amending provision, thirteenth paragraph				
251	Article 27d	Article 27d	Article 27d	Article 27d
Article 1, first paragraph, point (22), amending provision, fourteenth paragraph				
252	Transformation towards a clean, circular and climate neutral industry	Transformation towards a clean, circular and climate neutral industry	Transformation towards a clean, circular and climate neutral industry	Transformation towards a clean, circular and climate neutral industry
Article 1, first paragraph, point (22), amending provision, numbered paragraph (1), first subparagraph				
253	Member States shall require that by 30 June 2030 the operator includes in its environmental management system referred to in Article 14a a transformation plan for each installation carrying out any activity listed in points 1, 2, 3, 4, 6.1 a, and 6.1 b of Annex I. The transformation plan shall contain information on how the installation will transform itself during the 2030-2050 period in order to	Member States shall require request that by 30 June 2030 the operator includes in its environmental management system referred to in Article 14a an indicative transformation plan for each installation carrying out any activity the company's grouped activities listed in points 1, 2, 3, 4, 6.1 a, and 6.1 b of Annex I. The transformation plan shall contain information on how the installation	Member States shall require that by 30 June 2030 the operator includes in its environmental management system referred to in Article 14a a transformation plan for each installation carrying out any activity listed in points 1, 2, 3, 4, 6.1 a, and 6.1 b of Annex I. The transformation plan shall contain information on how the installation will transform itself during the 2030-2050 period in order to	Member States shall require that by 30 June 2030 the operator includes in its environmental management system referred to in Article 14a an indicative transformation plan covering any activity listed in points 1, 2, 3, 4, 6.1a and 6.1b of Annex I. The transformation plan shall contain information on how the installations will transform themselves during the 2030-2050 period to contribute to the emergence of a sustainable, clean,

	<p>contribute to the emergence of a sustainable, clean, circular and climate-neutral economy by 2050, using the format referred to in paragraph 4.</p>	<p><i>company</i> will transform itself during the 2030-2050 period in order to contribute to the emergence of a sustainable, clean, circular and climate-neutral economy by 2050, using the format referred to in paragraph 4. <i>The transformation plan shall include specific information on how the company plans to become more energy, water and resource efficient by laying down the measures that will be implemented to reduce the overall consumption and improve the efficiency of its operations.</i></p>	<p>contribute to the emergence of a sustainable, clean, circular and climate-neutral economy by 2050, using the format referred to in paragraph 4.</p>	<p>circular, resource efficient and climate-neutral economy by 2050, using the format referred to in paragraph 4, including deep industrial transformation as referred to in article 27e, when relevant. Where two or more installations are under control of the same operator, or if the installations are under control of different operators that are part of the same company, in the same Member State, these installations may be covered by one transformation plan. Where elements of the transformation plans have already been developed elsewhere and are compliant with this article, a reference may be made in the transformation plan to the relevant documents.</p>
<p>Article 1, first paragraph, point (22), amending provision, numbered paragraph (1), second subparagraph</p>				
<p>254</p>	<p>Member States shall take the necessary measures to ensure that by 31 December 2031, the audit organisation contracted by the operator as part of its environmental management system assesses the conformity of the transformation plans referred to in the first subparagraph of paragraph 1 with the requirements set out in the implementing act referred to in paragraph 4.</p>	<p>Member States shall take the necessary measures to ensure that by 31 December 2031, the audit organisation contracted by the operator as part of its environmental management system assesses, <u>no later than a year after the deadlines set out in the first subparagraph,</u> the conformity of the transformation plans referred to in the first subparagraph of paragraph 1 with the requirements set out in the</p>	<p>Member States shall take the necessary measures to ensure that by 31 December 2031, the audit organisation contracted by the operator as part of its environmental management system referred to in Article 14a(3a) assesses the conformity of the transformation plans referred to in the first subparagraph of paragraph 1 with the requirements set out in the implementing act referred to in paragraph 4.</p>	<p>Member States shall take the necessary measures to ensure that, <u>no later than a year after the deadlines set out in the first subparagraph,</u> the audit organisation referred to in Article 14a(3a) assesses the conformity of the transformation plans referred to in the first subparagraph of paragraph 1 with the requirements set out in accordance with paragraph 4.</p>

		implementing <i>delegated</i> act referred to in paragraph 4, <i>in order to contribute to the emergence of a sustainable, clean, circular and climate-neutral economy by 2050.</i>		
Article 1, first paragraph, point (22), amending provision, Article 27d (1), subparagraph 2 a (new)				
254a		<i>Where elements of the transformation plans have already been developed elsewhere and are compliant with this provision, a reference may be made in the transformation plan to the relevant documents.</i>		deleted
Article 1, first paragraph, point (22), amending provision, Article 27d, paragraph 1a (new)				
254b		<i>1a. Member States shall take the necessary measures to ensure that the transformation plans mentioned in paragraph 1 are regularly reviewed and, if necessary, revised.</i>		Linked to agreement on EMS and the revision under EMS
Article 1, first paragraph, point (22), amending provision, numbered paragraph (2), first subparagraph				
255	Member States shall require that, as part of the review of the permit conditions pursuant to Article 21(3) following the publication of decisions on BAT conclusions after 1 January 2030, the operator includes in its environmental management system referred to in	Member States shall require that, as part of the review of the permit conditions pursuant to Article 21(3) following the publication of decisions on BAT conclusions after 1 January 2030, the operator <i>by 1 January 2030, the operator carrying out any activity listed in</i>	Member States shall require that, as part of the review of the permit conditions pursuant to Article 21(3) following the publication of decisions on BAT conclusions after 1 January 2030, the operator includes in its environmental management system referred to in	Member States shall require that, as part of the review of the permit conditions pursuant to Article 21(3) following the publication of decisions on BAT conclusions after 1 January 2030, the operator includes in its environmental management system referred to in

	Article 14a a transformation plan for each installation carrying out any activity listed in Annex I that is not referred to in paragraph 1. The transformation plan shall contain information on how the installation will transform itself during the 2030-2050 period in order to contribute to the emergence of a sustainable, clean, circular and climate-neutral economy by 2050, using the format referred to in paragraph 4.	<u>Annex I that is not referred to in paragraph 1</u> includes in its environmental management system referred to in Article 14a a transformation plan for each installation carrying out any activity listed in Annex I that is not referred to in paragraph 1 <u>as set out in paragraph 1 of this Article</u> . The transformation plan shall contain information on how the installation will transform itself during the 2030-2050 period in order to contribute to the emergence of a sustainable, clean, circular and climate-neutral economy by 2050, using the format referred to in paragraph 4.	Article 14a a transformation plan for each installation carrying out any activity listed in Annex I that is not referred to in paragraph 1. The transformation plan shall contain information on how the installation will transform itself during the 2030-2050 period in order to contribute to the emergence of a sustainable, clean, circular and climate-neutral economy by 2050, using the format referred to in paragraph 4.	Article 14a a transformation plan for each installation carrying out any activity listed in Annex I that is not referred to in paragraph 1. The transformation plan shall contain information on how the installation will transform itself during the 2030-2050 period in order to contribute to the emergence of a sustainable, clean, circular and climate-neutral economy by 2050, using the format referred to in paragraph 4.
Article 1, first paragraph, point (22), amending provision, numbered paragraph (2), second subparagraph				
256	Member States shall take the necessary measures to ensure that the audit organisation contracted by the operator as part of its environmental management system assesses the conformity of the transformation plans referred to in the first subparagraph of paragraph 2 with the requirements set out in the implementing act referred to in paragraph 4.	Member States shall take the necessary measures to ensure that the audit organisation contracted by the operator as part of its environmental management system assesses the conformity of the <u>indicative</u> transformation plans referred to in the first subparagraph of paragraph 2 with the requirements set out in the implementing <u>delegated</u> act referred to in paragraph 4.	Member States shall take the necessary measures to ensure that the audit organisation contracted by the operator as part of its environmental management system referred to in Article 14a(3a) assesses the conformity of the transformation plans referred to in the first subparagraph of paragraph 2 with the requirements set out in the implementing act referred to in paragraph 4.	Member States shall take the necessary measures to ensure that, no later than a year after the deadlines set out in the first subparagraph, the audit organisation referred to in Article 14a(3a) assesses the conformity of the transformation plans referred to in the first subparagraph of paragraph 2 with the requirements set out in accordance with paragraph 4.
Article 1, first paragraph, point (22), amending provision, numbered paragraph (3)				
257				

	3. The operator shall make its transformation plan as well as the results of the assessment referred to in paragraphs 1 and 2 public, as part of the publication of its environmental management system.	3. The operator company shall make its transformation plan, <u>its updates</u> as well as the results of the assessment referred to in paragraphs 1 and 2 public, as part of the publication of its environmental management system.	3. The operator shall make its transformation plan as well as the results of the assessment referred to in paragraphs 1 and 2 public, as part of the publication of its environmental management system.	3. The operator shall make its transformation plan, its updates , as well as the results of the assessment referred to in paragraphs 1 and 2 public, as part of the publication of its environmental management system.
Article 1, first paragraph, point (22), amending provision, numbered paragraph (4)				
258	4. The Commission shall by 30 June 2028, adopt an implementing act establishing the format for the transformation plans. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2)..	4. The Commission shall by 30 June 2028 2026 , adopt an implementing act <u>delegated act, in accordance with Article 76, to supplement this Directive by establishing the format for the transformation plans and the list of the 200 most polluting installations.</u> <u>The Commission shall review by 2035 the content and format of the transformation plan, and where necessary add, by means of delegated acts, elements, such as sector-specific milestones, as well as a description of the format for their reporting, where needed, to the transformation plans and, by 2040, the list of the 200 most polluting installations considering after air pollutants also water pollutants</u> This implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).	4. The Commission shall by 30 June 2028 31 December 2025 , adopt an implementing act establishing the format for the transformation plans. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).’.	4. The Commission shall by 30 June 2026, adopt an implementing act defining the content and establishing the format for the transformation plans. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2). The Commission shall review the implementing act by 2035.

Article 1, first paragraph, point (22), amending provision, Article 27d, paragraph 4a (new)			
258a		<u>4a. Member States shall, where relevant, require operators of installations to assess the benefits of using digital tools in order to improve the environmental performance of their installations.</u>	4a. Member States shall, where relevant, require operators of installations to assess the benefits of using digital tools in order to improve the environmental performance of their installations.
Article 1, first paragraph, point (22), amending provision, Article 27e (new)			
258aa			Article 27e
Article 1, first paragraph, point (22), amending provision, Article 27e (new)			
258ab			Deep Industrial Transformation
Article 1, first paragraph, point (22), amending provision, Article 27e, paragraph 1 (new)			
258ac			(1) Without prejudice to Article 18, in case of deep industrial transformation of the installation set out in the relevant transformation plan covering the 190d 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 <u>maximum 8 years</u> , provided that:
Article 1, first paragraph, point (22), amending provision, Article 27e, paragraph 1, point (a) (new)			
258ad			(a) the permit of the installation contains a description of the deep industrial transformation, the emission levels and resource efficiency that will be

				<i>achieved, and the implementation timeline and milestones, and</i>
Article 1, first paragraph, point (22), amending provision, Article 27e, paragraph 1, point (b) (new)				
258ae				<i>(b) the operator reports annually to the competent authority on the progress in the implementation of the deep industrial transformation</i>
Article 1, first paragraph, point (22), amending provision, Article 27e, paragraph 1, point (c) (new)				
258af				<i>(c) during the period granted to allow transformation of the installation, the competent authority ensures that no significant pollution is caused and that a high level of protection of the environment as a whole is achieved.</i>
Article 1, first paragraph, point (22), amending provision, Article 27e, paragraph 1, subparagraph 2 (new)				
258ag				<i>Member States shall inform the Commission at least yearly of derogations granted as part of their reporting to the Commission under Article 72.</i>
Article 1, first paragraph, point (22), amending provision, Article 27e, paragraph 2 (new)				
258ah				<i>(2) Without prejudice to Article 18 and Article 22, in case of deep industrial transformation consisting of the closure of an installation and its replacement by a new installation set out in the relevant transformation</i>



				<i>plan covering the installation and to be completed within 8 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 disregard the obligation of updating the permit in accordance with Article 21(3), provided that the following conditions are met:</i>
Article 1, first paragraph, point (22), amending provision, Article 27e, paragraph 2, point (a) (new)				
258ai				<i>(a) the permit of the existing installation contains a description of the closure plan and the associated timeline and milestones, and</i>
Article 1, first paragraph, point (22), amending provision, Article 27e, paragraph 2, point (b) (new)				
258aj				<i>(b) the operator reports annually to the competent authority on the progress in the closure plan of the existing installation and its replacement by a new installation</i>
Article 1, first paragraph, point (22), amending provision, Article 27e, paragraph 2, point (c) (new)				
258ak				<i>(c) during the period preceding the closure of the installation, the competent authority ensures that no significant pollution is caused and that a high level of protection of the environment</i>

				<i>as a whole is achieved.</i>
Article 1, first paragraph, point (22), amending provision, Article 27e, paragraph 2, subparagraph 2 (new)				
258a1				<i>Member States shall inform the Commission at least yearly of derogations granted as part of their reporting to the Commission under Article 72.</i>
Article 1, first paragraph, point (22a), amending provision, numbered paragraph (4a)				
258b			<p>4a. Article 34a</p> <p>(22a) The following Article 34a is inserted:</p> <p>1. Member states may, until 31 December 2029, exempt combustion plants being part of a small isolated system on [date of entry into force] from compliance with the emission limit values referred to in Article 30(2) and in Article 15(3) for sulphur dioxide, nitrogen oxides and dust or, where applicable, with the rates of desulphurisation referred to in Article 31. The emission limit values for sulphur dioxide, nitrogen oxides and dust set out in the permit of these combustion plants, pursuant in particular to the requirements of Directives 2001/80/EC and 2008/1/EC, shall at least be maintained. The Members States shall take measures to ensure that the emissions are monitored and that</p>	<p><i>Deletion</i></p> <p>Compromise text placed in line 258j</p>

			<p>no significant pollution is caused. Member States may only exempt installations from the emission limit values when all less polluting measures have been exhausted. The exemption shall not be made for a longer period than necessary.</p> <p>2. As from 1 January 2030, the concerned combustion plants shall comply with the emission limit values for sulphur dioxide, nitrogen oxides and dust set out in part 2 of Annex V and with the emission limit values referred to in Article 15(3) for sulphur dioxide, nitrogen oxides and dust.</p> <p>3. The Member States that have provided exemptions in accordance with paragraph 1 shall implement a Compliance Plan covering the combustion plants that benefit from an exemption in accordance with paragraph 1. The Compliance Plan shall contain the measures taken by the Member State to ensure compliance with the emission limit values for sulphur dioxide, nitrogen oxides and dust set out in part 2 of Annex V and with the emission limit values in Article 15(3) for sulphur dioxide, nitrogen oxides and dust by 31 December 2029. The plan shall also include measures to minimise</p>	
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			<p>the magnitude and duration of the pollutant emissions during the period covered by the plan and information on demand management measures and cleaner fuel switching possibilities such as the deployment of renewables and interconnection with the mainland grids.</p> <p>4. Not later than [date of entry into force + 6 months], Member States shall communicate their Compliance Plan to the Commission. The Commission shall evaluate the plans and, where the Commission has raised no objections within 12 months of receipt of a plan, the Member State concerned shall consider its plan to be accepted. In case the Commission raises objections on the ground that the plan does not guarantee the compliance of the concerned plants by 31 December 2029 or does not minimise the magnitude and duration of the pollutant emissions during the period covered by the plan, the Member State shall communicate a revised plan within 6 months of the notification of the objections by the Commission to the Member State. In relation to the evaluation of a new version of a plan which a Member State communicates to the Commission, the time period referred to in the</p>	
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			<p>second subparagraph shall be 6 months.</p> <p>5. Member States shall report to the Commission the progress of the actions described in the plan not later than [date of entry into force + 18 months], and at the end of each subsequent calendar year. Member States shall inform the Commission of any subsequent changes to the plan. In relation to the evaluation of a new version of a plan which a Member State communicates to the Commission, the time period referred to in the second subparagraph of point 5 shall be 6 months.</p> <p>6. The Member state shall make the derogation and the conditions imposed publicly available in accordance with Art. 24(2).</p>	
Article 1, first paragraph, point (22a)				
258c		<i>(22a) In Article 30, paragraph 5 is replaced by the following:</i>		
Article 1, first paragraph, point (22a), amending provision, first paragraph				
258d		" 5. The competent authority may grant a derogation for a maximum		5. The competent authority may grant a derogation for a maximum



		<p>of 6 months from the obligation to comply with the emission limit values provided for in paragraphs 2 and 3 for sulphur dioxide in respect of a combustion plant which to this end normally uses low-sulphur fuel, in cases where the operator is unable to comply with those limit values because of an interruption in the supply of low-sulphur fuel resulting from a serious shortage.</p> <p>Member States shall immediately inform the Commission of any derogation granted under the first subparagraph <u>and provide the Commission with the proof of the shortage and a detailed justification of why the derogation is needed.</u></p> <p style="text-align: right;">"</p>		<p>of 6 months from the obligation to comply with the emission limit values provided for in paragraphs 2 and 3 for sulphur dioxide in respect of a combustion plant which to this end normally uses low-sulphur fuel, in cases where the operator is unable to comply with those limit values because of an interruption in the supply of low-sulphur fuel resulting from a serious shortage.</p> <p>Member States shall immediately inform the Commission of any derogation granted under the first subparagraph, <u>including the reasons for justifying the derogation and the conditions imposed.</u></p>
Article 1, first paragraph, point (22b)				
258e		<p><u>(22b) In Article 30(6), the third subparagraph is replaced by the following:</u></p>		
Article 1, first paragraph, point (22b), amending provision, first paragraph				
258f		<p>"</p> <p>Member States shall inform the Commission immediately of any derogation granted under the first subparagraph <u>and provide to the Commission proof of the interruption in the supply and a</u></p>		<p>"</p> <p>Member States shall inform the Commission immediately of any derogation granted under the first subparagraph, <u>including the reasons for justifying the derogation and the conditions imposed.</u></p>

		<u><i>detailed justification of why the derogation is needed.</i></u>	"	"
Article 1, first paragraph, point (22c)				
258g		<u><i>(22c) In Article 30(9), subparagraph 1, point c is replaced by the following:</i></u>		
Article 1, first paragraph, point (22c), amending provision, first paragraph				
258h		" (c) combustion plants firing gases other than natural gas <u><i>fossil or biogenic gas;</i></u>	"	<i>Deleted.</i>
Article 1, first paragraph, point (22d)				
258i		<i>(22d) The following Article 34a (new) is inserted:</i>		<i>(22a) The following Article 34a is inserted:</i>
Article 1, first paragraph, point (22d), amending provision, article				
258j		" Article 34a 1. Member States may, until 31 December 2029, exempt combustion plants being part of a small isolated system on [date of entry into force] from compliance with the emission limit values	" <i>Copy-paste from b for comparison reasons:</i> 4a. Article 34a (22a) The following Article 34a is inserted: 1. Member states may, until 31 December 2029, exempt combustion plants being part of a	Article 34a 1. Member states may, until 31 December 2029, exempt combustion plants being part of a small isolated system on [date of entry into force] from compliance

		<p><i>referred to in Article 30(2) and in Article 15(3) for sulphur dioxide, nitrogen oxides and dust or, where applicable, with the rates of desulphurisation referred to in Article 31. The emission limit values for sulphur dioxide, nitrogen oxides and dust set out in the permit of these combustion plants, pursuant in particular to the requirements of Directives 2001/80/EC and 2008/1/EC, shall at least be maintained.</i></p> <p><i>The Member States shall take measures to ensure that the emissions are monitored and that no significant pollution is caused. Member States may only exempt installations from the emission limit values when all possible less polluting measures have been exhausted. The exemption shall not be made for a longer period than necessary.</i></p> <p><i>2. As from 1 January 2030, the concerned combustion plants shall comply with the emission limit values for sulphur dioxide, nitrogen oxides and dust referred to in Article 15(3)</i></p> <p><i>3. The Member States that have provided exemptions in accordance with paragraph 1 shall implement a Compliance Plan covering the combustion plants that benefit from an exemption in accordance</i></p>	<p>small isolated system on [date of entry into force] from compliance with the emission limit values referred to in Article 30(2) and in Article 15(3) for sulphur dioxide, nitrogen oxides and dust or, where applicable, with the rates of desulphurisation referred to in Article 31. The emission limit values for sulphur dioxide, nitrogen oxides and dust set out in the permit of these combustion plants, pursuant in particular to the requirements of Directives 2001/80/EC and 2008/1/EC, shall at least be maintained.</p> <p>The Member States shall take measures to ensure that the emissions are monitored and that no significant pollution is caused. Member States may only exempt installations from the emission limit values when all less polluting measures have been exhausted. The exemption shall not be made for a longer period than necessary.</p> <p>2. As from 1 January 2030, the concerned combustion plants shall comply with the emission limit values for sulphur dioxide, nitrogen oxides and dust set out in part 2 of Annex V and with the emission limit values referred to in Article 15(3) for sulphur dioxide, nitrogen oxides and dust.</p>	<p><i>with the emission limit values referred to in Article 30(2) and in Article 15(3) for sulphur dioxide, nitrogen oxides and dust or, where applicable, with the rates of desulphurisation referred to in Article 31. The emission limit values for sulphur dioxide, nitrogen oxides and dust set out in the permit of these combustion plants, pursuant in particular to the requirements of Directives 2001/80/EC and 2008/1/EC, shall at least be maintained.</i></p> <p><i>The Member States shall take measures to ensure that the emissions are monitored and that no significant pollution is caused. Member States may only exempt installations from the emission limit values when all less polluting measures have been exhausted. The exemption shall not be made for a longer period than necessary.</i></p> <p><i>2. As from 1 January 2030, the concerned combustion plants shall comply with the emission limit values for sulphur dioxide, nitrogen oxides and dust set out in part 2 of Annex V and with the emission limit values referred to in Article 15(3) for sulphur dioxide, nitrogen oxides and dust.</i></p> <p><i>3. The Member States that have provided exemptions in accordance</i></p>
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		<p><i>with paragraph 1. The Compliance Plan shall contain the measures taken by the Member State to ensure compliance with the emission limit values in Article 15(3) for sulphur dioxide, nitrogen oxides and dust by 31 December 2029. The plan shall also include measures to minimise the magnitude and duration of the pollutant emissions during the period covered by the plan and information on demand management measures and possibilities for switching to cleaner alternatives such as the deployment of renewables and interconnection with the mainland grids.</i></p> <p><i>4. Not later than [date of entry into force + 6 months], Member States shall communicate their Compliance Plan to the Commission. The Commission shall evaluate the plans and, where the Commission has raised no objections within 12 months of receipt of a plan, the Member State concerned shall consider its plan to be accepted. In case the Commission raises objections on the ground that the plan does not guarantee the compliance of the concerned plants by 31 December 2029 or does not minimise the magnitude and duration of the pollutant emissions during the</i></p>	<p>3. The Member States that have provided exemptions in accordance with paragraph 1 shall implement a Compliance Plan covering the combustion plants that benefit from an exemption in accordance with paragraph 1. The Compliance Plan shall contain the measures taken by the Member State to ensure compliance with the emission limit values for sulphur dioxide, nitrogen oxides and dust set out in part 2 of Annex V and with the emission limit values in Article 15(3) for sulphur dioxide, nitrogen oxides and dust by 31 December 2029. The plan shall also include measures to minimise the magnitude and duration of the pollutant emissions during the period covered by the plan and information on demand management measures and cleaner fuel switching possibilities such as the deployment of renewables and interconnection with the mainland grids.</p> <p>4. Not later than [date of entry into force + 6 months], Member States shall communicate their Compliance Plan to the Commission. The Commission shall evaluate the plans and, where the Commission has raised no objections within 12 months of receipt of a plan, the Member</p>	<p><i>with paragraph 1 shall implement a Compliance Plan covering the combustion plants that benefit from an exemption in accordance with paragraph 1. The Compliance Plan shall contain the measures [taken and planned by the Member States] to ensure compliance with the emission limit values for sulphur dioxide, nitrogen oxides and dust set out in part 2 of Annex V and with the emission limit values in Article 15(3) for sulphur dioxide, nitrogen oxides and dust by 31 December 2029. The plan shall also include measures to minimise the magnitude and duration of the pollutant emissions during the period covered by the plan and information on demand management measures and cleaner fuel switching possibilities or cleaner alternatives such as the deployment of renewables and interconnection with the mainland grids.</i></p> <p><i>4. Not later than [date of entry into force + 6 months], Member States shall communicate their Compliance Plan to the Commission. The Commission shall evaluate the plans and, where the Commission has raised no objections within 12 months of receipt of a plan, the Member State concerned shall consider its plan to be accepted. In case the</i></p>
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		<p><i>period covered by the plan, the Member State shall communicate a revised plan within 6 months of the notification of the objections by the Commission to the Member State. In relation to the evaluation of a new version of a plan which a Member State communicates to the Commission, the time period referred to in the second subparagraph shall be 6 months.</i></p> <p><i>5. Member States shall report to the Commission the progress of the actions described in the plan not later than [date of entry into force + 18 months], and at the end of each subsequent calendar year. Member States shall inform the Commission of any subsequent changes to the plan. In relation to the evaluation of a new version of a plan which a Member State communicates to the Commission, the time period referred to in the second subparagraph of point 5 shall be 6 months.</i></p> <p><i>6. The Member state shall make the derogation and the conditions imposed publicly available in accordance with Article 24(2).</i></p>	<p>State concerned shall consider its plan to be accepted. In case the Commission raises objections on the ground that the plan does not guarantee the compliance of the concerned plants by 31 December 2029 or does not minimise the magnitude and duration of the pollutant emissions during the period covered by the plan, the Member State shall communicate a revised plan within 6 months of the notification of the objections by the Commission to the Member State. In relation to the evaluation of a new version of a plan which a Member State communicates to the Commission, the time period referred to in the second subparagraph shall be 6 months.</p> <p>5. Member States shall report to the Commission the progress of the actions described in the plan not later than [date of entry into force + 18 months], and at the end of each subsequent calendar year. Member States shall inform the Commission of any subsequent changes to the plan. In relation to the evaluation of a new version of a plan which a Member State communicates to the Commission, the time period referred to in the second subparagraph of point 5 shall be 6 months.</p>	<p><i>Commission raises objections on the ground that the plan does not guarantee the compliance of the concerned plants by 31 December 2029 or does not minimise the magnitude and duration of the pollutant emissions during the period covered by the plan, the Member State shall communicate a revised plan within 6 months of the notification of the objections by the Commission to the Member State. In relation to the evaluation of a new version of a plan which a Member State communicates to the Commission, the time period referred to in the second subparagraph shall be 6 months.</i></p> <p><i>5. Member States shall report to the Commission the progress of the actions described in the plan not later than [date of entry into force + 18 months], and at the end of each subsequent calendar year. Member States shall inform the Commission of any subsequent changes to the plan. In relation to the evaluation of a new version of a plan which a Member State communicates to the Commission, the time period referred to in the second subparagraph of point 5 shall be 6 months.</i></p> <p><i>6. The Member state shall make the derogation and the conditions</i></p>
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			6. The Member state shall make the derogation and the conditions imposed publicly available in accordance with Art. 24(2).	<i>imposed publicly available in accordance with Art. 24(2).</i>
Article 1, first paragraph, point (23)				
259	(23) In Article 42(1), the second subparagraph is replaced by the following:	(23) In Article 42(1), the second subparagraph is replaced by the following:	(23) In Article 42(1), the second subparagraph is replaced by the following:	(23) In Article 42(1), the second subparagraph is replaced by the following:
Article 1, first paragraph, point (23), amending provision, first paragraph				
260	This Chapter shall not apply to gasification or pyrolysis plants, if the gases or liquids resulting from such thermal treatment of waste are treated prior to their incineration to such an extent that:	This Chapter shall not apply to gasification or pyrolysis plants, if the gases or liquids resulting from such thermal treatment of waste are treated prior to their incineration to such an extent that:	This Chapter shall not apply to gasification or pyrolysis plants, if the gases or liquids resulting from such thermal treatment of waste are treated prior to their incineration to such an extent that:	This Chapter shall not apply to gasification or pyrolysis plants, if the gases or liquids resulting from such thermal treatment of waste are treated prior to their incineration to such an extent that:
Article 1, first paragraph, point (23), amending provision, first paragraph, point (a)				
261	(a) the incineration does not cause emissions higher than the combustion of the least polluting fuels available on the market that could be combusted in the installation;	(a) the incineration does not cause causes emissions higher lower than the combustion of the least polluting fuels available on the market that could be combusted in the installation;	(a) the incineration does not cause emissions higher than the combustion of the least polluting fuels available on the market that could be combusted in the installation;	a) the incineration does not cause causes emissions higher lower than the combustion of the least polluting fuels available on the market that could be combusted in the installation;
Article 1, first paragraph, point (23), amending provision, first paragraph, point (b)				
262				

	(b) for emissions other than nitrogen oxides, sulphur oxides and dust, the incineration does not cause emissions higher than emissions from incineration or co-incineration of waste..	(b) for emissions other than nitrogen oxides, sulphur oxides and dust, the incineration does not cause emissions higher than emissions from incineration or co-incineration of waste..	(b) for emissions other than nitrogen oxides, sulphur oxides and dust, the incineration does not cause emissions higher than emissions from incineration or co-incineration of waste..	(b) for emissions other than nitrogen oxides, sulphur oxides and dust, the incineration does not cause emissions higher than emissions from incineration or co-incineration of waste.
Article 1, first paragraph, point (23a)				
262a		<i>(23a) In Article 42, the following paragraph is added:</i>		
Article 1, first paragraph, point (23a), amending provision, first paragraph				
262b		" <i>2a. Plants referred to in paragraph 2, point (b), shall report to the competent authorities data on total waste incinerated, including quantities and characteristics of hazardous waste referred to in Article 45(2), point (b), emissions into air and water, pH, temperature and flow of waste water discharges.</i> "		deletion Part of the sector-specific clauses package.
Article 1, first paragraph, point (23b)				
262c		<i>(23b) In Article 50, paragraph 2a (new) is inserted:</i>		<i>In Article 48, paragraph 1 is replaced as follows:</i>
Article 1, first paragraph, point (23b), amending provision, first paragraph				



262d		" 2a. Emissions to air from waste incineration and co-incineration plants shall also be monitored during other than normal operating conditions (OTNOC), particularly emissions of PCDD/F and dioxin-like PCBs during start-up and shut-down operations. The incineration and co-incineration plants shall prevent emissions of PCDD/F and dioxin like-PCBs during all operating times, including OTNOC, inter alia by ensuring that the flue gas cleaning system is in full operation prior to waste feed. "		2a. Member States shall ensure that monitoring of emissions is carried out in accordance with Parts 6 and 7 of Annex VI. Emissions to air from waste incineration and co-incineration plants shall also be monitored during other than normal operating conditions. Emissions during start-up and shutdown while no waste is being incinerated, including emissions of PCDD/F and dioxin-like PCBs, shall be estimated based on measurement campaigns, carried out at regular intervals, such as every three years, carried out during planned start-up/shutdown operations. Emissions of PCDD/F and dioxin-like PCBs, shall as far as possible be prevented or minimized.
Article 1, first paragraph, point (23c)				
262e		(23c) In Article 55, paragraph 2 is replaced by the following:		<i>deletion</i>
Article 1, first paragraph, point (23c), amending provision, first paragraph				
262f		" 2. For waste incineration plants or waste co-incineration plants with a nominal capacity of 2 tonnes or more per hour, the report referred to		Deletion part of sector specific package

		<p>in Article 72 shall include information on the functioning and monitoring of the plant and give account of the running of the incineration or co-incineration process and the level of emissions into air and water in comparison with the emission limit values. <u><i>This should include emissions data given in gross values and original laboratory analysis reports.</i></u> That information shall be made available to the public.</p> <p>"</p>		
Article 1, first paragraph, point (23d)				
262g		<p><i>(23d) In Article 58, paragraph 1 is replaced by the following:</i></p>		
Article 1, first paragraph, point (23d), amending provision, first paragraph				
262h		<p>"</p> <p>Substances or mixtures which, because of their content of volatile organic compounds <i>classified as</i> carcinogens, mutagens, or toxic to reproduction under Regulation (EC) No 1272/2008, are assigned or need to carry the hazard statements H340, H350, H350i, H360D or H360F, <u><i>or which are classified as persistent, bio accumulative and toxic or endocrine disrupting under Regulation (EC) No 1272/2008</i></u> shall be replaced, as far</p>		<p><i>deleted</i></p>

		as possible by less harmful substances or mixtures within the shortest possible time.	"	
Article 1, first paragraph, point (23e)				
262i		<i>(23e) In Article 63, paragraph 2 is replaced by the following:</i>		<i>(23e) In Article 63, paragraph 2 is replaced by the following:</i>
Article 1, first paragraph, point (23e), amending provision, first paragraph				
262j		" 2. Where an existing installation undergoes a substantial change, or falls within the scope of this Directive for the first time following a substantial change, that part of the installation which undergoes the substantial change shall be treated either as a new installation or as an existing installation, provided that the total emissions of the whole installation do not exceed those that would have resulted had the substantially changed part been treated as a new installation.	"	2. Where an existing installation undergoes a substantial change, or falls within the scope of this Directive for the first time following a substantial change, that part of the installation which undergoes the substantial change shall be treated either as a new installation or as an existing installation, provided that the total emissions of the whole installation do not exceed those that would have resulted had the substantially changed part been treated as a new installation.
Article 1, first paragraph, point (23f)				
262k		<i>(23f) In Article 64, paragraph 2, the following point is added:</i>		

Article 1, first paragraph, point (23f), amending provision, first paragraph				
262l		" (da) <i>the barriers to recycling and reuse of organic solvents and ways to remove these barriers.</i> "		<i>deleted</i>
Article 1, first paragraph, point (23g)				
262m		(23g) <i>In Article 70, the third paragraph is replaced by the following:</i>		(23g) <i>In Article 70, the third paragraph is replaced by the following:</i>
Article 1, first paragraph, point (23g), amending provision, first paragraph				
262n		" 3. Monitoring shall be carried out in accordance with CEN standards or, if CEN standards are not available, ISO, national or other international standards which ensure the provision of data of an equivalent scientific quality. <u><i>This applies also to the quality assurance system of the laboratory performing the monitoring.</i></u> "		3. Monitoring shall be carried out in accordance with CEN standards or, if CEN standards are not available, ISO, national or other international standards which ensure the provision of data of an equivalent scientific quality. This applies also to the quality assurance system of the laboratory performing the monitoring.
Article 1, first paragraph, point (24)				
263	(24) The following heading is inserted after Article 70:	(24) The following heading is inserted after Article 70:	(24) The following heading is inserted after Article 70:	
Article 1, first paragraph, point (24), amending provision, first paragraph				


264	‘ CHAPTER VIa	‘ CHAPTER VIa	‘ CHAPTER VIa	CHAPTER VIa
Article 1, first paragraph, point (24), amending provision, second paragraph				
265	SPECIAL PROVISIONS FOR REARING POULTRY, PIGS AND CATTLE	SPECIAL PROVISIONS FOR REARING POULTRY, PIGS AND CATTLE	SPECIAL PROVISIONS FOR REARING POULTRY, PIGS AND CATTLE	
Article 1, first paragraph, point (25)				
266	(25) The following Articles 70a to 70i are inserted after the heading ‘CHAPTER VIa’:	(25) The following Articles 70a to 70i are inserted after the heading ‘CHAPTER VIa’:	(25) The following Articles 70a to 70i are inserted after the heading ‘CHAPTER VIa’:	(25) The following Articles 70a to 70i are inserted after the heading ‘CHAPTER VIa’:
Article 1, first paragraph, point (25), amending provision, first paragraph				
267	‘ Article 70a	‘ Article 70a	‘ Article 70a	Article 70a
Article 1, first paragraph, point (25), amending provision, second paragraph				
268	Scope	Scope	Scope	Scope
Article 1, first paragraph, point (25), amending provision, third paragraph				
269	This Chapter shall apply to the activities set out in Annex Ia which reach the capacity thresholds set out in that Annex.	This Chapter shall apply to <i>any of the following</i> the activities set out in Annex Ia which reach the capacity thresholds set out in that of	This Chapter shall apply to the activities set out in Annex Ia which reach the capacity thresholds set out in that Annex.	This Chapter shall apply to the activities set out in Annex Ia which reach the capacity thresholds set out in that Annex.



		<p><i>rearing pigs and poultry reaching the lower threshold:</i></p> <p><i>(a) farm or agricultural installation:</i></p> <p><i>(i) with more than 40 000 places for poultry,</i></p> <p><i>(ii) with more than 2 000 places for production pigs (over 30 kg), or</i></p> <p><i>(iii) with more than 750 places for sows.</i></p> <p><i>or</i></p> <p><i>(b) farm or agricultural installation of 750 livestock unit (LSU) or more. The approximate equivalent in LSU shall be based on the coefficients established in Annex -Ia to this Directive.</i></p>		
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Article 1, first paragraph, point (25), amending provision, Article 70a, paragraph 1a (new)

269a		<p><i>By [the first day of the month following 24 months after the date of entry into force of the delegated act as referred to in paragraph 3] products originating from rearing activities covered by chapter VIa may be placed in the EU market provided that the installation where the rearing activity takes place complies with uniform conditions of the operating rules referred to in this Article, or if the importers provide guarantees of origin from third countries deemed to be comparable in effectiveness. The competent authorities of the Member State where the imports</i></p>		
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		<p><i>take place shall verify the compliance of the imported products. The Commission shall by [the first day of the month following 24 months after the date of entry into force of this Directive] put forward a delegated act to establish a WTO-consistent methodology laying down the procedure for placing products on the Union market and the verification procedure for competent authority, to ensure a level playing field.</i></p>		
Article 1, first paragraph, point (25), amending provision, fourth paragraph				
270	Article 70b	Article 70b	Article 70b	Article 70b
Article 1, first paragraph, point (25), amending provision, fifth paragraph				
271	Aggregation rule	Aggregation rule	Aggregation rule	Aggregation rule
Article 1, first paragraph, point (25), amending provision, sixth paragraph				
272	<p>If two or more installations are located close to each other and if their operator is the same or if the installations are under the control of operators who are engaged in an economic or legal relationship, the installations concerned shall be considered as a single unit for the purpose of calculating the capacity threshold referred to in Article 70a.</p>	<p><i>Member States shall adopt measures to ensure that if two or more installations, engaged in rearing activities, are located close to each other and if their operator is the same or if the installations are under the control of operators who are engaged in an economic or legal relationship, the installations concerned shall be considered as a</i></p>	<p>1. Member States shall adopt measures to ensure that if two or more installations are located close to each other and if their operator is the same or if the installations are under the control of operators who are engaged in an economic or legal relationship, the installations concerned shall be considered competent authority may consider</p>	<p>Member States shall adopt measures to ensure that if two or more installations, engaged in rearing activities, are located close to each other and if their operator is the same or if the installations are under the control of operators who are engaged in an economic or legal relationship, the competent authority may consider those</p>

		single unit for the purpose of calculating the capacity threshold referred to in Article 70a. Member States shall ensure that this rule is not used to circumvent the obligations set out in this directive. By ... [the first day of 24 months following the date of entry into force of this Directive], the Commission shall publish guidelines, after consulting the Member States, on the criteria to consider different installations as a single unit under paragraph 1.	those installations as a single unit for the purpose of calculating the capacity threshold referred to in Article 70a. 2. By [OP please insert the date = the first day of 48 months following the date of entry into force of this Directive], the Commission shall publish guidelines, after consulting the Member States, on the criteria to consider different installations as a single unit under paragraph 1.	installations as a single unit for the purpose of calculating the capacity threshold referred to in Article 70a. Member States shall ensure that this rule is not used to circumvent the obligations set out in this directive. 2. By [OP please insert the date = the first day of 48 months following the date of entry into force of this Directive], the Commission shall publish guidelines, after consulting the Member States, on the criteria to consider different installations as a single unit under paragraph 1.
Article 1, first paragraph, point (25), amending provision, seventh paragraph				
273	Article 70c	Article 70c	Article 70c	Article 70c
Article 1, first paragraph, point (25), amending provision, eighth paragraph				
274	Permits	Permits <u>and registrations</u>	Permits and registrations	Permits and registrations
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), first subparagraph				
275	Member States shall take the necessary measures to ensure that no installation falling within the scope of this Chapter is operated without a permit and that its operation complies with the	1. Member States shall take the necessary measures to ensure that no installation falling within the scope of this Chapter is operated without a permit <u>or without being registered</u> and that its <u>the</u> operation <u>of all installations as referred to in</u>	Member States shall take the necessary measures to ensure that no installation falling within the scope of this Chapter is operated without a permit or without being registered and that its operation complies with the operating rules	Member States shall take the necessary measures to ensure that no installation falling within the scope of this Chapter is operated without a permit or without being registered and that the operation of all installations within the scope of this Chapter complies with the

	operating rules referred to in Article 70i.	<u><i>Annex Ia</i></u> complies with the operating rules <u><i>in uniform conditions</i></u> referred to in Article 70i. <u><i>Member States shall use any similar pre-existing procedure for the registration in order to avoid creating an administrative burden.</i></u> <u><i>In any case, Member States shall apply a permitting procedure to the intensive rearing of poultry and pigs:</i></u> <u><i>(a) with more than 40 000 places for poultry,</i></u> <u><i>(b) with more than 2 000 places for production pigs (over 30 kg), or</i></u> <u><i>(c) with more than 750 places for sows.</i></u>	and the uniform conditions for their implementation laid down in the implementing act referred to in Article 70i.-	conditions for operating rules referred to in Article 70i. Member States may use any similar pre-existing procedure for the registration in order to avoid creating an administrative burden. Member States may apply a permitting procedure to the intensive rearing of poultry and pigs: (a) with more than 40 000 places for poultry, (b) with more than 2 000 places for production pigs (over 30 kg), or (c) with more than 750 places for sows. + recital on not lowering env protection standards when moving from permit to registration regime
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), second subparagraph				
276	Member States may include requirements for certain categories of installations falling within the scope of this Chapter in the general binding rules referred to in Article 6.	Member States may include requirements for certain categories of installations falling within the scope of this Chapter in the general binding rules referred to in Article 6.	Member States may include requirements for certain categories of installations falling within the scope of this Chapter in the general binding rules referred to in Article 6.	Member States may include requirements for certain categories of installations falling within the scope of this Chapter in the general binding rules referred to in Article 6.
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), third subparagraph				
277	Member States shall specify the procedure for granting a permit in respect of installations falling within the scope of this Chapter. Those procedures shall include at	Member States shall specify the procedure for granting a permit in respect of installations falling within the scope of this Chapter. Those procedures shall include at	———Member States shall specify the procedure for registration or granting a permit or in respect of installations falling within the scope of this Chapter. Those procedures	Member States shall specify the procedure for registration or granting a permit or in respect of installations falling within the scope of this Chapter. Those procedures

	least the information listed in paragraph 2.	least the information listed in paragraph 2.	shall include at least the information listed in paragraph 2.	shall include at least the information listed in paragraph 2.
Article 1, first paragraph, point (25), amending provision, numbered paragraph (2)				
278	2. Applications for permits shall include at least a description of the following elements:	2. <u>Registrations or</u> applications for permits shall include at least a description of the following elements:	2. Registrations or applications for permits shall include at least a description of the following elements:	2. Registrations or applications for permits shall include at least a description of the following elements:
Article 1, first paragraph, point (25), amending provision, numbered paragraph (2), point (a)				
279	(a) the installation and its activities	(a) the installation and its activities	(a) the installation and its activities	(a) the installation and its activities
Article 1, first paragraph, point (25), amending provision, numbered paragraph (2), point (b)				
280	(b) the animal type	(b) the animal type <u>and livestock density</u> ;	(b) the animal type	(b) the animal type
Article 1, first paragraph, point (25), amending provision, numbered paragraph (2), point (ba new)				
280a				(ca) the stocking density in LSU per hectare calculated in accordance with Annex Ia, where necessary
Article 1, first paragraph, point (25), amending provision, numbered paragraph (2), point (c)				
281	(c) the capacity of the installation;	(c) the capacity of the installation;	(c) the capacity of the installation;	(c) the capacity of the installation
Article 1, first paragraph, point (25), amending provision, numbered paragraph (2), point (d)				
282	(d) the sources of emissions from the installation;	(d) the sources of emissions from the installation;	(d) the sources of emissions from the installation;	(d) the sources of emissions from the installation;

Article 1, first paragraph, point (25), amending provision, numbered paragraph (2), point (e)				
283	(e) the nature and quantities of foreseeable emissions from the installation into each medium.	(e) the nature and quantities of foreseeable emissions from the installation into each medium- <u><i>under normal operating conditions;</i></u>	(e) the nature and quantities of foreseeable emissions from the installation into each medium.	(e) the nature and quantities of foreseeable emissions from the installation into each medium.
Article 1, first paragraph, point (25), amending provision, numbered paragraph (2), point (ea)				
283a		<u><i>(ea) the approximate number of days animals spent outside the stable.</i></u>		(ea) the approximate number of days animals spent outside the stable.
Article 1, first paragraph, point (25), amending provision, numbered paragraph (3)				
284	3. Applications shall also include a non-technical summary of the information referred to in paragraph 2.	3. Applications shall also include a non-technical summary of the information referred to in paragraph 2.	3. Applications shall also include a non-technical summary of the information referred to in paragraph 2.	
Article 1, first paragraph, point (25), amending provision, numbered paragraph (4)				
285	4. Member States shall take necessary measures to ensure that the operator informs the competent authority, without delay, of any planned substantial change to the installations falling within the scope of this Chapter which may have consequences for the environment. Where appropriate, the competent	4. Member States shall take necessary measures to ensure that the operator informs the competent authority, without delay, of any planned substantial change to the installations falling within the scope of this Chapter which may have consequences for the environment. Where appropriate, the competent authority shall reconsider and	4. Member States shall take necessary measures to ensure that the operator informs the competent authority, without delay, of any planned substantial change to the installations falling within the scope of this Chapter which may have consequences for the environment. Where appropriate, the competent authority shall reconsider and	4. Member States shall take necessary measures to ensure that the operator informs the competent authority, without delay, of any planned substantial change to the installations falling within the scope of this Chapter which may have consequences for the environment. Where appropriate, the competent authority shall reconsider and

	authority shall reconsider and update the permit.	update the permit <u>or request the operator to apply for a permit or make a new registration.</u>	update the permit or request the operator to apply for a permit or make a new registration.	update the permit or request the operator to apply for a permit or make a new registration.
Article 1, first paragraph, point (25), amending provision, numbered paragraph (4a)				
285a		<u>4a. The Commission shall, within two years of the full implementation of the operating rules, submit a report to the European Parliament assessing the impact of the system on the economic viability of agricultural installations falling within the scope of this directive, the costs attributed to the permitting and registration systems and the emissions reductions achieved by the measures implemented, taking into account all costs and benefits related to complying with the conditions set out, so as to adapt certain implementing provisions from the directive accordingly.</u>		
Article 1, first paragraph, point (25), amending provision, thirteenth paragraph				
286	Article 70d	Article 70d	Article 70d	
Article 1, first paragraph, point (25), amending provision, fourteenth paragraph				
287	Obligations of the operator	Obligations of the operator	Obligations of the operator	
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), first subparagraph				

288	Member States shall ensure that the operator carries out monitoring of emissions and of associated environmental performance levels in accordance with the operating rules referred to in Article 70i.	<u>1.</u> Member States shall ensure that the operator carries out <u>the</u> monitoring of emissions and of associated environmental performance levels <u>under uniform conditions</u> in accordance with the operating rules <u>laid down in the delegated act</u> referred to in Article 70i.	Member States shall ensure that the operator carries out monitoring of emissions and of associated environmental performance levels in accordance with the operating rules and the uniform conditions for their implementation laid down in the implementing act referred to in Article 70i. Monitoring data shall be obtained by means of measurement methods or, where not practicable, by calculation methods such as the use of emission factors; both methods shall be described in the operating rules.	Member States shall ensure that the operator carries out monitoring of emissions and of associated environmental performance levels in accordance with the and the [uniform] conditions for operating rules referred to in Article 70i. Monitoring data shall be obtained by means of measurement methods or, where not practicable, by calculation methods such as the use of emission factors; both methods shall be described in the operating rules.
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), second subparagraph				
289	The operator shall keep a record of, and process, all monitoring results, for a period of at least 6 years, in such a way as to enable the verification of compliance with the emission limit values and environmental performance limit values set out in operating rules referred to in Article 70i.	———— <u>Monitoring data shall be obtained by means of measurement methods or, where not practicable, by calculation methods such as the use of emission factors. Both measurement methods and calculation methods if applicable, shall be described in the operating rules.</u> The operator shall keep a record of, and process, all monitoring results, for a period of at least 6 years, in such a way as to enable the verification of compliance with the emission limit values and	———— The operator shall keep a record of, and process, all monitoring results, for a period of at least 6 5 years, in such a way as to enable the verification of compliance with the emission limit values and environmental performance limit values set out in operating rules referred to in Article 70i.	The operator shall keep a record of, and process, all monitoring results, for a period of at least 5 years, in such a way as to enable the verification of compliance with the emission limit values and environmental performance limit values set out in operating rules.



		environmental performance limit values set out in operating rules. <i><u>By IOP please insert the date = the first day of 24 months following the date of entry into force of this Directive], the Commission shall publish guidelines, on the criteria for measurement and calculation methods, taking into account the specificities and heterogeneity of rearing practices across the Union referred to in Article 70i.</u></i>		
Article 1, first paragraph, point (25), amending provision, numbered paragraph (2)				
290	2. In the event of non-compliance with the emission limit values and environmental performance limit values set out in the operating rules referred to in Article 70i, Member States shall require that the operator takes the measures necessary to ensure that compliance is restored within the shortest possible time.	2. In the event of non-compliance with the emission limit values and environmental performance limit values <u>under uniform conditions</u> set out in the operating rules <u>laid down in the delegated act</u> referred to in Article 70i, Member States shall require that the operator takes the measures necessary to ensure that compliance is restored within the shortest possible time.	2. In the event of non-compliance with the emission limit values and environmental performance limit values set out in the operating rules and the uniform conditions for their implementation laid down in the implementing act referred to in Article 70i, Member States shall require that the operator takes the measures necessary to ensure that compliance is restored within the shortest possible time.	In the event of non-compliance with the emission limit values and environmental performance limit values set out in the [uniform] conditions for operating rules referred to in Article 70i, Member States shall require that the operator takes the measures necessary to ensure that compliance is restored within the shortest possible time.
Article 1, first paragraph, point (25), amending provision, numbered paragraph (3)				
291	3. The operator shall ensure that any land spreading of waste, animal by-products or other residues generated by the installation is undertaken in accordance with the best available techniques, as	3. The operator shall ensure that any <u>manure management, including</u> land spreading of waste, animal by-products or other residues generated by the installation is undertaken in	3. The operator shall ensure that any land spreading of waste, animal by-products or other residues generated by the installation is undertaken in accordance with the best available techniques, as	3. The operator shall ensure that any manure management, including land spreading of waste, animal by-products or other residues generated by the installation is undertaken in accordance with the best available

	specified in the operating rules referred to in Article 70i, and other relevant Union legislation and that it does not cause significant pollution of the environment.	accordance with the best available techniques, as specified in the operating rules referred to in Article 70i , and other relevant Union legislation and that it does not cause significant pollution of the environment.	specified in the operating rules referred to in Article 70i , and other relevant Union legislation and that it does not cause significant pollution of the environment.	techniques, as specified in the operating rules, and other relevant Union legislation and that it does not cause significant pollution of the environment.
Article 1, first paragraph, point (25), amending provision, eighteenth paragraph				
292	Article 70e	Article 70e	Article 70e	
Article 1, first paragraph, point (25), amending provision, nineteenth paragraph				
293	Monitoring	Monitoring	Monitoring	
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1)				
294	1. Member States shall ensure that suitable monitoring is carried out in accordance with the operating rules referred to in Article 70i.	1. Member States shall ensure that suitable monitoring <u>under uniform conditions</u> is carried out in accordance with the operating rules <u>laid down in the delegated act</u> referred to in Article 70i.	1. Member States shall ensure that suitable monitoring is carried out in accordance with the operating rules and the uniform conditions for their implementation laid down in the implementing act referred to in Article 70i.	1. Member States shall ensure that suitable monitoring is carried out in accordance with the [uniform] conditions for operating rules referred to in Article 70i.
Article 1, first paragraph, point (25), amending provision, numbered paragraph (2)				
295	2. All monitoring results shall be recorded, processed and presented in such a way as to enable the competent authority to verify compliance with the operating conditions, emission limit values	2. All monitoring results shall be recorded, processed and presented in such a way as to enable the competent authority to verify compliance with the operating conditions, emission limit values	2. All monitoring results shall be recorded, processed and presented in such a way as to enable the competent authority to verify compliance with the operating conditions, emission limit values	2. All monitoring results shall be recorded, processed and presented in such a way as to enable the competent authority to verify compliance with the operating conditions, emission limit values

	and environmental performance limit values which are included in the general binding rules referred to in Article 6 or in the permit.	and environmental performance limit values which are included in the general binding rules referred to in Article 6 or in the permit.	and environmental performance limit values which are included in the general binding rules referred to in Article 6 or in the permit.	and environmental performance limit values which are included in the general binding rules referred to in Article 6 or in the permit.
Article 1, first paragraph, point (25), amending provision, numbered paragraph (3)				
296	3. The operator shall, without delay, make available the data and information listed in paragraph 2 of this Article to the competent authority upon request. The competent authority may make such a request in order to verify compliance with the operating rules referred to in Article 70i. The competent authority shall make such a request if a member of the public requests access to the data or information listed in paragraph 2 of this Article.	3. The operator shall, without delay, make available the data and information listed in paragraph 2 of this Article to the competent authority upon request. The competent authority may make such a request in order to verify compliance with the operating rules referred to in Article 70i . The competent authority shall make such a request if a member of the public requests access to the data or information listed in paragraph 2 of this Article.	3. The operator shall, without delay, make available the data and information listed in paragraph 2 of this Article to the competent authority upon request. The competent authority may make such a request in order to verify compliance with the operating rules referred to in Article 70i . The competent authority shall make such a request if a member of the public requests access to the data or information listed in paragraph 2 of this Article.	3. The operator shall, without delay, make available the data and information listed in paragraph 2 of this Article to the competent authority upon request. The competent authority may make such a request in order to verify compliance with the operating rules referred to in Article 70i . The competent authority shall make such a request if a member of the public requests access to the data or information listed in paragraph 2 of this Article.
Article 1, first paragraph, point (25), amending provision, twenty-third paragraph				
297	Article 70f	Article 70f	Article 70f	Article 70f
Article 1, first paragraph, point (25), amending provision, twenty-fourth paragraph				
298	Non-compliance	Non-compliance	Non-compliance	Non-compliance
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1)				
299	1. Member States shall ensure that the values for emissions and	1. Member States shall ensure that the values for emissions and	1. Member States shall ensure that the values for emissions and	1. Member States shall ensure that the values for emissions and

	environmental performance levels monitored in accordance with the operating rules referred to in Article 70i do not exceed the emission limit values and environmental performance limit values set out therein.	environmental performance levels monitored in accordance with the operating rules <i>in uniform conditions laid down in the delegated act</i> referred to in Article 70i do not exceed the emission limit values and environmental performance limit values set out therein.	environmental performance levels monitored in accordance with the operating rules and the uniform conditions for their implementation laid down in the implementing act referred to in Article 70i do not exceed the emission limit values and environmental performance limit values set out therein.	environmental performance levels are monitored in accordance with the uniform conditions for operating rules referred to in Article 70i and do not exceed the emission limit values and environmental performance limit values set out therein.
Article 1, first paragraph, point (25), amending provision, numbered paragraph (2)				
300	2. Member States shall set up an effective compliance monitoring system, based on either environmental inspections or other measures, to check compliance with the requirements set out in this Chapter.	2. Member States shall set up an effective compliance monitoring system, based on either environmental inspections or other measures, to check compliance with the requirements set out in this Chapter.	2. Member States shall set up an effective compliance monitoring system, based on either environmental inspections or other measures, to check compliance with the requirements set out in this Chapter.	2. Member States shall set up an effective compliance monitoring system, based on either environmental inspections or other measures, to check compliance with the requirements set out in this Chapter.
Article 1, first paragraph, point (25), amending provision, numbered paragraph (3), first subparagraph				
301	In the event of non-compliance with the requirements set out in this Chapter, Member States shall ensure that the competent authority requires the operator to take any measures, in addition to the measures taken by the operator under Article 70d, that are necessary to ensure that compliance is restored without delay.	In the event of non-compliance with the requirements set out in this Chapter, Member States shall ensure that the competent authority requires the operator to take any measures, in addition to the measures taken by the operator under Article 70d, that are necessary to ensure that compliance is restored without delay.	In the event of non-compliance with the requirements set out in this Chapter, Member States shall ensure that the competent authority requires the operator to take any measures, in addition to the measures taken by the operator under Article 70d, that are necessary to ensure that compliance is restored without delay.	In the event of non-compliance with the requirements set out in this Chapter, Member States shall ensure that the competent authority requires the operator to take any measures, in addition to the measures taken by the operator under Article 70d, that are necessary to ensure that compliance is restored without delay.
Article 1, first paragraph, point (25), amending provision, numbered paragraph (3), second subparagraph				

302	Where non-compliance causes a significant degradation of local air, water or soil conditions, or where it poses, or risks to pose, a significant danger to human health, the operation of the installation shall be suspended by the competent authority until compliance is restored.	Where non-compliance causes a significant degradation of local air, water or soil conditions, or where it poses, or risks to pose, a significant danger to human health, the operation of the installation shall be suspended by the competent authority until compliance is restored.	Where non-compliance causes a significant degradation of local air, water or soil conditions, or where it poses, or risks to pose, a significant danger to human health, the operation of the installation shall be suspended by the competent authority until compliance is restored.	Where non-compliance causes a significant degradation of local air, water or soil conditions, or where it poses, or risks to pose, a significant danger to human health, the operation of the installation shall be suspended by the competent authority until compliance is restored.
Article 1, first paragraph, point (25), amending provision, twenty-eighth paragraph				
303	Article 70g	Article 70g	Article 70g	Article 70g
Article 1, first paragraph, point (25), amending provision, twenty-ninth paragraph				
304	Public information and participation	Public information and participation	Public information and participation	Public information and participation
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1)				
305	1. Member States shall ensure that the public concerned are given early and effective opportunities to participate in the following procedures:	1. Member States shall ensure that the public concerned are given early and effective opportunities to participate in the following procedures:	1. Member States shall ensure that the public concerned are given early and effective opportunities to participate in the following procedures:	1. Member States shall ensure that the public concerned are given early and effective opportunities to participate in the following procedures:
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), point (a)				
306	(a) preparation of general binding rules as referred to in Article 6 on permits for installations falling within the scope of this Chapter;	(a) preparation of general binding rules as referred to in Article 6 on permits for installations falling within the scope of this Chapter;	(a) preparation of general binding rules as referred to in Article 6 on permits for installations falling within the scope of this Chapter;	(a) preparation of general binding rules as referred to in Article 6 on permits for installations falling within the scope of this Chapter;

Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), point (b)				
307	(b) the granting of a permit for a new installation falling within the scope of this Chapter;	(b) the granting of a permit for a new installation falling within the scope of this Chapter;	(b) the granting of a permit for a new installation falling within the scope of this Chapter;	(b) the granting of a permit for a new installation falling within the scope of this Chapter;
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), point (c)				
308	(c) the granting of an updated permit in accordance with article 70c.4 for any substantial change to an existing installation falling within the scope of this Chapter.	(c) the granting of an updated permit in accordance with article 70c.4 for any substantial change to an existing installation falling within the scope of this Chapter.	(c) the granting of an updated permit in accordance with article 70c.4 for any substantial change to an existing installation falling within the scope of this Chapter.	(c) the granting of an updated permit in accordance with article 70c.4 for any substantial change to an existing installation falling within the scope of this Chapter.
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), point (d)				
308a		<u><i>(ca) in the procedure for registration, in the event that general binding rules are not adopted, and the Member States allow the installation to only be registered.</i></u>	(d) in the procedure for registration, in case general binding rules are not adopted, and the Member States allows for the installation to be only registered.	(d) in the procedure for registration, in case general binding rules are not adopted, and the Member States allows for the installation to be only registered.
Article 1, first paragraph, point (25), amending provision, numbered paragraph (2)				
309	2. The competent authority shall make available to the public, including systematically via the Internet, free of charge and without restricting access to registered users, the following documents and information:	2. The competent authority shall make available to the public, including systematically via the Internet, free of charge and without restricting access to registered users, the following documents and information:	2. The competent authority shall make available to the public, including systematically via the Internet, free of charge and without restricting access to registered users, the following documents and information:	2. The competent authority shall make available to the public, including systematically via the Internet, free of charge and without restricting access to registered users, the following documents and information:
Article 1, first paragraph, point (25), amending provision, numbered paragraph (2), point (a)				

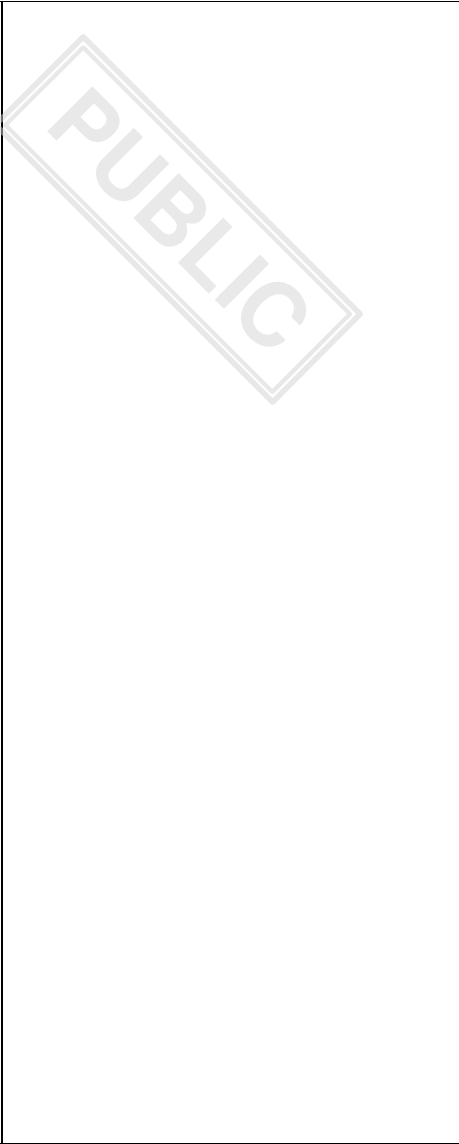
310	(a) the permit;	(a) the permit <u>or the registration</u> ;	(a) the permit or the registration ;	(a) the permit or the registration ;
Article 1, first paragraph, point (25), amending provision, numbered paragraph (2), point (b)				
311	(b) the results of the consultations held in accordance with paragraph 1;	(b) the results of the consultations held in accordance with paragraph 1;	(b) the results of the consultations held in accordance with paragraph 1;	(b) the results of the consultations held in accordance with paragraph 1;
Article 1, first paragraph, point (25), amending provision, numbered paragraph (2), point (c)				
312	(c) the general binding rules referred to in Article 6 applicable to installations falling within the scope of this Chapter;	(c) the general binding rules referred to in Article 6 applicable to installations falling within the scope of this Chapter;	(c) the general binding rules referred to in Article 6 applicable to installations falling within the scope of this Chapter;	(c) the general binding rules referred to in Article 6 applicable to installations falling within the scope of this Chapter;
Article 1, first paragraph, point (25), amending provision, numbered paragraph (2), point (d)				
313	(d) the reports of inspections of the installations falling within the scope of this Chapter.	(d) the reports of inspections of the installations falling within the scope of this Chapter.	(d) the reports of inspections of the installations falling within the scope of this Chapter.	(d) the reports of inspections of the installations falling within the scope of this Chapter.
Article 1, first paragraph, point (25), amending provision, thirty-second paragraph				
314	Article 70h	Article 70h	Article 70h	Article 70h
Article 1, first paragraph, point (25), amending provision, thirty-third paragraph				
315	Access to justice	Access to justice	Access to justice	Access to justice
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), first subparagraph				
316				

	Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law, or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, acts or omissions subject to this Chapter when one of the following conditions is met:	Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law, or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, acts or omissions subject to this Chapter when one of the following conditions is met:	Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law, or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, acts or omissions subject to this Chapter when one of the following conditions is met:	Member States shall ensure that, in accordance with the relevant national legal system, members of the public concerned have access to a review procedure before a court of law, or another independent and impartial body established by law to challenge the substantive or procedural legality of decisions, acts or omissions subject to this Chapter when one of the following conditions is met:
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), first subparagraph, point (a)				
317	(a) they have a sufficient interest;	(a) they have a sufficient interest;	(a) they have a sufficient interest;	(a) they have a sufficient interest;
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), first subparagraph, point (b)				
318	(b) they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition.	(b) they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition.	(b) they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition.	(b) they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition.
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), second subparagraph				
319	Standing in the review procedure may not be conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive.	— Standing in the review procedure may shall not be conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive.	— Standing in the review procedure may shall not be conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive.	— Standing in the review procedure may shall not be conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive.
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), third subparagraph				


320	The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.	The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.	— The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.	— The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.
Article 1, first paragraph, point (25), amending provision, numbered paragraph (2)				
321	2. Member States shall determine at what stage the decisions, acts or omissions may be challenged.	2. Member States shall determine at what stage the decisions, acts or omissions may be challenged.	2. Member States shall determine at what stage the decisions, acts or omissions may be challenged.	2. Member States shall determine at what stage the decisions, acts or omissions may be challenged.
Article 1, first paragraph, point (25), amending provision, thirty-sixth paragraph				
322	Article 70i	Article 70i	Article 70i	
Article 1, first paragraph, point (25), amending provision, thirty-seventh paragraph				
323	Operating Rules	Operating Rules	Uniform conditions for operating Rules	
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), first subparagraph				
324	The Commission shall establish operating rules containing requirements consistent with the use of best available techniques for the activities listed in Annex Ia, which shall include the following:	The Commission shall establish operating rules containing requirements consistent with the use of best available techniques for the activities listed in Annex Ia, which shall include the following: deleted	1a. The Commission shall establish organise an exchange of information between Member States, the sector concerned, non-governmental organisations promoting environmental protection and the Commission before establishing uniform conditions for operating rules	1a. The Commission shall organise an exchange of information between Member States, the sectors concerned, non-governmental organisations promoting environmental protection and the Commission before establishing [uniform] conditions for operating rules, in accordance with paragraph

			<p>containing requirements consistent with the in accordance with paragraph 2.</p> <p>The exchange of information shall, in particular, address the following:</p> <p>(a) the environmental performance levels of installations and techniques in terms of emissions, consumption and nature of raw materials, water consumption, use of best available techniques for the activities listed in Annex Ia, which shall include the following: energy and generation of waste;</p> <p>(b) the techniques used, associated monitoring, cross-media effects, economic and technical viability and developments therein;</p> <p>(c) best available techniques identified after considering the issues mentioned in points (a) and (b).</p>	<p>2. The exchange of information shall, in particular, address the following:</p> <p>(a) the emission and environmental performance levels of installations and techniques, and other measures consistent with Annex III;</p> <p>(b) the techniques used, associated monitoring, cross-media effects, economic and technical viability and developments in that regard;</p> <p>(c) best available techniques identified after considering the issues mentioned in points (a) and (b);</p> <p>(d) emerging techniques.</p>
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), first subparagraph, point (a)				
325	(a) emission limit values;	(a) emission limit values; <u>deleted</u>	<i>deleted</i>	
Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), first subparagraph, point (b)				
326	(b) monitoring requirements;	(b) monitoring requirements; <u>deleted</u>	<i>deleted</i>	

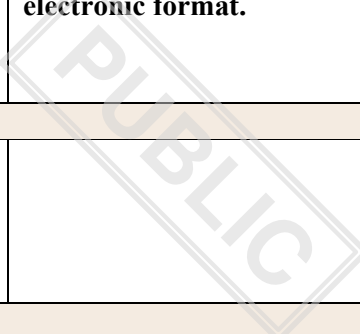
<i>Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), first subparagraph, point (c)</i>				
327	(c) land spreading practices;	(c) land spreading practices; <u>deleted</u>	deleted	
<i>Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), first subparagraph, point (d)</i>				
328	(d) pollution prevention and mitigation practices;	(d) pollution prevention and mitigation practices; <u>deleted</u>	deleted	
<i>Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), first subparagraph, point (e)</i>				
329	(e) environmental performance limit values;	(e) environmental performance limit values; <u>deleted</u>	deleted	
<i>Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), first subparagraph, point (f)</i>				
330	(f) other measures consistent with Annex III.	(f) other measures consistent with Annex III. <u>deleted</u>	deleted	
<i>Article 1, first paragraph, point (25), amending provision, numbered paragraph (1), second subparagraph</i>				
331	The operating rules shall take into account inter alia the nature, type, size and density of these installations and the specificities of pasture based cattle rearing systems, where animals are only seasonally reared in indoor installations.	The operating rules shall take into account inter alia the nature, type, size and density of these installations and the specificities of pasture based cattle rearing systems, where animals are only seasonally reared in indoor installations.	deleted	deleted
<i>Article 1, first paragraph, point (25), amending provision, Article 70i, paragraph 1a (new)</i>				


331a		<p><u>1a. The Commission shall organise an exchange of information between Member States, the sectors concerned, non-governmental organisations promoting environmental protection and the Commission before establishing operating rules on uniform conditions in accordance with paragraph 2. The exchange of information shall, in particular, address the following:</u></p> <p><u>(a) the emission and environmental performance levels of installations and techniques in terms of emissions, consumption and the nature of raw materials, water consumption, use of energy and generation of waste, and other measures consistent with Annex III;</u></p> <p><u>(b) the techniques used, associated monitoring, cross-media effects, economic and technical viability and developments in that regard;</u></p> <p><u>(c) best available techniques identified after considering the issues mentioned in points (a) and (b).</u></p>		deleted
Article 1, first paragraph, point (25), amending provision, numbered paragraph (2)				
332	2. The Commission shall by [OP please insert date = the first day of	2. The Commission shall by [OP please insert date = the first day of	2. The Commission shall adopt by [OP please insert date = the first day	2. The Commission shall adopt by [OP please insert date = the first day

	<p>the month following 24 months after the date of entry into force of this Directive] adopt a delegated act in accordance with Article 76 to supplement this Directive by establishing the operating rules referred to in paragraph 1.².</p>	<p>the month following 24 months after the date of entry into force of this Directive] adopt a delegated act in accordance with Article 76 to supplement this Directive by establishing the operating rules to <u>establish operating rules on uniform conditions for each of the activities referred to in Annex Ia that result from the exchange of information as</u> referred to in paragraph 1 <u>this Article.</u>² <u>Such operating rules in uniform conditions shall be consistent with the use of best available techniques for the activities listed in Annex Ia and shall take into account the nature, type, size and density of these installations, size of herds of single animal types in mixed farms, and the specificities of pasture-based rearing systems, where animals are only seasonally reared in indoor installations. The operating rules shall incorporate the existence of emerging techniques in animal husbandry and specify the conditions under which the competent authority may grant a permit to an agricultural installation using such techniques.</u></p>	<p>of the month following 24 months after the date of entry into force of this Directive] [adopt an implementing act to establish uniform conditions for operating rules for each of the activities referred to in Annex Ia</p> <p>Such uniform conditions for operating rules shall be consistent with the use of best available techniques for the activities listed in Annex Ia and shall take into account the nature, type, size and density of these installations, size of herds of single animal types in mixed farms, and the specificities of pasture based cattle rearing systems, where animals are only seasonally reared in indoor installations.</p> <p>That implementing act shall be adopted in accordance with the examination procedure a delegated act in accordance with Article 76 to supplement this Directive by establishing the operating rules referred to in paragraph 1. Article 75(2).</p>	<p>of the month following 24 months after the date of entry into force of this Directive] [an implementing act] [a delegated act in accordance with Article 76] to establish [uniform] conditions for operating rules for each of the activities referred to in Annex Ia.</p> <p>The [uniform] conditions for operating rules shall be consistent with the use of best available techniques for the activities listed in Annex Ia and shall take into account the nature, type, size and density of these installations, size of herds of single animal types in mixed farms, and the specificities of pasture-based rearing systems, where animals are only seasonally reared in indoor installations. They shall also include indicative information on emerging techniques, where available.</p> <p>[That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).]</p> <p>2a. Member States shall ensure that the competent authority follows or is informed of developments in best available techniques and of the publication of any new or updated or operating rules.</p>
<p>Article 1, first paragraph, point (25), amending provision, numbered paragraph (3)</p>				

333	3. Member States shall ensure that all the permit conditions for the installations concerned are in compliance with the operating rules referred to in paragraph 1 within 42 months of the entry into force of the delegated act establishing those rules..	3. Member States shall ensure that all the permit conditions for the installations concerned <u>and the installations being registered</u> are in compliance with the operating rules referred to in paragraph 1 within 42 months of the entry into force of the delegated act establishing those rules.	 <i>deleted</i>	 <i>deleted</i> <i>Package with 387l.</i>
Article 1, first paragraph, point (25a), amending provision, numbered paragraph (3a)				
333a			(25a) Article 72.1 is amended as follows: 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, environmental performance 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 15and on progress made concerning the development and application of emerging techniques and the transformation of industry in accordance with Articles 27, 27b-27d. Member States shall make	 <i>Deleted</i> <i>See package in row 88b.</i>

			the information available in an electronic format.	
Article 1, first paragraph, point (25a)				
333b		(25a) In Article 72, the following paragraph is added:		
Article 1, first paragraph, point (25a), amending provision, first paragraph				
333c		<p>"</p> <p>5. Member States shall provide, each year, to the Commission by electronic means the following elements, which shall be published in an easily accessible and user-friendly format on the Portal:</p> <p>(a) the permit summary in accordance with the implementing act referred to in Article 5(4) of this Directive;</p> <p>(b) the direct link to the EMS pursuant Article 14a of this Directive;</p> <p>(c) the direct link to the permit pursuant Article 5(4) of this Directive and where applicable to the Annex to the permit for the application of the second subparagraph of Article 15 of this Directive;</p> <p>(d) the direct link to the transformation plans pursuant Article 27d of this Directive;</p>		



		<p><i>(e) available scientific data as referred to in Article 79a.</i></p> <p><i>(f) list of non-compliant installations pursuant to Article 79 of this Directive following the final decision on the non-compliance by the competent judicial or administrative authority of the Member State concerned in accordance with national law;</i></p> <p><i>(g) the direct link to the website of public notices for each installation of the competent authorities .</i></p> <p><i>The Commission shall incorporate the information reported by Member States into the Portal within two months from receipt of the information referred to in the first subparagraph.</i></p> <p><i>The Commission shall incorporate the following information into the Portal within two months of publication:</i></p> <p><i>(a) the BAT Conclusion as referred to in Article 13(6) of this Directive.</i></p> <p style="text-align: right;">"</p>		
Article 1, first paragraph, point (26)				
334	(26) In Article 73(1), the first and the second subbparagraphs are replaced by the following:	(26) In Article 73(1), the first and the second subbparagraphs are replaced by the following:	(26) In Article 73(1), the first and the second subbparagraphs are replaced by the following:	(26) In Article 73(1), the first and the second subbparagraphs are replaced by the following:
Article 1, first paragraph, point (26), amending provision, first paragraph				

335	<p>By 30 June 2028 and every 5 years thereafter, the Commission shall submit to the European Parliament and to the Council a report reviewing the implementation of this Directive. The report shall take into account the dynamics of innovation and the review referred to in Article 8 of Directive 2003/87/EC.</p>	<p>By 30 June 2028 and every 5 years thereafter, the Commission shall submit to the European Parliament and to the Council a report reviewing the implementation of this Directive. The report shall take into account the dynamics of innovation, <u><i>emerging techniques, the need for further pollution prevention measures while taking into consideration the need for a just and inclusive industrial transition</i></u> and the review referred to in Article 8 of Directive 2003/87/EC.</p>	<p>By 30 June 2028 and every 5 years thereafter, the Commission shall submit to the European Parliament and to the Council a report reviewing the implementation of this Directive. The report shall take into account the dynamics of innovation and the review referred to in Article 8 of Directive 2003/87/EC.</p>	
Article 1, first paragraph, point (26), amending provision, second paragraph				
336	<p>That report shall include an assessment of the need for Union action through the establishment or updating of Union-wide minimum requirements for emission limit values and for rules on monitoring and compliance for activities within the scope of the BAT conclusions adopted during the previous five-year period, on the basis of the following criteria:</p>	<p>That report shall include an assessment of the need for Union action through the establishment or updating of Union-wide minimum requirements for emission limit values, <u><i>including activities for which no BAT conclusions have been adopted pursuant to Article 13(7) of this Directive</i></u> and for rules on monitoring and compliance for activities within the scope of the BAT conclusions adopted during the previous five-year period, on the basis of the following criteria:</p>	<p>That report shall include an assessment of the need for Union action through the establishment or updating of Union-wide minimum requirements for emission limit values and for rules on monitoring and compliance for activities within the scope of the BAT conclusions adopted during the previous five-year period, on the basis of the following criteria:</p>	
Article 1, first paragraph, point (26), amending provision, second paragraph, point (a)				

337	(a) the impact of the activities concerned on the environment as a whole and on human health;	(a) the impact of the activities concerned on the environment as a whole and on human health;	(a) the impact of the activities concerned on the environment as a whole and on human health;	(a) the impact of the activities concerned on the environment as a whole and on human health;
Article 1, first paragraph, point (26), amending provision, second paragraph, point (b)				
338	(b) the state of implementation of best available techniques for the activities concerned..	(b) the state of implementation of best available techniques for the activities concerned..	(b) the state of implementation of best available techniques for the activities concerned..	(b) the state of implementation of best available techniques for the activities concerned.
Article 1, first paragraph, point (26), amending provision, second paragraph, point (ba)				
338a		<i>(ba) the level playing field with regard to environmental performance requirements of the industry within the Union and in third countries.</i>		
Article 1, first paragraph, point (26a), Article 73, new paragraph (4)				
338b				(26a) In Article 73, the following paragraph (4) is added:
Article 1, first paragraph, point (26a), Article 73, new paragraph (4)				
338c				4. The Commission shall review: - <i>the need to control emissions from onshore and offshore exploration and production of mineral oil and gas, and</i> - <i>the need to revise the activity threshold in Annex I for the</i>

				<i>production of hydrogen by electrolysis of water. The Commission shall include the results of that review in the first of the reports to the European Parliament and to the Council required under the first paragraph.</i>
Article 1, first paragraph, point (27)				
339	(27) Article 74 is replaced by the following:	(27) Article 74 is replaced by the following:	(27) Article 74 is replaced by the following:	(27) Article 74 is replaced by the following:
Article 1, first paragraph, point (27), amending provision, first paragraph				
340	Article 74	Article 74	Article 74	Article 74
Article 1, first paragraph, point (27), amending provision, second paragraph				
341	Amendments of Annexes	Amendments of Annexes	Amendments of Annexes	Amendments of Annexes
Article 1, first paragraph, point (27), amending provision, numbered paragraph (1)				
342	1. In order to allow the provisions of this Directive to be adapted to scientific and technical progress on the basis of best available techniques, the Commission shall adopt delegated acts in accordance with Article 76 as regards the adaptation of Parts 3 and 4 of Annex V, Parts 2, 6, 7 and 8 of Annex VI and Parts 5, 6, 7 and 8 of	1. In order to allow the provisions of this Directive to be adapted to scientific and technical progress on the basis of best available techniques, the Commission shall adopt delegated acts in accordance with Article 76 as regards the adaptation of Parts 3 and 4 of Annex V, Parts 2, 6, 7 and 8 of Annex VI and Parts 5, 6, 7 and 8 of	1. In order to allow the provisions of this Directive to be adapted to scientific and technical progress on the basis of best available techniques, the Commission shall adopt delegated acts in accordance with Article 76 as regards the adaptation of Parts 3 and 4 of Annex V, Parts 2, 6, 7 and 8 of Annex VI and Parts 5, 6, 7 and 8 of	1. In order to allow the provisions of this Directive to be adapted to scientific and technical progress on the basis of best available techniques, the Commission shall adopt delegated acts in accordance with Article 76 as regards the adaptation of Parts 3 and 4 of Annex V, Parts 2, 6, 7 and 8 of Annex VI and Parts 5, 6, 7 and 8 of

	Annex VII to such scientific and technical progress.	Annex VII to such scientific and technical progress.	Annex VII to such scientific and technical progress.	Annex VII to such scientific and technical progress.
Article 1, first paragraph, point (27), amending provision, numbered paragraph (2)				
343	2. In order to allow the provisions of this Directive to meet its objectives to prevent or reduce pollutants emissions and achieve a high level of protection of human health and the environment, the Commission shall be empowered to adopt a delegated act, in accordance with Article 76, to amend Annex I or Annex Ia by including in those Annexes an agro-industrial activity that meets the following criteria:	2. In order to allow the provisions of this Directive to meet its objectives to prevent or reduce pollutants emissions and achieve a high level of protection of human health and the environment, the Commission shall be empowered to adopt a delegated act, in accordance with Article 76, to amend Annex I or Annex Ia by including in those Annexes an agro-industrial activity that meets the following criteria: deleted	deleted	deleted
Article 1, first paragraph, point (27), amending provision, numbered paragraph (2), point (a)				
344	(a) it has or is expected to have an impact on human health or the environment, in particular as a consequence of pollutant emissions and use of resources;	(a) it has or is expected to have an impact on human health or the environment, in particular as a consequence of pollutant emissions and use of resources; deleted	deleted	deleted
Article 1, first paragraph, point (27), amending provision, numbered paragraph (2), point (b)				
345	(b) its environmental performance diverges within the Union;	(b) its environmental performance diverges within the Union; deleted	deleted	deleted
Article 1, first paragraph, point (27), amending provision, numbered paragraph (2), point (c)				
346				

	(c) it presents potential for improvement in terms of its environmental impact through the application of best available techniques or innovative techniques;	(c) it presents potential for improvement in terms of its environmental impact through the application of best available techniques or innovative techniques; <u>deleted</u>	deleted	deleted
Article 1, first paragraph, point (27), amending provision, numbered paragraph (2), point (d)				
347	(d) its inclusion within the scope of this Directive is assessed, on the basis of its environmental, economic and social impacts, to have a favourable ratio of societal benefits to economic costs.	(d) its inclusion within the scope of this Directive is assessed, on the basis of its environmental, economic and social impacts, to have a favourable ratio of societal benefits to economic costs. <u>deleted</u>	deleted	deleted
Article 1, first paragraph, point (27), amending provision, Article 74, paragraph 2a (new)				
347a		2a. By [OP please insert date the first day of the month following 24 months after the date of entry into force of this Directive] the Commission shall, based on an impact assessment, adopt a delegated act in accordance with Article 76 in order to amend point 3.6. of Annex I by adding an exhaustive list of extraction and treatment processes for the non-energy industrial minerals barite, bentonite, diatomite, feldspar, fluorspar, graphite, kaolin, magnesite, perlite, potash, salt, sulphur and talc, where the extraction and treatment processes for such minerals have a		Part of mining package (347a 347b, 422, 423, 424)

		<i>significant environmental impact regarding emissions and/or consumption of water and energy with the relevant thresholds.</i>		
Article 1, first paragraph, point (27), amending provision, Article 74, paragraph 2b (new)				
347b		<i>2b. After [OP please insert date the first day of the month following 24 months after the date of entry into force of this Directive] and based on an impact assessment, the Commission may adopt a delegated act in accordance with Article 76 in order to amend point 3.6. of Annex I by adding non-energy minerals newly discovered in the Union, if their extraction and treatment have a significant environmental impact regarding emissions and/or consumption of water and energy.</i>		Part of mining package (347a 347b, 422, 423, 424)
Article 1, first paragraph, point (27), amending provision, numbered paragraph (3), first subparagraph				
348	The Commission shall carry out appropriate consultation with stakeholders before adopting a delegated act in accordance with this Article.	The Commission shall carry out appropriate consultation with stakeholders before adopting a delegated act in accordance with this Article.	The Commission shall carry out appropriate consultation with stakeholders before adopting a delegated act in accordance with this Article.	The Commission shall carry out appropriate consultation with stakeholders before adopting a delegated act in accordance with this Article.
Article 1, first paragraph, point (27), amending provision, numbered paragraph (3), second subparagraph				
349	The Commission shall make public relevant studies and	—The Commission shall make public relevant studies and analyses	The Commission shall make public relevant studies and	The Commission shall make public relevant studies and

	analyses used in the preparation of a delegated act adopted in accordance with this Article, at the latest at the adoption of the delegated act..	used in the preparation of a delegated act adopted in accordance with this Article, at the latest at the adoption of the delegated act..	analyses used in the preparation of a delegated act adopted in accordance with this Article, at the latest at the adoption of the delegated act..	analyses used in the preparation of a delegated act adopted in accordance with this Article, at the latest at the adoption of the delegated act..
Article 1, first paragraph, point (28)				
350	(28) Article 75 is replaced by the following:	(28) Article 75 is replaced by the following:	(28) Article 75 is replaced by the following:	(28) Article 75 is replaced by the following:
Article 1, first paragraph, point (28), amending provision, first paragraph				
351	Article 75	Article 75	Article 75	Article 75
Article 1, first paragraph, point (28), amending provision, second paragraph				
352	Committee procedure	Committee procedure	Committee procedure	Committee procedure
Article 1, first paragraph, point (28), amending provision, numbered paragraph (1), first subparagraph				
353	The Commission shall be assisted by a committee.	The Commission shall be assisted by a committee.	The Commission shall be assisted by a committee.	The Commission shall be assisted by a committee.
Article 1, first paragraph, point (28), amending provision, numbered paragraph (1), second subparagraph				
354	That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
Article 1, first paragraph, point (28), amending provision, numbered paragraph (2)				

355	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply..	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply..	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply..	2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply..
Article 1, first paragraph, point (29)				
356	(29) Article 76 is replaced by the following:	(29) Article 76 is replaced by the following:	(29) Article 76 is replaced by the following:	(29) Article 76 is replaced by the following:
Article 1, first paragraph, point (29), amending provision, first paragraph				
357	Article 76	Article 76	Article 76	Article 76
Article 1, first paragraph, point (29), amending provision, second paragraph				
358	Exercise of the delegation	Exercise of the delegation	Exercise of the delegation	Exercise of the delegation
Article 1, first paragraph, point (29), amending provision, numbered paragraph (1)				
359	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
Article 1, first paragraph, point (29), amending provision, numbered paragraph (2)				
360	2. The power to adopt delegated acts referred to in Articles 48(5), Article 70i and Article 74 shall be conferred on the Commission for a	2. The power to adopt delegated acts referred to in Articles 48(5), Article 70i and Article 74 shall be conferred on the Commission for a	2. The power to adopt delegated acts referred to in Articles 48(5), Article 70i and Article 48(5) , and Article 74 shall be conferred on the	

	<p>period of 5 years from ... [OP please insert the date = the first day of the month following the date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</p>	<p>period of 5 years from ... [OP please insert the date = the first day of the month following the date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</p>	<p>Commission for a period of 5 years from ... [OP please insert the date = the first day of the month following the date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</p>	
Article 1, first paragraph, point (29), amending provision, Article 76, paragraph 2a (new)				
360a		<p>2a. The Commission shall, based on the report of the European Environmental Agency ETC/ATNI 2020/4, by 30 June 2026 adopt a delegated act in accordance with Article 76 in order to establish a list of the 200 most polluting installations, based on marginal damage costs for the air pollutants (PM2.5, PM10, SO2, NH3, NOX, NMVOCs, As, Cd, CrVI, Pb, Hg, Ni, 1,3 butadiene, benzene, formaldehyde, benzo(a)pyrene, dioxins and furans) and greenhouse gases (CO2, CH4 and N2O) in line with the report . When establishing the list, the Commission may consider pollution by respective pollutants</p>		<p>2a. The Commission shall, based on the report of the European Environmental Agency ETC/ATNI 2020/4, by 30 June 2026 adopt a delegated act in accordance with Article 76 in order to establish a list of the 200 most polluting installations, based on marginal damage costs for the air pollutants (PM2.5, PM10, SO2, NH3, NOX, NMVOCs, As, Cd, CrVI, Pb, Hg, Ni, 1,3 butadiene, benzene, formaldehyde, benzo(a)pyrene, dioxins and furans) and greenhouse gases (CO2, CH4 and N2O) in line with the report . When establishing the list, the Commission may consider pollution by respective</p>

		<i>in the water environment, where applicable.</i>		pollutants in the water environment, where applicable.
Article 1, first paragraph, point (29), amending provision, numbered paragraph (3)				
361	3. The delegation of power referred to in Articles 48(5), Article 70i and Article 74 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Articles 48(5), Article 70i and Article 74 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Articles 48(5), Article 70i and Article 74 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	
Article 1, first paragraph, point (29), amending provision, numbered paragraph (4)				
362	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
Article 1, first paragraph, point (29), amending provision, numbered paragraph (5)				
363	5. As soon as it adopts a delegated act, the Commission shall notify it	5. As soon as it adopts a delegated act, the Commission shall notify it	5. As soon as it adopts a delegated act, the Commission shall notify it	5. As soon as it adopts a delegated act, the Commission shall notify it

	simultaneously to the European Parliament and to the Council.	simultaneously to the European Parliament and to the Council.	simultaneously to the European Parliament and to the Council.	simultaneously to the European Parliament and to the Council.
Article 1, first paragraph, point (29), amending provision, numbered paragraph (6)				
364	6. A delegated act adopted pursuant to Articles 15(4) or 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 two 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. That period shall be extended by two months at the initiative of the European Parliament or of the Council..	6. A delegated act adopted pursuant to Articles 15(4) or 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 two 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. That period shall be extended by two months at the initiative of the European Parliament or of the Council..	6. A delegated act adopted pursuant to Articles 15(4) or 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 two 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. That period shall be extended by two months at the initiative of the European Parliament or of the Council.?	
Article 1, first paragraph, point (30)				
365	(30) Articles 77 and 78 are deleted.	(30) Articles 77 and 78 are deleted.	(30) Articles 77 and 78 are deleted.	(30) Articles 77 and 78 are deleted.
Article 1, first paragraph, point (31)				
366	(31) Article 79 is replaced by the following:	(31) Article 79 is replaced by the following:	(31) Article 79 is replaced by the following:	(31) Article 79 is replaced by the following:
Article 1, first paragraph, point (31), amending provision, first paragraph				
367				

	Article 79	Article 79	Article 79	Article 79
Article 1, first paragraph, point (31), amending provision, second paragraph				
368	Penalties	Penalties	Penalties	Penalties
Article 1, first paragraph, point (31), amending provision, numbered paragraph (1)				
369	<p>1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, Member States shall lay down rules on penalties applicable to violations of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are applied. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall without delay notify the Commission of those rules and of those provisions, and shall notify without delay any subsequent amendment affecting them.</p>	<p>1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, Member States shall lay down rules on penalties applicable to violations of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are applied. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall without delay notify the Commission of those rules and of those provisions, and shall notify without delay any subsequent amendment affecting them.</p>	<p>1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, Member States shall lay down rules on penalties applicable to violations of national provisions infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are applied implemented . The penalties provided for shall be effective, proportionate and dissuasive. Member States shall without delay notify the Commission of those rules and of those provisions, and shall notify without delay any subsequent amendment affecting them.</p>	<p>1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, Member States shall lay down rules on penalties applicable to violations of national provisions infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are applied implemented . The penalties provided for shall be effective, proportionate and dissuasive. Member States shall without delay notify the Commission of those rules and of those provisions, and shall notify without delay any subsequent amendment affecting them.</p>


Article 1, first paragraph, point (31), amending provision, numbered paragraph (2)				
370	2. The penalties referred to in paragraph 1 shall include fines proportionate to the turnover of the legal person or to the income of the natural person having committed the infringement. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for the violation of the economic benefits derived from that violation. The level of the fines shall be gradually increased for repeated infringements. In the case of a violation committed by a legal person, the maximum amount of such fines shall be at least 8 % of the operator's annual turnover in the Member State concerned.	2. The penalties referred to in paragraph 1 shall include fines proportionate to the turnover of the legal person, or to the income of the natural person having committed the infringement. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for the violation of the economic benefits derived from that violation. The level of the fines shall be gradually increased for repeated infringements. In the case of a violation committed by a legal person, the maximum amount of such fines shall be at least 8 % of the operator's annual turnover in the Member State concerned financial year preceding the year in which the fine is imposed in the Union.	<i>deleted</i>	Package agreement to include a complement to Recital 32 illustrating the 'most serious infringements'
Article 1, first paragraph, point (31), amending provision, numbered paragraph (3)				
371	3. Member States shall ensure that the penalties referred to in paragraph 1 give due regard to the following, as applicable:	3. Member States shall ensure that the penalties referred to in paragraph 1 give due regard to the following, as applicable:	3. Member States shall ensure that the penalties referred to in paragraph 1 established pursuant to this Article give due regard to the following, as applicable:	3. Member States shall ensure that the penalties referred to in paragraph 1 established pursuant to this Article give due regard to the following, as applicable:
Article 1, first paragraph, point (31), amending provision, numbered paragraph (3), point (a)				
372	(a) the nature, gravity, and extent of the violation;	(a) the nature, gravity, and extent of the violation;	(a) the nature, gravity, and extent of the infringement ; violation ;	(a) the nature, gravity, and extent of the infringement ; violation ;

Article 1, first paragraph, point (31), amending provision, numbered paragraph (3), point (b)				
373	(b) the intentional or negligent character of the violation;	(b) the intentional or negligent character of the violation;	<i>deleted</i>	(b) The degree of the fault;
Article 1, first paragraph, point (31), amending provision, numbered paragraph (3), point (c)				
374	(c) the population or the environment affected by the violation, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment..	(c) the population or the environment affected by the violation, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment-, <u><i>including the reversibility of any damage caused as a result of the violation and the length of time necessary for such damage to be reversed.</i></u>	(c) the population or the environment affected by the violation infringement , bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment-;	(c) the population or the environment affected by the violation infringement , bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment-;
Article 1, first paragraph, point (31), amending provision, numbered paragraph (3), point (ca)				
374a		<i>(ca) relevant previous violations by the operator or by the installation.</i>		<i>(ca) relevant previous violations by the operator or by the installation.</i>
Article 1, first paragraph, point (31), amending provision, numbered paragraph (3), point (d)				
374b			(d) the repetitive or singular character of the infringement;	(d) the repetitive or singular character of the infringement;
Article 1, first paragraph, point (31), amending provision, numbered paragraph (4)				
374c				

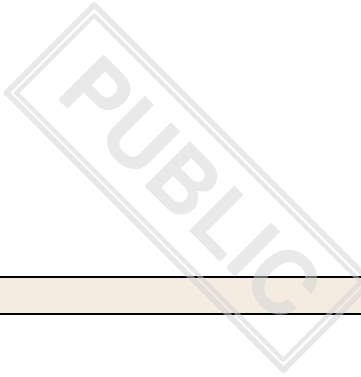
			(4) Member States shall without undue delay notify the Commission of the rules and measures referred to in paragraph 1 and of any subsequent amendments affecting them.	
Article 1, first paragraph, point (31), amending provision, numbered paragraph (3a)				
374e		3a. Member States shall ensure that revenue from penalties is used, as a matter of priority, to compensate for harm caused to local communities, including for the social consequences of ending economic activities, due to permit violations. Without prejudice to Article 79a, revenues raised from penalties shall not be used for the purpose of Article 79a.		3a. Member States shall ensure that revenue from penalties is used, as a matter of priority, to compensate for harm caused to local communities, including for the social consequences of ending economic activities, due to permit violations. Without prejudice to Article 79a, revenues raised from penalties shall not be used for the purpose of Article 79a.
Article 1, first paragraph, point (31), amending provision, numbered paragraph (3b)				
374f		3b. The Commission shall monitor the implementation by Member States of the penalties referred to in this paragraph and, in the event of obvious disparities between the penalty regimes of the Member States, shall, where appropriate, adopt guidelines.		

Article 1, first paragraph, point (32)				
375	(32) The following Article 79a is inserted:	(32) The following Article 79a is inserted:	(32) The following Article 79a is inserted:	(32) The following Article 79a is inserted:
Article 1, first paragraph, point (32), amending provision, first paragraph				
376	Article 79a	Article 79a	Article 79a	Article 79a
Article 1, first paragraph, point (32), amending provision, second paragraph				
377	Compensation	Compensation	Compensation	Compensation
Article 1, first paragraph, point (32), amending provision, numbered paragraph (1)				
378	1. Member States shall ensure that, where damage to human health has occurred as a result of a violation of national measures that were adopted pursuant to this Directive, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons and, where appropriate, from the relevant competent authorities responsible for the violation.	1. Member States shall ensure that, where damage to human health has occurred— as a result of a violation of national measures that were adopted pursuant to this Directive, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons <i>and responsible for the violation, including</i> , where appropriate, from the relevant competent authorities <i>responsible for the violation where the decision, act or omission of the authority caused or contributed to the damage.</i>	1. Member States shall ensure that, where damage to human health has occurred— as a result of a violation of national measures that were adopted pursuant to this Directive, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons and, where appropriate, from the relevant competent authorities responsible for the violation.	1. Member States shall ensure that, where damage to human health has occurred— as a result of a violation of national measures that were adopted pursuant to this Directive, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons <i>[and responsible for the violation, including</i> , where appropriate, from the relevant competent authorities <i>responsible for the violation where the decision, act or omission of the authority caused or contributed to the damage.]</i>

Article 1, first paragraph, point (32), amending provision, numbered paragraph (2)				
379	2. Member States shall ensure that, as part of the public concerned, non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law are allowed to represent the individuals affected and bring collective actions for compensation. Member States shall ensure that a claim for a violation leading to a damage cannot be pursued twice, by the individuals affected and by the non-governmental organisations referred to in this paragraph.	2. Member States shall ensure that, as part of the public concerned, non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law are allowed to represent the individuals affected and bring collective actions for compensation. Member States shall ensure that a claim for a violation leading to a damage cannot be pursued twice, by the individuals affected and by the non-governmental organisations referred to in this paragraph.	deleted	
Article 1, first paragraph, point (32), amending provision, numbered paragraph (3)				
380	3. Member States shall ensure that national rules and procedures relating to claims for compensation are designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage caused by a violation pursuant to paragraph 1.	3. Member States shall ensure that national rules and procedures relating to claims for compensation are designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage caused by a violation pursuant to paragraph 1.	3. Member States shall ensure that national rules and procedures relating to claims for compensation are designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage caused by a violation pursuant to paragraph 1.	3. Member States shall ensure that national rules and procedures relating to claims for compensation are designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage caused by a violation pursuant to paragraph 1.
Article 1, first paragraph, point (32), amending provision, numbered paragraph (4)				
381	4. Where there is a claim for compensation in accordance with paragraph 1, supported by evidence	4. Where there is a claim for compensation in accordance with paragraph 1, supported by <i>evidence</i>	deleted	4. Where there is a claim for compensation in accordance with paragraph 1, supported by evidence

	<p>from which a causality link may be presumed between the damage and the violation, Member States shall ensure that the onus is on the person responsible for the violation to prove that the violation did not cause or contribute to the damage.</p>	<p>from which clear and consistent scientific data that demonstrate a causality link may be presumed between the damage and the violation, Member States shall ensure that the onus is on the person responsible for the violation to prove that the violation did not cause or contribute such data are recognised both in substantive and procedural law as evidence and are given due weight by national courts, along with all other relevant evidence under national law and without prejudice to the damages rights of defence.</p>		<p>from which a causality link may be presumed between the damage and the violation, Member States shall ensure that the onus is on the person responsible for the violation to prove that the violation did not cause or contribute to the damage. Without prejudice to relevant national provisions on procedural law, including the rights of defence, Member state shall ensure that clear and consistent scientific data, where available, may be taken into account when establishing the causality link between the damage to human health and the infringement, along with all other relevant evidence under national law.</p> <p>In package with a new recital 32a(new) ‘Recital 32a(new): Experience shows that, while there is overwhelming epidemiologic evidence on the negative health impacts of pollution on the population, it is difficult for the victims of infringements of national measures adopted pursuant to Directive 2010/75/EU to demonstrate a causality link between the suffered harm to their health and the infringement. Member States should therefore ensure that clear and consistent scientific data, where available, [may] be taken into account when establishing a causality link between the damage to human health and the infringement, along with all other relevant evidence under national law. To facilitate the exercise of the rights of individuals to obtain compensation for infringements of Directive 2010/75/EU, and to contribute</p>
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				<p><i>to a more efficient enforcement of its requirements throughout the Union, Member States should foster the collection and publication of statistical, epidemiological and other scientific data relevant to demonstrating a causal link between specific types of pollution and specific health conditions.'</i></p>
Article 1, first paragraph, point (32), amending provision, numbered paragraph (4a)				
381a		<p><i>4a. Member States shall ensure that, where the claimant has provided reasonably available evidence to support a claim for compensation in accordance with paragraph 1, and has reasonably substantiated that additional evidence lies in the control of the defendant or a third party, if requested by the claimant, the court or administrative authority is able to order that such evidence be disclosed by the defendant or the third party in accordance with national procedural law, subject to the applicable Union and national rules on confidentiality and proportionality.</i></p>		
Article 1, first paragraph, point (32), amending provision, numbered paragraph (5)				
382	<p>5. Member States shall ensure that the limitation periods for bringing actions for compensation referred to in paragraph 1 are not shorter than 5 years. Such periods shall not begin</p>	<p>5. Member States shall ensure that the limitation periods for bringing actions for compensation referred to in paragraph 1 are not shorter than 5 years. Such periods shall not begin</p>	<p>5. Member States shall ensure that may establish limitation periods for bringing actions for compensation referred to in paragraph 1 are not shorter than 5</p>	



	to run before the violation has ceased and the person claiming the compensation knows or can reasonably be expected to know that he or she suffered damage from a violation pursuant to paragraph 1.. ,	to run before the violation has ceased and the person claiming the compensation knows or can reasonably be expected to know that he or she suffered damage from a violation pursuant to paragraph 1..	years. Such periods shall not begin to run before the violation has ceased and the person claiming the compensation knows or can reasonably be expected to know that he or she suffered damage from a violation pursuant to paragraph 1.' ,	
Article 1, first paragraph, point (32), amending provision, Article 79a, paragraph 5 a (new)				
382a		<i>5a. For the purpose of this Article, "clear and consistent scientific data" means statistical, epidemiological and other scientific data relevant to the respective national court's assessment of whether a statistically robust causal link exists between specific types of pollution and specific health conditions. Member States shall create a centralised system for receiving, gathering and publishing clear and consistent scientific data on the causality links, taking into account both domestic and international research, impact factor considerations, peer-reviewed publications, university and research institutions rankings, degree of acceptance by the scientific community, satisfactory level of replication of results on causality links and its admissibility</i>		<i>5a. For the purpose of this Article, "clear and consistent scientific data" means statistical, epidemiological and other scientific data able to demonstrate that a causal link exists between specific types of pollution and specific health conditions.</i> In package with a new recital 32a (new)

		<i>in legal procedures under this Directive.</i>		
Article 1, first paragraph, point (32), amending provision, Article 79a, paragraph 5b (new)				
382b		<i>5b. Member States shall submit relevant scientific data on the causality links between certain types of pollution and certain health conditions to the European Environmental Agency. The Agency shall incorporate the data after initial scrutiny of the scientific reliability of the sources into the Industrial Emission Portal established under Regulation (EU)/... (COM(2022)0157 – C9-0145/2022 – 2022/0105(COD)).</i>		<i>5b. Member States shall submit relevant scientific data on the causality links between certain types of pollution and certain health conditions to the European Environmental Agency. The Agency shall incorporate the data after initial scrutiny of the scientific reliability of the sources into the Industrial Emission Portal established under Regulation (EU)/... (COM(2022)0157 – C9-0145/2022 – 2022/0105(COD)).</i>
Article 1, first paragraph, point (33)				
383	(33) Annex I is amended as set out in Annex I to this Directive.	(33) Annex I is amended as set out in Annex I to this Directive.	(33) Annex I is amended as set out in Annex I to this Directive.	(33) Annex I is amended as set out in Annex I to this Directive.
Article 1, first paragraph, point (33a)				
383a		<i>(33a) Annex -Ia set out in Annex Ia to this Directive is inserted.</i>		
Article 1, first paragraph, point (34)				
384	(34) Annex Ia as set out in Annex II to this Directive is inserted.	(34) Annex Ia as set out in Annex II to this Directive is inserted.	(34) Annex Ia as set out in Annex II to this Directive is inserted.	

		<i>Comment: row 384 is a technical inconsistency in EP mandate (Annex Ia is deleted)</i>		
Article 1, first paragraph, point (35)				
385	(35) Annex II is replaced by the text in Annex III to this Directive.	(35) Annex II is replaced by the text in Annex III to this Directive.	(35) Annex II is replaced by the text in Annex III to this Directive.	(35) Annex II is replaced by the text in Annex III to this Directive.
Article 2				
386	Article 2 Amendments to Directive 1999/31/EC	Article 2 Amendments to Directive 1999/31/EC	Article 2 Amendments to Directive 1999/31/EC	Article 2 Amendments to Directive 1999/31/EC
Article 2, first paragraph				
387	In Article 1 of Directive 1999/31/EC, paragraph 2 is deleted.	In Article 1 of Directive 1999/31/EC, paragraph 2 is deleted.	In Article 1 of Directive 1999/31/EC, paragraph 2 is deleted.	In Article 1 of Directive 1999/31/EC, paragraph 2 is deleted.
Article 2a, first paragraph				
387g			Article 2a Transitional provisions	Article 2a Transitional provisions
Article 2a, second paragraph				
387h			1. In relation to installations carrying out activities referred to in Annex I Member States shall apply Article 14 (1) (aa), 14 (1) (h) Article 15(3a) and Article 15(4a) within 4	1. In relation to installations carrying out activities referred to in Annex I Member States shall apply Article 14 (1) (aa), 14(1)(bb), 14 (1) (h) Article 15(3a) and Article 15(4a) within 4 years of publication of

			<p>years of publication of decisions on BAT conclusions that have been published after [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive] 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 [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive] relating to the main activity of an installation in accordance with Article 13(5), shall apply those provisions from the date the BAT-conclusions are published.</p>	<p>decisions on BAT conclusions that have been published after [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive] 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 [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive] relating to the main activity of an installation in accordance with Article 13(5), shall apply those provisions from the date the BAT-conclusions are published.</p> <p><i>[All besides '24 months' is provisionally agreed.]</i></p>
Article 2a, second paragraph				
387i			<p>2. In relation to installations carrying out activities referred to in Annex I which are under the scope of the directive before [OP please insert the date = the date of entry into force of this Directive]) and (i) are in operation and hold a permit before [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive], or</p>	<p>2. In relation to installations carrying out activities referred to in Annex I which are under the scope of the directive before [OP please insert the date = the date of entry into force of this Directive]) and (i) are in operation and hold a permit before [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive], or (ii) of which the operators have submitted a complete application for</p>

			<p>(ii) of which the operators have submitted a complete application for a permit before that date, provided that those installations are put into operation no later than [OP please insert the date = the first day of the month following 12+24 months after the date of entry into force of this Directive]:</p> <p>Article 14 (1) (a), 14 (1)(b), 14 (1)(ba), 14 (1)(bb), 14 (1)(d), Article 15(1), Article 15(3), Article 15(4), Article 15a and Article 16(3) shall apply when the permit is granted or updated pursuant to Article 20 (2) or Article 21(5), or within 4 years of publication of decisions on BAT conclusions that have been published after [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive] in accordance with Article 13(5) relating to the main activity of an installation, or by [OP please insert the date = the first day of the month following 14 years after the date of entry into force of this Directive], whichever the sooner.</p> <p>Until the relevant date of application as referred to in the first subparagraph the installations mentioned in that subparagraph, which fall under</p>	<p>a permit before that date, provided that those installations are put into operation no later than [OP please insert the date = the first day of the month following 12+24 months after the date of entry into force of this Directive]:</p> <p>Article 14 (1) (a), 14 (1)(b), 14 (1)(ba), 14 (1)(bb), 14 (1)(d), Article 15(1), Article 15(3), Article 15(4), Article 15a and Article 16(3) shall apply when the permit is granted or updated pursuant to Article 20 (2) or Article 21(5), or within 4 years of publication of decisions on BAT conclusions that have been published after [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive] in accordance with Article 13(5) relating to the main activity of an installation, or by [OP please insert the date = the first day of the month following <u>12</u> years after the date of entry into force of this Directive], whichever the sooner.</p> <p>Until the relevant date of application as referred to in the first subparagraph the installations mentioned in that subparagraph, which fall under the scope of Directive 2010/75/EU, in the version in force on... [the day before this Directive enters into force, shall comply with that Directive in that version.</p>
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			the scope of Directive 2010/75/EU, in the version in force on... [the day before this Directive enters into force, shall comply with that Directive in that version.	Subject to package agreement on cluster 1
Article 2a, third paragraph				
387j			3. In relation to installations carrying out activities referred to in Annex I, point 2.3 (aa), point 2.3 (ab) and 6.2 (only regarding finishing of textile fibres or textiles) which are in operation before [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive] Member States shall , with the exemption of Article 14 (1aa), 14 (1) (h), Article 15(3a) and Article 15(4 a), apply the laws, regulations and administrative provisions adopted in accordance with this Directive within 4 years after [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive].	3. In relation to installations carrying out activities referred to in Annex I, point 2.3 (aa), point 2.3 (ab) and 6.2 (only regarding finishing of textile fibres or textiles) which are in operation before [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive] Member States shall , with the exemption of Article 14 (1aa), 14(1bb), 14 (1) (h), Article 15(3a) and Article 15(4 a), apply the laws, regulations and administrative provisions adopted in accordance with this Directive within 4 years after [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive].
Article 2a, fourth paragraph				
387k			4. In relation to installations carrying out activities referred to in Annex I, point 1.4, 2.3 (b), 2.3	4. In relation to installations carrying out activities referred to in Annex I, point 1.4, 2.3 (b), 2.3 (ba),

			<p>(ba), 2.7 and 3.6, which are not under the scope of the directive before [OP please insert the date = the date of entry into force of this Directive] Member States shall, with the exemption of Article 14 (1aa), 14 (1) (h), Article 15 (3a) and Article 15(4 a), apply the laws, regulations and administrative provisions adopted in accordance with this Directive 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 [OP please insert the date = the first day of the month following 9 years after the date of entry into force of this Directive], whichever the sooner.</p> <p>Until the relevant date of application as referred to in the first subparagraph the installations mentioned in that subparagraph, which fall under the scope of Directive 2010/75/EU, in the version in force on... [the day before this Directive enters into force, shall comply with that Directive in that version. Installations first permitted after the publications of decisions on BAT-conclusions published after [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive]</p>	<p>2.7 and 3.6, which are not under the scope of the directive before [OP please insert the date = the date of entry into force of this Directive] Member States shall, with the exemption of Article 14 (1aa), 14(1bb), 14 (1) (h), Article 15 (3a) and Article 15(4 a), 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 [OP please insert the date = the first day of the month following 10 years after the date of entry into force of this Directive], whichever the sooner.</p> <p>Until the relevant date of application as referred to in the first subparagraph the installations mentioned in that subparagraph, which fall under the scope of Directive 2010/75/EU, in the version in force on... [the day before this Directive enters into force, shall comply with that Directive in that version. Installations first permitted after the publications of decisions on BAT-conclusions published after [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive] relating to the main activity of an installation in</p>
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			relating to the main activity of an installation in accordance with Article 13(5), shall apply those provisions from the date the BAT-conclusions are published.	accordance with Article 13(5), shall apply those provisions from the date the BAT-conclusions are published.
Article 2a, fifth paragraph				
3871			<p>5. In relation to installations carrying out activities referred to in Annex I a Member States shall apply the laws, regulations and administrative provisions adopted in accordance with this Directive</p> <ul style="list-style-type: none"> - within 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. - within 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. - within 6 years of the entry into force of the implementing act referred to in Article 70i (2), if the installation has a capacity of 280 LSU or more of poultry or 350 LSU or more of cattle, pigs or of any mix of cattle, pigs, poultry. <p>Until the relevant date of application as referred to in the first subparagraph the installations mentioned in that subparagraph, which fall under</p>	

			<p>the scope of Directive 2010/75/EU, in the version in force on... [the day before this Directive enters into force, shall comply with that Directive in that version.</p>	
Article 2a, third paragraph				
387m			<p>6. Derogations granted by the competent authority in accordance with Article 15.4 before [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive] shall remain valid until the competent authority re-assess whether the derogation is justified according to Article 15.4. The re-assessment shall be made 4 years from [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive] or as part of reconsideration of the permit conditions pursuant to Article 21, whichever the sooner.</p>	
Article 2a, fourth paragraph				
387n			<p>7. Derogations for the testing and use of emerging techniques granted by the competent authority in accordance with Article 15.5</p>	

			before [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive] shall remain valid until the end of the period specified in the decision. After the period specified, the technique shall be stopped or the activity shall achieve at least the emission levels associated with the best available techniques.	
Article 3				
388	Article 3 Transposition	Article 3 Transposition	Article 3 Transposition	Article 3 Transposition
Article 3(1), first subparagraph				
389	Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [OP please insert the date = the first day of the month following 18 months after the date of entry into force of this Directive]. They shall forthwith communicate to the Commission the text of those provisions.	Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [OP please insert the date = the first day of the month following 18 months after the date of entry into force of this Directive]. They shall forthwith communicate to the Commission the text of those provisions.	Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [OP please insert the date = the first day of the month following 18 24 months after the date of entry into force of this Directive]. They shall forthwith communicate to the Commission the text of those provisions.	
Article 3(1), second subparagraph				
390				

	When Member States adopt those provisions, 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.	When Member States adopt those provisions, 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.	When Member States adopt those provisions, 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.	When Member States adopt those provisions, 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.
Article 3(2)				
391	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.	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.	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.	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 4				
392	Article 4	Article 4	Article 4	Article 4
Article 4, first paragraph				
393	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
Article 5				
394	Article 5	Article 5	Article 5	Article 5

Article 5, first paragraph				
395	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.
Formula				
396	Done at Strasbourg,	Done at Strasbourg,	Done at Strasbourg,	Done at Strasbourg,
Formula				
397	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament
Formula				
398	The President	The President	The President	The President
Formula				
399	For the Council	For the Council	For the Council	For the Council
Formula				
400	The President	The President	The President	The President
Annex I				
401	Annex I	Annex I	Annex I	Annex I
Annex I, first paragraph				
402				

	Annex I to Directive 2010/75/EU is amended as follows:	Annex I to Directive 2010/75/EU is amended as follows:	Annex I to Directive 2010/75/EU is amended as follows:	Annex I to Directive 2010/75/EU is amended as follows:
Annex I, first paragraph, point (-a)				
402a		<p><i>(-a) In Annex I, paragraph 3, point 1.2 a is inserted:</i></p> <p><i>1.2a Onshore oil and fossil gas upstream exploration and production, fossil gas gathering and processing</i></p>		<p><i>(-a) In Annex I, paragraph 3, point 1.2 a is inserted:</i></p> <p><i>1.2a Onshore oil and fossil gas upstream exploration and production, fossil gas gathering and processing</i></p> <p>Review clause on oil and gas to be added</p>
Annex I, first paragraph, point (-b)				
402b		<p><i>(-b) In Annex I, paragraph 3, point 1.2 b is inserted:</i></p> <p><i>1.2b Offshore oil and fossil gas upstream exploration and production</i></p>		<p><i>(-b) In Annex I, paragraph 3, point 1.2 b is inserted:</i></p> <p><i>1.2b Offshore oil and fossil gas upstream exploration and production</i></p> <p>Review clause on oil and gas to be added</p>
Annex I, first paragraph, point (a)				
403	(a) point 1.4 is replaced by the following:	(a) point 1.4 is replaced by the following:	(a) point 1.4 is replaced by the following:	(a) point 1.4 is replaced by the following:
Annex I, first paragraph, point (a), amending provision, first paragraph				
404	,	,	,	,

	Gasification, liquefaction or pyrolysis of:	Gasification, liquefaction or pyrolysis of:	Gasification, liquefaction or pyrolysis of:	Gasification, liquefaction or pyrolysis of:
Annex I, first paragraph, point (a), amending provision, first paragraph, point (a)				
405	(a) coal;	(a) coal;	(a) coal;	(a) coal;
Annex I, first paragraph, point (a), amending provision, first paragraph, point (b)				
406	(b) other fuels in installations with a total rated thermal input of 20 MW or more.;	(b) other fuels in installations with a total rated thermal input of 20 MW or more.;	(b) other fuels in installations with a total rated thermal input of 20 MW or more.;	(b) other fuels in installations with a total rated thermal input of 20 MW or more.;
Annex I, first paragraph, point (b)				
407	(b) point 2.3 is replaced by the following:	(b) point 2.3 is replaced by the following:	(b) point 2.3 is replaced by the following:	(b) point 2.3 is replaced by the following:
Annex I, first paragraph, point (b), amending provision, numbered paragraph (2.3)				
408	2.3. Processing of ferrous metals:	2.3. Processing of ferrous metals:	2.3. Processing of ferrous metals:	2.3. Processing of ferrous metals:
Annex I, first paragraph, point (b), amending provision, numbered paragraph (2.3), point (a)				
409	(a) operation of hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour;	(a) operation of hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour;	(a) operation of hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour;	(a) operation of hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour;
Annex I, first paragraph, point (b), amending provision, numbered paragraph (2.3), point (aa)				
410				

	(aa) operation of cold-rolling mills with a capacity exceeding 10 tonnes of crude steel per hour;	(aa) operation of cold-rolling mills with a capacity exceeding 10 tonnes of crude steel per hour; <u>deleted</u>	(aa) operation of cold-rolling mills with a capacity exceeding 10 tonnes of crude steel per hour;	(aa) operation of cold-rolling mills with a capacity exceeding 10 tonnes of crude steel per hour;
Annex I, first paragraph, point (b), amending provision, numbered paragraph (2.3), point (a)				
411	(ab) operation of wire drawing machines with a capacity exceeding 2 tonnes of crude steel per hour;	(ab) operation of wire drawing machines with a capacity exceeding 2 tonnes of crude steel per hour; <u>deleted</u>	(ab) operation of wire drawing machines with a capacity exceeding 2 10 tonnes of crude steel per hour;	(ab) operation of wire drawing machines with a capacity exceeding 2 tonnes of crude steel per hour;
Annex I, first paragraph, point (b), amending provision, numbered paragraph (2.3), point (b)				
412	(b) operation of smitheries with hammers the energy of which exceeds 20 kilojoule per hammer;	(b) operation of smitheries with hammers the energy of which exceeds 20 50 kilojoule per hammer;	(b) operation of smitheries with hammers the energy of which exceeds 20 50 kilojoule per hammer;	(b) operation of smitheries with hammers the energy of which exceeds 20 50 kilojoule per hammer;
Annex I, first paragraph, point (b), amending provision, numbered paragraph (2.3), point (ba)				
413	(ba) operation of smitheries with forging presses the force of which exceeds 10 mega-newton (MN) per press;`.	(ba) operation of smitheries with forging presses the force of which exceeds 10 mega-newton (MN) per press; <u>deleted</u>	(ba) operation of smitheries with forging presses the force of which exceeds 10 20 mega-newton (MN) per press;`.	(ba) operation of smitheries with forging presses the force of which exceeds 10 30 mega-newton (MN) per press
Annex I, first paragraph, point (b), amending provision, numbered paragraph (2.3), point (c)				
414	(c) application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour.;	(c) application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour.;	(c) application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour.;	(c) application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour.;
Annex I, first paragraph, point (c)				

415	(c) the following point 2.7 is inserted:	(c) the following point 2.7 is inserted:	(c) the following point 2.7 is inserted:	(c) the following point 2.7 is inserted:
Annex I, first paragraph, point (c), amending provision, numbered paragraph (2.7)				
416	2.7. Manufacture of lithium-ion batteries (including assembling battery cells and battery packs), with a production capacity of 3,5 GWh or more per year.;	2.7. Manufacture of lithium-ion batteries, other than exclusively (including assembling battery cells and battery packs) cells into packs and modules , with a production capacity of 3,5 GWh 17, 500 tons of battery cells (cathode, anode, electrolyte, separator and capsule) or more per year.;	2.7. ‘Manufacture of lithium-ion batteries, other than exclusively assembling (including assembling battery cells and battery packs) , with a production capacity of 3,5 GWh 12 000 tonnes of battery cells (cathode, anode, electrolyte, separator, capsule) or more per year.’	2.7. ‘Manufacture of lithium-ion batteries, other than exclusively assembling (including assembling battery cells and battery packs) , with a production capacity of 3,5 GWh 15 000 tonnes of battery cells (cathode, anode, electrolyte, separator, capsule) or more per year.’
Annex I, first paragraph, point (d)				
417	(d) point 3.5 is replaced by the following:	(d) point 3.5 is replaced by the following:	(d) point 3.5 is replaced by the following:	(d) point 3.5 is replaced by the following:
Annex I, first paragraph, point (d), amending provision, numbered paragraph (3.5)				
418	3.5. Manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain with:	3.5. Manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain with:	3.5. Manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain with:	3.5. Manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain with:
Annex I, first paragraph, point (d), amending provision, numbered paragraph (3.5), point (a)				
419				

	(a) a production capacity exceeding 75 tonnes per day; or	(a) a production capacity exceeding 75 tonnes per day; or , <u>and/or</u>	(a) a production capacity exceeding 75 tonnes per day; or and/or	(a) a production capacity exceeding 75 tonnes per day; or and/or
Annex I, first paragraph, point (d), amending provision, numbered paragraph (3.5), point (b)				
420	(b) a kiln capacity exceeding 4 m ³ and a setting density per kiln exceeding 300 kg/m ³ ;	(b) a kiln capacity exceeding 4 m ³ and a setting density per kiln exceeding 300 kg/m ³ ;	(b) a kiln capacity exceeding 4 m ³ and a setting density per kiln exceeding 300 kg/m ³ ;	(b) a kiln capacity exceeding 4 m ³ and a setting density per kiln exceeding 300 kg/m ³ ;
Annex I, first paragraph, point (e)				
421	(e) the following point 3.6. is inserted:	(e) the following point 3.6. is inserted:	(e) the following In annex I, point 3.6. is inserted is amended as follows:	(e) the following point 3.6. is inserted:
Annex I, first paragraph, point (e), amending provision, numbered paragraph (3.6)				
422	3.6. Extraction and treatment (operations such as comminution, size control, beneficiation and upgrading) of the following non-energy minerals:	3.6. Extraction and treatment (operations such as comminution, size control, beneficiation and upgrading) of the following non-energy <u>metalliferous</u> minerals: <u>bauxite, chromium, cobalt, copper, gold, silver, iron, lead, lithium, manganese, nickel, palladium, platinum, tin, tungsten and zinc.</u>	3.6. ‘Extraction including on-site and treatment (operations such as comminution, size control, beneficiation and upgrading) of the following minerals and ores on an industrial scale non-energy minerals:	3.6. ‘Extraction including on-site and treatment (operations such as comminution, size control, beneficiation and upgrading) of the following minerals and ores on an industrial scale non-energy minerals: Part of mining package (347a 347b, 422, 423, 424)
Annex I, first paragraph, point (e), amending provision, numbered paragraph (3.6), point (a)				
423	(a) industrial minerals, including barite, bentonite, diatomite,	(a) industrial minerals, including barite, bentonite, diatomite	(a) industrial minerals, including apatite , barite, bentonite, diatomite,	COM to come up with proposal following agreement at trilogue 2

	feldspar, fluorspar, graphite, gypsum, kaolin, magnesite, perlite, potash, salt, sulphur and talc;	mite, feldspar, fluorspar, graphite, gypsum, kaolin, magnesite, perlite, potash, salt, sulphur and talc; deleted	feldspar, fluorspar, graphite, gypsum, kaolin, magnesite, perlite, potash, salt, sulphur and talc with a capacity exceeding 500 tonnes per day ;	Part of mining package (347a 347b, 422, 423, 424)
Annex I, first paragraph, point (e), amending provision, numbered paragraph (3.6), point (b)				
424	(b) metalliferous ores, including bauxite, chromium, cobalt, copper, gold, iron, lead, lithium, manganese, nickel, palladium, platinum, tin, tungsten and zinc.;	<u>Line 422:</u> non-energy <u>metalliferous minerals</u> <u>bauxite, chromium, cobalt, copper, gold, silver, iron, lead, lithium, manganese, nickel, palladium, platinum, tin, tungsten and zinc.</u> (b) metalliferous ores, including bauxite, chromium, cobalt, copper, gold, iron, lead, lithium, manganese, nickel, palladium, platinum, tin, tungsten and zinc. deleted	(b) metalliferous ores, including bauxite, chromium, cobalt, copper, gold, iron, lead, lithium, manganese, nickel, palladium, platinum, tin, tungsten and zinc. ;	(b) metalliferous ores, including bauxite, chromium, cobalt, copper, gold, iron, lead, lithium, manganese, nickel, palladium, platinum, tin, tungsten and zinc. ; Part of mining package (347a 347b, 422, 423, 424)
Annex I, first paragraph, point (ea)				
424a		<u>(ea) In Annex I, point 4.2, point (a) is replaced by the following:</u> "(a) gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, <u>except electrolysis of water for production of hydrogen where the hydrogen</u>		<u>(ea) In Annex I, point 4.2, point (a) is replaced by the following:</u> "(a) —gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen, <u>except electrolysis of water for production of hydrogen where the hydrogen production capacity is below</u>

		<i>production capacity is below 50MW electricity input, sulphur dioxide, carbonyl chloride."</i>		<i>50MW electricity input, sulphur dioxide, carbonyl chloride."</i>
Annex I, first paragraph, point (f)				
424b			(f) point 4.2 (a) is replaced by the following: (a) gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen except when produced by electrolysis of water, sulphur dioxide, carbonyl chloride;	(f) point 4.2 (a) is replaced by the following: (a) gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen except when produced by electrolysis of water, sulphur dioxide, carbonyl chloride;
Annex I, first paragraph, point (eb)				
424c		<i>(eb) In Annex I, paragraph 3, subparagraph 3, point 5.2, the introductory part is replaced by the following:</i> "Disposal or recovery of waste in waste incineration plants or in waste co-incineration plants <u>except if the waste is exclusively composed of biomass as defined in Article 3(31)(b) of this Directive:</u>		<i>(eb) In Annex I, paragraph 3, subparagraph 3, point 5.2, the introductory part is replaced by the following:</i> "Disposal or recovery of waste in waste incineration plants or in waste co-incineration plants <u>except if the waste is exclusively composed of biomass as defined in Article 3(31)(b) of this Directive:</u>
Annex I, first paragraph, point (g)				
425	(g) point 5.3 is replaced by the following:	(g) point 5.3 is replaced by the following:	(g) point 5.3 is replaced by the following:	(g) point 5.3 is replaced by the following:

Annex I, first paragraph, point (g), amending provision, numbered paragraph (5.3)				
426	5.3. (a) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving one or more of the following activities, and excluding activities covered by Council Directive 91/271/EEC *:	5.3. (a) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving one or more of the following activities, and excluding activities covered by Council Directive 91/271/EEC *:	5.3. (a) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving one or more of the following activities, and excluding activities covered by Council Directive 91/271/EEC *:	5.3. (a) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving one or more of the following activities, and excluding activities covered by Council Directive 91/271/EEC *:
Annex I, first paragraph, point (g), amending provision, numbered paragraph (5.3), point (i)				
427	(i) biological treatment (such as anaerobic digestion);	(i) biological treatment (such as anaerobic digestion <u>or co-digestion</u>);	(i) biological treatment (such as anaerobic digestion);	(i) biological treatment (such as anaerobic digestion <u>or co-digestion</u>);
Annex I, first paragraph, point (g), amending provision, numbered paragraph (5.3), point (ii)				
428	(ii) physico-chemical treatment;	(ii) physico-chemical treatment;	(ii) physico-chemical treatment;	(ii) physico-chemical treatment;
Annex I, first paragraph, point (g), amending provision, numbered paragraph (5.3), point (iii)				
429	(iii) pre-treatment of waste for incineration or co-incineration;	(iii) pre-treatment of waste for incineration or co-incineration;	(iii) pre-treatment of waste for incineration or co-incineration;	(iii) pre-treatment of waste for incineration or co-incineration;
Annex I, first paragraph, point (g), amending provision, numbered paragraph (5.3), point (iv)				
430	(iv) treatment of slags and ashes;	(iv) treatment of slags and ashes;	(iv) treatment of slags and ashes;	(iv) treatment of slags and ashes;
Annex I, first paragraph, point (g), amending provision, numbered paragraph (5.3), point (v)				

431	(v) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.	(v) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.	(v) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.	(v) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.
Annex I, first paragraph, point (g), amending provision, second paragraph, first subparagraph				
432	Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, and excluding activities covered by Directive 91/271/EEC:	Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, and excluding activities covered by Directive 91/271/EEC:	Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, and excluding activities covered by Directive 91/271/EEC:	Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, and excluding activities covered by Directive 91/271/EEC:
Annex I, first paragraph, point (g), amending provision, second paragraph, first subparagraph, point (i)				
433	(i) biological treatment (such as anaerobic digestion);	(i) biological treatment (such as anaerobic digestion);	(i) biological treatment (such as anaerobic digestion);	(i) biological treatment (such as anaerobic digestion);
Annex I, first paragraph, point (g), amending provision, second paragraph, first subparagraph, point (ii)				
434	(ii) pre-treatment of waste for incineration or co-incineration;	(ii) pre-treatment of waste for incineration or co-incineration;	(ii) pre-treatment of waste for incineration or co-incineration;	(ii) pre-treatment of waste for incineration or co-incineration;
Annex I, first paragraph, point (g), amending provision, second paragraph, first subparagraph, point (iii)				
435	(iii) treatment of slags and ashes;	(iii) treatment of slags and ashes;	(iii) treatment of slags and ashes;	(iii) treatment of slags and ashes;
Annex I, first paragraph, point (g), amending provision, second paragraph, first subparagraph, point (iv)				
436				

	(iv) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.	(iv) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.	(iv) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.	(iv) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.
Annex I, first paragraph, point (g), amending provision, second paragraph, second subparagraph				
437	When the only waste treatment activity carried out is anaerobic digestion, the capacity threshold for this activity shall be 100 tonnes per day.	When the only waste treatment activity carried out is anaerobic digestion, the capacity threshold for this activity shall be 100 tonnes per day.	When the only waste treatment activity carried out is anaerobic digestion, the capacity threshold for this activity shall be 100 tonnes per day.	When the only waste treatment activity carried out is anaerobic digestion, the capacity threshold for this activity shall be 100 tonnes per day.
Annex I, first paragraph, point (g), amending provision, second paragraph, third subparagraph				
438	* Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (OJ L 135, 30.5.1991, p. 40).’;	* Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (OJ L 135, 30.5.1991, p. 40).’;	* Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (OJ L 135, 30.5.1991, p. 40).’;	* Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (OJ L 135, 30.5.1991, p. 40).’;
Annex I, first paragraph, point (h)				
439	(h) point 6.2 is replaced by the following:	(h) point 6.2 is replaced by the following:	(h) point 6.2 is replaced by the following:	(h) point 6.2 is replaced by the following:
Annex I, first paragraph, point (h), amending provision, numbered paragraph (6.2)				
440	6.2. Pre-treatment (operations such as washing, bleaching, mercerisation), dyeing or finishing of textile fibres or textiles where the	6.2. Pre-treatment (operations such as washing, bleaching, mercerisation), dyeing or finishing of textile fibres or textiles where the	6.2. Pre-treatment (operations such as washing, bleaching, mercerisation), dyeing or finishing of textile fibres or textiles where the	6.2. Pre-treatment (operations such as washing, bleaching, mercerisation), dyeing or finishing of textile fibres or textiles where the


	treatment capacity exceeds 10 tonnes per day.;	treatment capacity exceeds 10 tonnes per day.;	treatment capacity exceeds 10 tonnes per day.;	textiles where the treatment capacity exceeds 10 tonnes per day.;
Annex I, first paragraph, point (i)				
441	(i) point 6.5 is replaced by the following:	(i) point 6.5 is replaced by the following:	(i) point 6.5 is replaced by the following:	(i) point 6.5 is replaced by the following:
Annex I, first paragraph, point (i), amending provision, numbered paragraph (6.5)				
442	6.5. Disposal or recycling of animal carcasses or animal by-products with a treatment capacity exceeding 10 tonnes per day..	6.5. Disposal or recycling of animal carcasses or animal by-products with a treatment capacity exceeding 10 tonnes per day..	6.5. Disposal or recycling of animal carcasses or animal by-products with a treatment capacity exceeding 10 tonnes per day..	6.5. Disposal or recycling of animal carcasses or animal by-products with a treatment capacity exceeding 10 tonnes per day..
Annex I, first paragraph, point (j)				
443	(j) point 6.6 is deleted.	(j) point 6.6 is deleted.	(j) point 6.6 is deleted replaced by the following: ‘6.6. Electrolysis of water for production of hydrogen where the production capacity exceeds 60 tonnes per day.’	(j) point 6.6 is deleted replaced by the following: ‘6.6. Electrolysis of water for production of hydrogen where the production capacity exceeds 50 tonnes per day.’ + review in line 338c, + inclusion in AnnexI of IEP
Annex Ia				
443a				<i>Replaced in row 449.</i>



		<p>Annex -Ia Conversion rates of animals to livestock units ('LSU') referred to in the LSU definition</p> <p>Pigs <i>Breeding sows > 50kg 0,5 LSU</i> <i>Other pigs > 30kg 0,3 LSU</i></p> <p>Poultry <i>Broilers 0,007 LSU</i> <i>Laying hens 0,014 LSU</i> <i>Ostriches 0,35 LSU</i> <i>Turkeys 0,03 LSU</i> <i>Ducks 0,01 LSU</i> <i>Geese 0,02 LSU</i></p> <p>Other poultry fowls n.e.c. 0,001 LSU</p> <p>4CT for Annex -Ia provided in separate word format</p>		
Annex II				
444	Annex II	<p>Annex II deleted</p> <p>4CT for Annex Ia provided in separate word format</p>	Annex II	Annex II
Annex II, amending provision, first paragraph				
445	ANNEX Ia	<p>ANNEX Ia deleted</p>	ANNEX Ia	ANNEX Ia
Annex II, amending provision, second paragraph				
446	Activities referred to in Article 70a		Activities referred to in Article 70a	Activities referred to in Article 70a

		<i>Activities referred to in Article 70adeleted</i>		
Annex II, amending provision, numbered paragraph (1)				
447	1. Rearing of cattle, pigs or poultry in installations of 150 livestock units (LSU) or more.	1. Rearing of cattle, pigs or poultry in installations of 150 livestock units (LSU) or more. <i>deleted</i>	1. Rearing of cattle, pigs or poultry or pigs in installations of 150 350 livestock units (LSU) or more, excluding rearing of cattle or pigs in installations operating under extensive production regimes, where the stocking density is less than 2 LSU/hectare used only for grazing or growing fodder or forage used for feeding the animals in the installation or more.	[1. Rearing of cattle in installations of [150][350] livestock units (LSU) or more, excluding rearing in installations operating under extensive production regimes, where the stocking density is less than 2 LSU/hectare used only for grazing or growing fodder or forage used for feeding the animals.] 2. Rearing of pigs in installations [of [150][350] livestock units (LSU) or more] [with more than 2 000 places for production pigs (over 30 kg), or with more than 750 places for sows.], excluding rearing in installations operating under extensive organic production regimes in accordance with Regulation 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 where the animals are [kept outdoors a large part of the year / seasonally reared outside].
Annex II, amending provision, numbered paragraph (2)				
447a				

			2. Rearing of poultry in installations of 280 livestock units (LSU) or more.	
Annex II, amending provision, numbered paragraph (2), first subparagraph				
448	Rearing of any mix of the following animals: cattle, pigs, poultry, in installations of 150 LSU or more.	<i>Rearing of any mix of the following animals: cattle, pigs, poultry, in installations of 150 LSU or more. <u>deleted</u></i>	3. Rearing of any mix of the following animals: cattle, cattle or pigs in installations of 350 livestock units (LSU) or more, excluding rearing of cattle or pigs, poultry, in installations of 150 LSU or more operating under extensive production regimes, where the stocking density is less than 2 LSU/hectare used only for grazing or growing fodder or forage used for feeding the animals in the installation.	4. Rearing, of any mix of [cattle,] pigs and poultry, in installations of [150] [350] [750] LSU or more, and excluding rearing in installations operating under extensive organic production regimes in accordance with Regulation 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 where the animals are kept outdoors a large part of the year / seasonally reared outside].
Annex II, amending provision, numbered paragraph (2), second subparagraph				
449	The approximate equivalent in LSU is based on the conversion rates established in Annex II to Commission Implementing Regulation (EU) No 808/2014*.	<i>The approximate equivalent in LSU is based on the conversion rates established in Annex II to Commission Implementing Regulation (EU) No 808/2014*. <u>deleted</u></i>	The approximate equivalent in LSU is based on the following conversion rates established in Annex II to Commission Implementing Regulation (EU) No 808/2014*.: <div style="background-color: #f0e68c; padding: 2px; display: inline-block;">Table will be provided in Word</div>	The approximate equivalent in LSU is based on the following conversion rates: Annex -Ia Conversion rates of animals to livestock units ('LSU') referred to in the LSU definition Pigs Breeding sows > 50kg 0,5 LSU Other pigs > 30kg 0,3 LSU Poultry

				Broilers 0,007 LSU Laying hens 0,014 LSU Ostriches 0,35 LSU Turkeys 0,03 LSU Ducks 0,01 LSU Geese 0,02 LSU Other poultry fowls n.e.c. 0,001 LSU [Bovine animals Less than 1 year old 0,400 LSU 1 to less than 2 years old 0,700 LSU Male, 2 years old and over 1,000 LSU Heifers, 2 years old and over 0,800 LSU]
Annex II, amending provision, numbered paragraph (2), third subparagraph				
450	* Commission Implementing Regulation (EU) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (OJ L 227, 31.07.2014, p.18).	* Commission Implementing Regulation (EU) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (OJ L 227, 31.07.2014, p.18). deleted	deleted	deleted
Annex III				
451	Annex III	Annex III	Annex III	Annex III
Annex III, amending provision, first paragraph				
452				

	ANNEX II	ANNEX II	ANNEX II	ANNEX II
Annex III, amending provision, second paragraph				
453	Principles to be complied with when granting a derogation referred to in Article 15(4)	Principles to be complied with when granting a derogation referred to in Article 15(4)	Principles to be complied with when granting a derogation referred to in Article 15(4)	Principles to be complied with when granting a derogation referred to in Article 15(4)
Annex III, amending provision, third paragraph				
454	Derogations provided in accordance with Article 15(4) shall respect the following principles:	Derogations provided in accordance with Article 15(4) shall respect the following principles:	Derogations provided in accordance with Article 15(4) shall respect the following principles:	Derogations provided in accordance with Article 15(4) shall respect the following principles:
Annex III, amending provision, third paragraph, point (1)				
455	1. Costs	1. Costs	1. Costs	1. Costs
Annex III, amending provision, third paragraph, point (1)(1.1)				
456	1.1. Costs referred to in Article 15(4) shall be the costs of complying with the emission levels or environmental performance levels associated with best available techniques and include both capital costs and operating costs. Wider social or economic costs shall not be included.	1.1. Costs referred to in Article 15(4) shall be the costs of complying with the emission levels or environmental performance levels associated with best available techniques and include both capital costs and operating costs. Wider social or economic costs shall not be included.	1.1. Costs referred to in Article 15(4) shall be the costs of complying with the emission levels or environmental performance levels associated with best available techniques and include both capital costs and operating costs. Wider social or economic costs shall not be included.	1.1. Costs referred to in Article 15(4) shall be the costs of complying with the emission levels or environmental performance levels associated with best available techniques and include both capital costs and operating costs. Wider social or economic costs shall not be included.
Annex III, amending provision, third paragraph, point (1)(1.2)				
457				

	1.2. The evaluation of the costs shall be quantitative, and supported by a qualitative assessment.	1.2. The evaluation of the costs shall be quantitative, and supported by a qualitative assessment.	1.2. The evaluation of the costs shall be quantitative, and supported by a qualitative assessment.	1.2. The evaluation of the costs shall be quantitative, and supported by a qualitative assessment.
Annex III, amending provision, third paragraph, point (1)(1.3)				
458	1.3. Costs taken into account in the evaluation shall:	1.3. Costs taken into account in the evaluation shall:	1.3. Costs taken into account in the evaluation shall:	1.3. Costs taken into account in the evaluation shall:
Annex III, amending provision, third paragraph, point (1)(1.3)(a)				
459	(a) represent net value costs, after deduction of any financial benefits from applying best available techniques;	(a) represent net value costs, after deduction of any financial benefits from applying best available techniques;	(a) represent net value costs, after deduction of any financial benefits from applying best available techniques;	(a) represent net value costs, after deduction of any financial benefits from applying best available techniques;
Annex III, amending provision, third paragraph, point (1)(1.3)(b)				
460	(b) include the cost of accessing financial capital required to finance the best available techniques;	(b) include the cost of accessing financial capital required to finance the best available techniques;	(b) include the cost of accessing financial capital required to finance the best available techniques;	(b) include the cost of accessing financial capital required to finance the best available techniques;
Annex III, amending provision, third paragraph, point (1)(1.3)(c)				
461	(c) be calculated using a discount rate to take account of differences in monetary value over time.	(c) be calculated using a discount rate to take account of differences in monetary value over time.	(c) be calculated using a discount rate to take account of differences in monetary value over time.	(c) be calculated using a discount rate to take account of differences in monetary value over time.
Annex III, amending provision, third paragraph, point (1)(1.4)				
462	1.4. The application for a derogation shall clearly identify the source of the costs and the methods	1.4. The application for a derogation shall clearly identify the source of the costs and the methods	1.4. The application for a derogation shall clearly identify the source of the costs and the methods	1.4. The application for a derogation shall clearly identify the source of the costs and the methods used to calculate

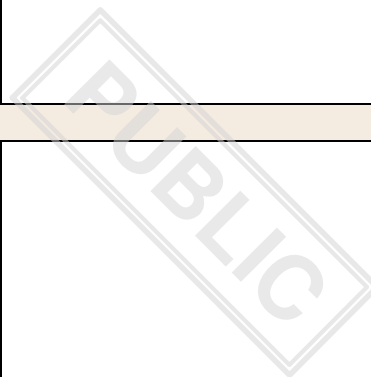
	used to calculate them, including the discount rate mentioned in point 1.3(c) and the estimation of uncertainties associated with the costs evaluation.	used to calculate them, including the discount rate mentioned in point 1.3(c) and the estimation of uncertainties associated with the costs evaluation.	used to calculate them, including the discount rate mentioned in point 1.3(c) and the estimation of uncertainties associated with the costs evaluation.	them, including the discount rate mentioned in point 1.3(c) and the estimation of uncertainties associated with the costs evaluation.
Annex III, amending provision, third paragraph, point (1)(1.5)				
463	1.5. Costs evaluated by the operator shall be assessed by the competent authority, based on information from other sources such as technology providers, expert judgements or data from other plants where best available techniques were recently installed.	1.5. Costs evaluated by the operator shall be assessed by the competent authority, based on information from other sources such as technology providers, <u>peer-reviewed research</u> , expert judgements or data from other plants where best available techniques were recently installed.	1.5. Costs evaluated by the operator shall be assessed by the competent authority, based on information from other sources such as technology providers, expert judgements or data from other plants where best available techniques were recently installed.	1.5. Costs evaluated by the operator shall be assessed by the competent authority, based on information from other sources such as technology providers, <u>peer-reviewed research</u> , expert judgements or data from other plants where best available techniques were recently installed.
Annex III, amending provision, third paragraph, point (2)				
464	2. Environmental benefits	2. Environmental benefits	2. Environmental benefits	2. Environmental benefits
Annex III, amending provision, third paragraph, point (2)(2.1)				
465	2.1. Environmental benefits referred to in Article 15(4) shall be environmental benefits of complying with the emission levels or environmental performance levels associated with best available techniques.	2.1. Environmental benefits referred to in Article 15(4) shall be environmental benefits of complying with the emission levels or environmental performance levels associated with best available techniques.	2.1. Environmental benefits referred to in Article 15(4) shall be environmental benefits of complying with the emission levels or environmental performance levels associated with best available techniques.	2.1. Environmental benefits referred to in Article 15(4) shall be environmental benefits of complying with the emission levels or environmental performance levels associated with best available techniques.
Annex III, amending provision, third paragraph, point (2)(2.2)				
466				


	2.2. The evaluation of environmental benefits shall be quantitative (in monetary terms) and supported by a qualitative assessment. Established pollutant damage costs shall be used where available.	2.2. The evaluation of environmental benefits shall be quantitative (in monetary terms) and supported by a qualitative assessment. Established pollutant damage costs shall be used where available.	2.2. The evaluation of environmental benefits shall be quantitative (in monetary terms) and supported by a qualitative assessment. Established pollutant damage costs shall be used where available.	2.2. The evaluation of environmental benefits shall be quantitative (in monetary terms) and supported by a qualitative assessment. Established pollutant damage costs shall be used where available.
Annex III, amending provision, third paragraph, point (2)(2.3)				
467	2.3. The evaluation of environmental benefits shall consider a discount rate applied to any monetised benefits which addresses differences in values to society over time.	2.3. The evaluation of environmental benefits shall consider a discount rate applied to any monetised benefits which addresses differences in values to society over time.	2.3. The evaluation of environmental benefits shall consider a discount rate applied to any monetised benefits which addresses differences in values to society over time.	2.3. The evaluation of environmental benefits shall consider a discount rate applied to any monetised benefits which addresses differences in values to society over time.
Annex III, amending provision, third paragraph, point (2)(2.4)				
468	2.4. The application for a derogation shall clearly identify the source of the environmental benefits information and the methods used to calculate the environmental benefits, including the discount rate mentioned in point 1.3(c) and the estimate of uncertainties associated with the evaluation of the environmental benefits.	2.4. The application for a derogation shall clearly identify the source of the environmental benefits information and the methods used to calculate the environmental benefits, including the discount rate mentioned in point 1.3(c) and the estimate of uncertainties associated with the evaluation of the environmental benefits.	2.4. The application for a derogation shall clearly identify the source of the environmental benefits information and the methods used to calculate the environmental benefits, including the discount rate mentioned in point 1.3(c) and the estimate of uncertainties associated with the evaluation of the environmental benefits.	2.4. The application for a derogation shall clearly identify the source of the environmental benefits information and the methods used to calculate the environmental benefits, including the discount rate mentioned in point 1.3(c) and the estimate of uncertainties associated with the evaluation of the environmental benefits.
Annex III, amending provision, third paragraph, point (2)(2.5)				
469	2.5. Environmental benefits evaluated by the operator shall be	2.5. Environmental benefits evaluated by the operator shall be	2.5. Environmental benefits evaluated by the operator shall be	2.5. Environmental benefits evaluated by the operator shall be assessed by the


	assessed by the competent authority, based on expert judgement or data from other plants where the best available techniques were recently installed.	assessed by the competent authority, based on expert judgement or data from other plants where the best available techniques were recently installed.	assessed by the competent authority, based on expert judgement or data from other plants where the best available techniques were recently installed.	competent authority, based on expert judgement or data from other plants where the best available techniques were recently installed.
Annex III, amending provision, third paragraph, point (3)				
470	3. Disproportionality of costs compared to environmental benefits	3. Disproportionality of costs compared to environmental benefits	3. Disproportionality of costs compared to environmental benefits	3. Disproportionality of costs compared to environmental benefits
Annex III, amending provision, third paragraph, point (3)(3.1)				
471	3.1. For the purpose of determining if there is a disproportionality, the costs of complying with the emission levels or environmental performance levels associated with best available techniques, and the benefits of such compliance, shall be compared.	3.1. For the purpose of determining if there is a disproportionality, the costs of complying with the emission levels or environmental performance levels associated with best available techniques, and the benefits of such compliance, shall be compared.	3.1. For the purpose of determining if there is a disproportionality, the costs of complying with the emission levels or environmental performance levels associated with best available techniques, and the benefits of such compliance, shall be compared.	3.1. For the purpose of determining if there is a disproportionality, the costs of complying with the emission levels or environmental performance levels associated with best available techniques, and the benefits of such compliance, shall be compared.
Annex III, amending provision, third paragraph, point (3)(3.2)				
472	3.2. The comparison mechanism shall include the following elements:	3.2. The comparison mechanism shall include the following elements:	3.2. The comparison mechanism shall include the following elements:	3.2. The comparison mechanism shall include the following elements:
Annex III, amending provision, third paragraph, point (3)(3.2)(a)				
473	(a) a method to address uncertainties in evaluating costs and environmental benefits;	(a) a method to address uncertainties in evaluating costs and environmental benefits;	(a) a method to address uncertainties in evaluating costs and environmental benefits;	(a) a method to address uncertainties in evaluating costs and environmental benefits;


Annex III, amending provision, third paragraph, point (3)(3.2)(b)				
474	(b) a specification of the margin by which the costs should exceed the environmental benefits..	(b) a specification of the margin by which the costs should exceed the environmental benefits..	(b) a specification of the margin by which the costs should exceed the environmental benefits..	(b) a specification of the margin by which the costs should exceed the environmental benefits..
Annex IV				
474a			ANNEX IV 'In Annex III, point 9 is replaced by the following: 9. the consumption and nature of raw materials (including water) used in the process, energy efficiency and decarbonisation;'	ANNEX IV 'In Annex III, point 9 is replaced by the following: 9. the consumption and nature of raw materials (including water) used in the process, energy efficiency and decarbonisation;'
Annex IIIa, amending provision, Annex III, point 2				
474b		<u>2. In Annex III, point 2 is replaced by the following:</u> "the use of less hazardous substances, <u>and other substances of very high concern</u> ";		<u>2. In Annex III, point 2 is replaced by the following:</u> "the use of less hazardous substances, <u>including other substances of very high concern</u> ";
Annex IIIa, amending provision, Annex III, point 5				
474c		<u>5. In Annex III, point 5 is replaced by the following:</u> "technological advances, <u>including digital tools</u> , and changes in		<u>5. In Annex III, point 5 is replaced by the following:</u> "technological advances, <u>including digital tools</u> , and changes in scientific knowledge and understanding";


		scientific knowledge and understanding";		
Annex IIIa, amending provision, Annex III, point 9				
474d		<p><u>9. In Annex III, point 9 is replaced by the following:</u></p> <p>"the consumption, <u>recycling</u> and nature of raw materials (including water) used in the process and energy efficiency <u>and decarbonisation</u>";</p>		<p><u>9. In Annex III, point 9 is replaced by the following:</u></p> <p>"the consumption, nature of raw materials (including water) used in the process and resource efficiency and reuse <u>and decarbonisation</u>";</p>
Annex IIIa, amending provision, Annex III, point 12a new				
474f		<p><u>12b. In Annex III, the following point is added:</u></p> <p><u>"The need to prevent and minimise the negative impact for biodiversity"</u>.</p>		<p><u>12b. In Annex III, point 10 is replaced by the following:</u></p> <p>“The need to prevent or reduce to a minimum the overall impact of the emissions on the environment, including biodiversity, and the risks to it;”</p>
Annex IIIa, amending provision, Annex III, point 11				
474e		<p><u>11. In Annex III, point 11 is replaced by the following:</u></p> <p>"the need to prevent accidents and to minimise the consequences for the environment <u>and the workers</u>";</p>		<p><u>11. In Annex III, point 11 is replaced by the following:</u></p> <p>"the need to prevent accidents and to minimise the consequences for the environment <u>and human health</u>";</p>
Annex IIIb, amending provision, Annex IV, paragraph 1				



474g		<p><i>In Annex IV, paragraph 1, the introductory part is replaced by the following:</i></p> <p>"1. The public shall be informed (by public notices or other appropriate means such as electronic media where available and through an easy to find webpage on the website of the public authorities to which access is unrestricted) of the following matters early in the procedure for the taking of a decision or, at the latest, as soon as the information can reasonably be provided:"</p>		<p><i>In Annex IV, paragraph 1, the introductory part is replaced by the following:</i></p> <p>"1. The public shall be informed (by public notices or other appropriate means such as electronic media where available <u>and the Internet in a manner which is easy to find</u>) of the following matters early in the procedure for the taking of a decision or, at the latest, as soon as the information can reasonably be provided:"</p>
Annex IIIb, amending provision, Annex IV, paragraph 3				
474h		<p><i>In Annex IV, paragraph 3 is replaced by the following:</i></p> <p>"3. The public concerned shall be entitled to express comments and opinions to the competent authority <u>in a timely manner</u> before a decision is taken."</p>		<p><i>In Annex IV, paragraph 3 is replaced by the following:</i></p> <p>"3. The public concerned shall be <i>given early and effective opportunity to</i> entitled to express comments and opinions to the competent authority before a decision is taken."</p>
Annex IIIb, amending provision, Annex IV, paragraph 5				
474i		<p><i>In Annex IV, paragraph 5 is replaced by the following:</i></p> <p>"5. The detailed arrangements for informing the public (for</p>		<p><i>In Annex IV, paragraph 5 is replaced by the following:</i></p> <p>"5. The detailed arrangements for informing the public (for example by</p>

		<p>example by bill posting within a certain radius or publication in local newspapers) and consulting the public concerned (for example by written submissions or by way of a public inquiry) shall be determined by the Member States.</p> <p>Reasonable time-frames for the different phases shall be provided, allowing sufficient time to inform the public and for the public concerned to prepare and participate effectively in environmental decision-making subject to this Annex."</p>		<p>bill posting within a certain radius or publication in local newspapers) and consulting the public concerned (for example by written submissions or by way of a public inquiry) shall be determined by the Member States.</p> <p>Reasonable time-frames for the different phases shall be provided, allowing sufficient time to inform the public and for the public concerned to prepare and participate effectively in environmental decision-making subject to this Annex."</p>
Annex IIIb, amending provision, Annex IV, paragraph 5a new				
474j		<p><i>In Annex IV, the following paragraph is added:</i></p> <p><i>"5a. The public concerned living in a Member State bordering the Member State in which the activity is carried out shall be informed in an equally effective manner to the public concerned living in the same Member State where the activity is carried out. This shall include the translation of relevant information under paragraphs 1 and 2."</i></p>		<p><i>deleted</i></p>
Annex IIIc, amending provision, Annex V (3)(8)(3)				

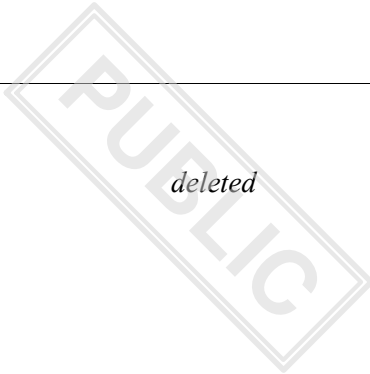
474k		<p><i>In Annex V, Part 3, paragraph 8, third subparagraph is replaced by the following:</i></p> <p>The operator shall inform the competent authority about the results of the checking of the automated measuring systems <u>within a period of three months.</u></p>		<p><i>In Annex V, Part 3, paragraph 8, third subparagraph is replaced by the following:</i></p> <p>The operator shall inform the competent authority about the results of the checking of the automated measuring systems <u>without undue delay.</u></p> <p>Part of the sector-specific clauses package.</p>
Annex IIIc, amending provision, Annex V(3)(10)(2)				
474l		<p><i>In Annex V, Part 3, paragraph 10, second subparagraph is replaced by the following:</i></p> <p>Any day in which more than three hourly average values are invalid due to malfunction or maintenance of the automated measuring system shall be invalidated. If more than 10 days over a year are invalidated for such situations the competent authority shall require the operator to take adequate measures to improve the reliability of the automated measuring system <u>within a period of three months.</u></p>		<p><i>In Annex V, Part 3, paragraph 10, second subparagraph is replaced by the following:</i></p> <p>Any day in which more than three hourly average values are invalid due to malfunction or maintenance of the automated measuring system shall be invalidated. If more than 10 days over a year are invalidated for such situations the competent authority shall require the operator to take adequate measures to improve the reliability of the automated measuring system <u>without undue delay.</u></p> <p>Part of the sector-specific clauses package.</p>
Annex IIIId, amending provision, Annex VI(6)(1.2)				
474m		<p><i>In Annex VI, Part 6, point 1.2 is replaced by the following:</i></p>		<p><i>In Annex VI, Part 6, point 1.2 is replaced by the following:</i></p>

		<p>1.2. Sampling and analysis of all polluting substances including dioxins and furans as well as the quality assurance of <u>laboratories and of</u> automated measuring systems and the reference measurement methods to calibrate them <u>the latter</u> shall be carried out according to CEN-standards. If CEN standards are not available, ISO, national or other international standards which ensure the provision of data of an equivalent scientific quality shall apply. Automated measuring systems shall be subject to control by means of parallel measurements with the reference methods at least once per year.</p>		<p>1.2. Sampling and analysis of all polluting substances including dioxins and furans as well as the quality assurance of automated measuring systems and the reference measurement methods to calibrate them shall be carried out according to CEN-standards. If CEN standards are not available, ISO, national or other international standards which ensure the provision of data of an equivalent scientific quality shall apply. This applies also to the quality assurance system of the laboratory performing the sampling and analysis. Automated measuring systems shall be subject to control by means of parallel measurements with the reference methods at least once per year.</p>
Annex III d, amending provision, Annex VI (8)(1.2)				
474n		<p><i>In Annex VI, Part 8, point 1.2 is replaced by the following:</i></p> <p>"The half-hourly average values and the 10-minute averages shall be determined within the effective operating time (excluding <u>including</u> the start-up and shut-down periods <u>for dioxins, furans and dioxin-like polychlorinated biphenyls</u> even if no waste is being incinerated) from the measured values after having subtracted the value of the confidence interval</p>		<p><i>deleted</i></p> <p>(as package, link to 262d)</p>

		specified in point 1.3 of Part 6. The daily average values shall be determined from those validated average values."		
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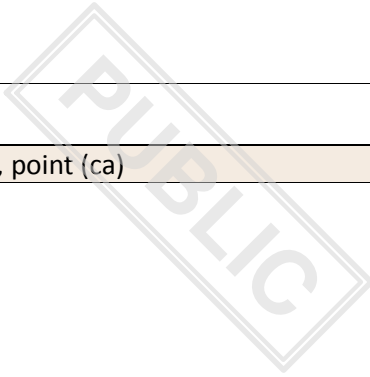
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368	Penalties	Penalties	Penalties	
Article 1, first paragraph, point (31), amending provision, numbered paragraph (1)				
369	<p>1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, Member States shall lay down rules on penalties applicable to violations of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are applied. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall without delay notify the Commission of those rules and of those provisions, and shall notify without delay any subsequent amendment affecting them.</p>	<p>1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, Member States shall lay down rules on penalties applicable to violations of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are applied. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall without delay notify the Commission of those rules and of those provisions, and shall notify without delay any subsequent amendment affecting them.</p>	<p>1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, Member States shall lay down rules on penalties applicable to violations of national provisions infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are applied implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall without delay notify the Commission of those rules and of those provisions, and shall notify without delay any subsequent amendment affecting them.</p>	<p>1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the protection of the environment through criminal law, Member States shall lay down rules on penalties applicable to violations of national provisions infringements of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are applied implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall without delay notify the Commission of those rules and of those provisions, and shall notify without delay any subsequent amendment affecting them.</p>
Article 1, first paragraph, point (31), amending provision, numbered paragraph (2)				



370	<p>2. The penalties referred to in paragraph 1 shall include fines proportionate to the turnover of the legal person or to the income of the natural person having committed the infringement. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for the violation of the economic benefits derived from that violation. The level of the fines shall be gradually increased for repeated infringements. In the case of a violation committed by a legal person, the maximum amount of such fines shall be at least 8 % of the operator's annual turnover in the Member State concerned.</p>	<p>2. The penalties referred to in paragraph 1 shall include fines proportionate to the turnover of the legal person, or to the income of the natural person having committed the infringement. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for the violation of the economic benefits derived from that violation. The level of the fines shall be gradually increased for repeated infringements. In the case of a violation committed by a legal person, the maximum amount of such fines shall be at least 8 % of the operator's annual turnover in the Member State concerned <u>financial year preceding the year in which the fine is imposed in the Union.</u></p>	<p><i>deleted</i></p>	<p>The penalties referred to in paragraph 1 shall include administrative financial penalties that effectively deprive those having committed the infringement of the economic benefits derived from their infringements.</p> <p>[In the case of a legal person and for the most serious infringements, the maximum amount of such administrative financial penalties shall be at least 2-4% of the operator's annual turnover in the financial year preceding the year in which the fine is imposed in the Union.]</p> <p>Member states may also, or alternatively, use criminal penalties, provided that they are equivalently effective, proportionate and dissuasive to the administrative financial penalties referred to in this Article.</p>
<i>Article 1, first paragraph, point (31), amending provision, numbered paragraph (3)</i>				
371				

	3. Member States shall ensure that the penalties referred to in paragraph 1 give due regard to the following, as applicable:	3. Member States shall ensure that the penalties referred to in paragraph 1 give due regard to the following, as applicable:	3. Member States shall ensure that the penalties referred to in paragraph 1 established pursuant to this Article give due regard to the following, as applicable:	3. Member States shall ensure that the penalties referred to in paragraph 1 established pursuant to this Article give due regard to the following, as applicable:
Article 1, first paragraph, point (31), amending provision, numbered paragraph (3), point (a)				
372	(a) the nature, gravity, and extent of the violation;	(a) the nature, gravity, and extent of the violation;	(a) the nature, gravity, and extent of the infringement ; violation ;	(a) the nature, gravity, and extent of the infringement ; violation ;
Article 1, first paragraph, point (31), amending provision, numbered paragraph (3), point (b)				
373	(b) the intentional or negligent character of the violation;	(b) the intentional or negligent character of the violation;	<i>deleted</i>	(b) the degree of the fault;
Article 1, first paragraph, point (31), amending provision, numbered paragraph (3), point (c)				
374	(c) the population or the environment affected by the violation, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment..	(c) the population or the environment affected by the violation, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment. <u>including the reversibility of any damage caused as a result of the violation and the length of time necessary for such damage to be reversed.</u>	(c) the population or the environment affected by the violation infringement , bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment.;	(c) the population or the environment affected by the violation infringement , bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment.;



Article 1, first paragraph, point (31), amending provision, numbered paragraph (3), point (ca)				
374a		<u>(ca) relevant previous violations by the operator or by the installation.</u>		<i>Deleted</i>
Article 1, first paragraph, point (31), amending provision, numbered paragraph (3), point (d)				
374b			(d) the repetitive or singular character of the infringement;	(d) the repetitive or singular character of the infringement;
Article 1, first paragraph, point (31), amending provision, numbered paragraph (4)				
374c			(4) Member States shall without undue delay notify the Commission of the rules and measures referred to in paragraph 1 and of any subsequent amendments affecting them.	(4) Member States shall without undue delay notify the Commission of the rules and measures referred to in paragraph 1 and of any subsequent amendments affecting them.
Article 1, first paragraph, point (31), amending provision, numbered paragraph (3a)				
374e		<u>3a. Member States shall ensure that revenue from penalties is used, as a matter of priority, to compensate for harm caused to</u>		



		<u>local communities, including for the social consequences of ending economic activities, due to permit violations. Without prejudice to Article 79a, revenues raised from penalties shall not be used for the purpose of Article 79a.</u>		
Article 1, first paragraph, point (31), amending provision, numbered paragraph (3b)				
374f		<u>3b. The Commission shall monitor the implementation by Member States of the penalties referred to in this paragraph and, in the event of obvious disparities between the penalty regimes of the Member States, shall, where appropriate, adopt guidelines.</u>		
Article 1, first paragraph, point (32)				
375	(32) The following Article 79a is inserted:	(32) The following Article 79a is inserted:	(32) The following Article 79a is inserted:	
Article 1, first paragraph, point (32), amending provision, first paragraph				
376	,	,	,	

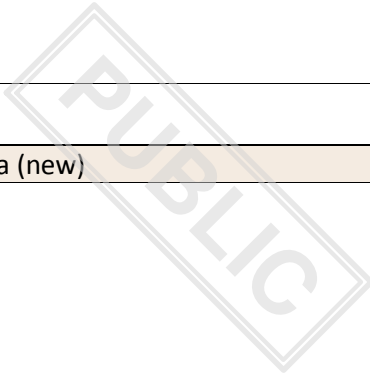
	Article 79a	Article 79a	Article 79a	
Article 1, first paragraph, point (32), amending provision, second paragraph				
377	Compensation	Compensation	Compensation	
Article 1, first paragraph, point (32), amending provision, numbered paragraph (1)				
378	<p>1. Member States shall ensure that, where damage to human health has occurred as a result of a violation of national measures that were adopted pursuant to this Directive, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons and, where appropriate, from the relevant competent authorities responsible for the violation.</p>	<p>1. Member States shall ensure that, where damage to human health has occurred— as a result of a violation of national measures that were adopted pursuant to this Directive, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons and<u>responsible for the violation, including</u>, where appropriate, from the relevant competent authorities responsible <u>for the violation where the decision, act or omission of the authority caused or contributed to the damage.</u></p>	<p>1. Member States shall ensure that, where damage to human health has occurred— as a result of a violation of national measures that were adopted pursuant to this Directive, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons and, where appropriate, from the relevant competent authorities responsible for the violation.</p>	<p>1. Member States shall ensure that, where damage to human health has occurred as a result of a violation of national measures that were adopted pursuant to this Directive, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons, and, where appropriate, from the relevant competent authorities responsible for the violation.</p>
Article 1, first paragraph, point (32), amending provision, numbered paragraph (2)				
379				

	<p>2. Member States shall ensure that, as part of the public concerned, non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law are allowed to represent the individuals affected and bring collective actions for compensation. Member States shall ensure that a claim for a violation leading to a damage cannot be pursued twice, by the individuals affected and by the non-governmental organisations referred to in this paragraph.</p>	<p>2. Member States shall ensure that, as part of the public concerned, non-governmental organisations promoting the protection of human health or the environment and meeting any requirements under national law are allowed to represent the individuals affected and bring collective actions for compensation. Member States shall ensure that a claim for a violation leading to a damage cannot be pursued twice, by the individuals affected and by the non-governmental organisations referred to in this paragraph.</p>	<p><i>deleted</i></p>	<p>Member States may take measures to ensure that the individuals referred to in paragraph 1 have the right to mandate a not-for-profit body, organisation or association which has been properly constituted in accordance with the law of a Member State-and is active in the field of the protection of human health or the environment, to claim compensation on their behalf. Member States shall ensure that a claim for compensation cannot be pursued twice, by the individuals affected and by the organisations referred to in this paragraph.</p>
<p><i>Article 1, first paragraph, point (32), amending provision, numbered paragraph (3)</i></p>				
<p>380</p>	<p>3. Member States shall ensure that national rules and procedures relating to claims for compensation are designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage caused by a violation pursuant to paragraph 1.</p>	<p>3. Member States shall ensure that national rules and procedures relating to claims for compensation are designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage caused by a violation pursuant to paragraph 1.</p>	<p>3. Member States shall ensure that national rules and procedures relating to claims for compensation are designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage caused by a violation pursuant to paragraph 1.</p>	<p>3. Member States shall ensure that national rules and procedures relating to claims for compensation are designed and applied in such a way that they do not render impossible or excessively difficult the exercise of the right to compensation for damage caused by a violation pursuant to paragraph 1.</p>

Article 1, first paragraph, point (32), amending provision, numbered paragraph (4)				
381	<p>4. Where there is a claim for compensation in accordance with paragraph 1, supported by evidence from which a causality link may be presumed between the damage and the violation, Member States shall ensure that the onus is on the person responsible for the violation to prove that the violation did not cause or contribute to the damage.</p>	<p>4. Where there is a claim for compensation in accordance with paragraph 1, supported by evidence from which <u>clear and consistent scientific data that demonstrate</u> a causality link may be presumed between the damage and the violation, Member States shall ensure that the onus is on the person responsible for the violation to prove that the violation did not cause or contribute <u>such data are recognised both in substantive and procedural law as evidence and are given due weight by national courts, along with all other relevant evidence under national law and without prejudice</u> to the damages <u>rights of defence</u>.</p>	<p style="text-align: center;"><i>deleted</i></p>	<p>4. Without prejudice to relevant national provisions on procedural law, including the rights of defence, Member state shall ensure that clear and consistent scientific data, where available, may be taken into account when establishing the causality link between the damage to human health and the infringement, along with all other relevant evidence under national law.</p>
Article 1, first paragraph, point (32), amending provision, numbered paragraph (4a)				
381a		<p><u>4a. Member States shall ensure that, where the claimant has provided reasonably available evidence to support a claim for compensation in accordance with</u></p>		



		<p><u>paragraph 1, and has reasonably substantiated that additional evidence lies in the control of the defendant or a third party, if requested by the claimant, the court or administrative authority is able to order that such evidence be disclosed by the defendant or the third party in accordance with national procedural law, subject to the applicable Union and national rules on confidentiality and proportionality.</u></p>		
Article 1, first paragraph, point (32), amending provision, numbered paragraph (5)				
382	<p>5. Member States shall ensure that the limitation periods for bringing actions for compensation referred to in paragraph 1 are not shorter than 5 years. Such periods shall not begin to run before the violation has ceased and the person claiming the compensation knows or can reasonably be expected to know that he or she suffered damage from a violation pursuant to paragraph 1..</p>	<p>5. Member States shall ensure that the limitation periods for bringing actions for compensation referred to in paragraph 1 are not shorter than 5 years. Such periods shall not begin to run before the violation has ceased and the person claiming the compensation knows or can reasonably be expected to know that he or she suffered damage from a violation pursuant to paragraph 1..</p>	<p>5. Member States shall ensure that the may establish limitation periods for bringing actions for compensation referred to in paragraph 1 are not shorter than 5 years. Such periods shall not begin to run before the violation has ceased and the person claiming the compensation knows or can reasonably be expected to know that he or she suffered damage from a violation pursuant to paragraph 1.?’.</p>	<p>5. Member States shall ensure that the limitation periods for bringing actions for compensation referred to in paragraph 1 are not shorter than three years. Such periods shall not begin to run before the violation has ceased and the person claiming the compensation knows or can reasonably be expected to know that he or she suffered damage from a violation pursuant to paragraph 1.?’.</p>





		<i>judicial decision concluding that the operation can be resumed.</i>		
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