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4.5.2023

COMPROMISE AMENDMENTS

1 - 48

Draft report
Radan Kanev
(PE737.352v01-00)

on the proposal for a directive of the European Parliament and of the Council amending Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial emissions (integrated pollution prevention and control) and Council Directive 1999/31/EC of 26 April 1999 on the landfill of waste

Proposal for a directive
(COM(2022)0156 – C9-0144/2022 – 2022/0104(COD))

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Compromise Amendment 1 (Article 1, Recital 1)

Supported by: EPP, S&D, Renew, Greens/EFA

Compromise amendment replacing Amendments: 128 - 132, 142, 143, 166, 170, 171, 172, 259 - 267, AGRI 1, AGRI 17

Amendment 1

Proposal for a directive

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

Directive 2010/75/EU

Article 1 – title

Present text

Amendment

(-1) In Article 1, the title is replaced by the following

Subject matter

Subject matter

Amendment 2

Proposal for a directive

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

Directive 2010/75/EU

Article 1 – paragraph 1

Present text

Amendment

This Directive lays down rules on integrated prevention and control of pollution arising from industrial activities.

This Directive lays down rules on integrated prevention and control of pollution arising from industrial activities.

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 1

Directive 2010/75/EU

Article 1 – paragraph 2

Text proposed by the Commission

Amendment

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

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

health and the environment taken as a whole.

high level of protection of human health and the environment taken as a whole.

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

Amendment 4

Proposal for a directive

Recital 1

Text proposed by the Commission

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

Amendment

(1) The European Green Deal⁵⁵ is Europe's strategy to ensure, by 2050, a climate-neutral, clean and circular economy, optimising resource ***(re-)use and*** management, minimising pollution while recognising the need for deeply transformative policies, ***a just transition and the need to protect the health and well-being of citizens from environment-related risks and impacts.*** The Union is also committed to the ***Paris Agreement^{1a}***, the 2030 Agenda for Sustainable Development⁵⁶ and its Sustainable Development Goals⁵⁷ ***and its involvement in the WHO.*** The EU Chemicals Strategy for Sustainability⁵⁸ of October 2020 and the Zero Pollution Action Plan⁵⁹ adopted in May 2021 specifically address pollution aspects of the European Green Deal. In parallel, the New Industrial Strategy for Europe⁶⁰ further emphasises the potential role of transformative technologies. Other particularly relevant policies for this initiative include the ***European Climate law^{1b}***, 'Fit for 55' package⁶¹, the Methane Strategy⁶² and the Glasgow methane pledge⁶³, the Climate Adaptation Strategy⁶⁴, the Biodiversity Strategy⁶⁵, the Farm to Fork strategy⁶⁶, ***the Soil Strategy^{66a}*** and the Sustainable Products Initiative⁶⁷. Besides, as part of the EU response to the 2022 Russia-Ukraine war, REPowerEU⁶⁸ proposes a Joint European Action to support the diversification of energy supplies, accelerate the transition to

renewable energy and improve energy efficiency.

⁵⁵ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions The European Green Deal; COM(2019) 640 final.

⁵⁶

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

⁵⁷ <https://sdgs.un.org/goals>

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

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

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

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

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

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

⁶⁴ Communication from the Commission to the European Parliament, the Council, the European

^{1a} *Paris Agreement (OJ L 282, 19.10.2016, p. 4)*

^{1b} *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')*

⁵⁵ Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions The European Green Deal; COM(2019) 640 final.

⁵⁶

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

⁵⁷ <https://sdgs.un.org/goals>

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

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

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

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

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

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

⁶⁴ Communication from the Commission to the European Parliament, the Council, the European

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

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

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

⁶⁷ COM(2022) 142

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

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

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

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

^{66a} ***Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions: EU Soil Strategy for 2030 Reaping the benefits of healthy soils for people, food, nature and climate; COM(2021) 699 final***

⁶⁷ COM(2022) 142

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

Compromise Amendment 2 (Article 2)

Supported by: EPP, S&D, Renew

Compromise amendment replacing Amendments: 268, 269

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 2

Directive 2010/75/EU

Article 2 – paragraph 1

Present text

1. This Directive shall apply to the industrial activities giving rise to pollution referred to in Chapters II to VIa.

Amendment

1. This Directive shall apply to the industrial activities giving rise to pollution referred to in Chapters II to VIa.

Amendment 2

Proposal for a directive

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

Directive 2010/75/EU

Article 2 – paragraph 2

Text proposed by the Commission

(2) This Directive shall not apply to research activities, development activities or the testing of new products and processes.

Amendment

(2) This Directive shall not apply to research activities, development activities or the testing of new products and processes.

Compromise Amendment 3 (Articles 4(1)(2), 3(1)(3))

Supported by: EPP, S&D, Renew

Compromise amendment replacing Amendments: 40, 270 - 281, 411 - 417, 1273, AGRI 24, AGRI 25

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2010/75/EU

Article 4 – paragraph 1 – subparagraph 2

Text proposed by the Commission

‘By way of derogation from the first subparagraph, Member States may set a procedure for the registration of installations covered only by Chapter V or Chapter VIa.’.

Amendment

By way of derogation from the first subparagraph, Member States may set a procedure for the registration of installations covered only by Chapter V or Chapter VIa.’.

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2010/75/EU

Article 3 – paragraph 1 – point 3

Text proposed by the Commission

(3) ‘installation’ means a stationary technical unit within which one or more activities listed in Annex I, in Annex Ia or in Part 1 of Annex VII are carried out, and any other directly associated activities on 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;

Amendment

(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;

Compromise Amendment 23 (Article 5, Recitals 6, 30, 38 b (new))

Supported by: EPP, S&D, Renew

Compromise amendment replacing Amendments: 6, 7, 19, 26, 29, 41- 46, 56, 59, 82, 99, 173 - 175, 244, 245, 246, 418 - 438, 440 - 449, AGRI 6, AGRI 19

Amendment 1

Proposal for a directive

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

Directive 2010/75/EU

Article 5 – paragraph 1

Present text

1. Without prejudice to other requirements laid down in national or Union law, the competent authority shall grant a permit if the installation complies with the requirements of this Directive.

Amendment

1. Without prejudice to other requirements laid down in national or Union law, the competent authority shall grant a permit if the installation complies with the requirements of this Directive.

Amendment 2

Proposal for a directive

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

Directive 2010/75/EU

Article 5 – paragraph 2

Present text

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.

Amendment

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

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

Amendment 3

Proposal for a directive
Article 1 – paragraph 1 – point 5
Directive 2010/75/EU
Article 5 – paragraph 4

Text proposed by the Commission

(4) 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:

- (a) an overview of the main permit conditions;
- (b) the emission limit values and environmental performance limits values;
- (c) any derogations granted in accordance with Article 15(4);
- (d) the applicable BAT conclusions;
- (e) the provisions for reconsideration and updating of the permit.

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

Amendment 4

Proposal for a directive
Article 1 – paragraph 1 – point 5
Directive 2010/75/EU
Article 5 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Commission shall adopt an implementing act to establish the format to be used for the summary referred to in the second subparagraph. That implementing act shall be adopted in accordance with the

Amendment

(4) 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:

- (a) an overview of the main permit conditions, ***including emissions monitoring requirements***;
- (b) the emission limit values and environmental performance limits values;
- (c) any derogations granted in accordance with Article 15(4);
- (d) the applicable BAT conclusions;
- (e) the provisions for reconsideration and updating of the permit.

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***

examination procedure referred to in Article 75(2)..

publication of the permits as referred to in the first subparagraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).

Amendment 5

Proposal for a directive

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

Directive 2010/75/EU

Article 5 – paragraph 4a (new)

Text proposed by the Commission

Amendment

In Article 5, paragraph 4 a (new) is added:

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 assure their proper administrative capacity to provide timely, efficient and smooth permitting process.

Amendment 6

Proposal for a directive

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

Directive 2010/75/EU

Article 5 – Paragraph 4a (new)

Text proposed by the Commission

Amendment

Without prejudice to other relevant Union law, Member States shall ensure that the process for granting fast-track permits for installations applying an emerging technique related to the main activity of the installation in accordance with Article 27c, does not exceed 18 months, unless exceptional circumstances arise.

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

Competent authorities must validate the applications of the permit no later than 90 days of receipt.

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

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

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 5

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Text proposed by the Commission

Amendment

4b. The rules referred to in paragraphs 4a shall also apply where an operator applies for a permit covering more than one installation under Article 4(2).

Amendment 8

Proposal for a directive Recital 30

Text proposed by the Commission

Amendment

(30) In order to ensure uniform conditions for the implementation of Directive 2010/75/EU, implementing powers should be conferred on the Commission as regards the establishment of (i) the format to be used for the permit summary; (ii) a standardised methodology for assessing the disproportionality between the costs of implementation of the BAT conclusions and the potential environmental benefits, (iii) the measuring method for assessing compliance with emission limit values set out in the permit with regard to emissions to air and water, (iv) the detailed arrangements necessary for the establishment and functioning of the innovation centre for industrial transformation and emissions, and (v) the format to be used for transformation plans. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁷⁸.

In order to ensure uniform conditions for the implementation of Directive 2010/75/EU, implementing powers should be conferred on the Commission as regards the establishment of (i) the format to be used for the permit summary; (ii) a standardised methodology for assessing the disproportionality between the costs of implementation of the BAT conclusions and the potential environmental benefits **taking into consideration the Value of Statistical Life (VSL) method, if appropriate**, (iii) the measuring method for assessing compliance with emission limit values set out in the permit with regard to emissions to air and water, (iv) the detailed arrangements necessary for the establishment and functioning of the innovation centre for industrial transformation and emissions, and (v) the format to be used for transformation plans. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁷⁸.

Amendment 9

Proposal for a directive
Recital 38 b (new)

Text proposed by the Commission

Amendment

(38b) From the entry into force of this amending act, Member States should take adequate measures to ensure that the competent authorities are able to handle the increased workload related to implementing Directive 2010/75/EU as amended by this Directive and ensure a swift efficient and smooth permitting process, in particular, in case of fast-track permits for installations applying emerging techniques, thus, reducing the uncertainty for business to a minimum and supporting transformation towards a clean, circular and climate neutral industry while safeguarding the health and rights of public concerned.

Amendment 10

Proposal for a directive
Recital 6

Text proposed by the Commission

Amendment

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

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

Compromise Amendment 4 (Article 6(2))

Supported by: EPP, S&D, Renew, Greens/EFA, The Left
Compromise amendment replacing Amendments: 450, 451, 452

Amendment 1

Proposal for a directive

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

Directive 2010/75/EU

Article 6 – paragraph 2

Present text

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

Amendment

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

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

Compromise Amendment 5 (Article 7)

Supported by: EPP, S&D, Renew, Greens/EFA, The Left
Compromise amendment replacing Amendments: 47, 453 - 469

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2010/75/EU

Article 7 – title

Text proposed by the Commission

Amendment

Incidents and accidents

Incidents and accidents

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2010/75/EU

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

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 accident, significantly affecting human health or the environment, Member States shall take the necessary measures to ensure that:

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2010/75/EU

Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(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 and accidents;

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2010/75/EU

Article 7 – paragraph 1 – point c

Text proposed by the Commission

(c) the competent authority requires the operator to take any appropriate complementary measures that the competent authority considers necessary to limit the environmental consequences and to prevent further possible incidents or accidents.

Amendment

(c) the competent authority requires the operator to take any appropriate complementary measures that the competent authority considers necessary to limit the environmental consequences and to prevent further possible incidents or accidents.

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2010/75/EU

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2010/75/EU

Article 7 – paragraph 2

Text proposed by the Commission

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

Amendment

In the event of any incident or accident significantly affecting human health or the environment in another Member State, the Member State in whose territory the accident or incident has occurred shall ensure that the competent authority of the other Member State is immediately informed ***via the established communication channels as referred to in Article 26(5)***. Transboundary and multidisciplinary cooperation between the affected Member States shall aim at limiting the consequences on the environment and human health and to prevent further possible incidents or accidents.

Compromise Amendment 6 (Article 8, Recital 8)

Supported by: EPP, S&D, Renew, Greens/EFA, The Left

Compromise amendment replacing Amendments: 49 - 52, 176 - 178, 470 - 488

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2010/75/EU

Article 8 – title

Text proposed by the Commission

Amendment

Non-compliance

Compliance

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2010/75/EU

Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

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.

Amendment 3

Article 1 – paragraph 1 – point 6

Directive 2010/75/EU

Article 8 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

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

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

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2010/75/EU

Article 8 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2010/75/EU

Article 8 – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2010/75/EU

Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In the event of a breach of compliance affecting drinking water resources, including transboundary resources, or affecting waste water infrastructure in the case of an indirect discharge, the competent authority shall inform the drinking water and waste water operators, and all relevant - including transboundary - authorities who 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.

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2010/75/EU

Article 8 – paragraph 3

Text proposed by the Commission

Amendment

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

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

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 6

Directive 2010/75/EU

Article 8 – paragraph 3a (new)

Text proposed by the Commission

Amendment

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

Amendment 10

Proposal for a directive

Article 1 – paragraph 1 – point 6

2010/75/EU

Article 8 – paragraph 3b (new)

Text proposed by the Commission

Amendment

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

Amendment 11

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) Member States should also adopt compliance assurance measures to promote, monitor and enforce compliance with obligations placed on natural or legal persons under Directive 2010/75/EU. As part of compliance assurance measures, in order to stop that danger, 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,.

Amendment

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

Compromise Amendment 40 (Article 9, Recitals 9, 28)

Supported by: EPP, S&D, Renew, Greens/EFA

Compromise amendment replacing Amendments: 8, 53, 133, 179 - 182, 183, 229, 230, 489 - 510, ITRE 1, ITRE 7

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 6 a (new)

Directive 2010/75/EU

Article 9 – paragraph 1

Present text

1. Where emissions of a greenhouse gas from an installation are specified in Annex I to Directive 2003/87/EC in relation to an activity carried out in that installation, the permit shall not include an emission limit value for direct emissions of that gas, unless necessary to ensure that no significant local pollution is caused.

Amendment

1. Where emissions of a greenhouse gas from an installation are specified in Annex I to Directive 2003/87/EC in relation to an activity carried out in that installation, the permit shall not include an emission limit value for direct emissions of that gas, unless necessary to ensure that no significant local pollution is caused.

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive 2010/75/EU

Article 9 – paragraph 2

Text proposed by the Commission

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

Amendment

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

(2) For activities listed in Annex I to Directive 2003/87/EC, Member States may choose not to impose requirements relating to energy efficiency in respect of combustion units or other units emitting carbon dioxide on the site, only where those installations are covered by the obligation to conduct an energy audit or implement an energy management system pursuant to Article 11 of Directive 2012/27/EU (EED) and if the recommendations of the audit report are implemented and/or if the certified energy

management system is implemented.

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

Amendment 3

Proposal for a directive

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

Directive 2010/75/EU

Article 9 – paragraph 3

Text proposed by the Commission

3. Where necessary, the competent authorities shall amend the permit as appropriate.

Amendment

3. Where necessary, the competent authorities shall amend the permit as appropriate.

Amendment 4

Proposal for a directive

Recital 9

Text proposed by the Commission

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

Amendment

(9) In order to foster energy efficiency of installations within the scope of Directive 2010/75/EU which are carrying out activities listed in Annex I to Directive 2003/87/EC, it is appropriate to ***apply the energy efficiency first principle and submit installations that fail to implement to implement a certified energy management system, or those that fail to implement the results of a certified energy audit,*** to energy efficiency requirements in respect of combustion units or other units emitting carbon dioxide on the site. ***REPowerEU acknowledges that energy efficiency measures can improve resilience in case of disruption of energy imports from third countries to the Union and its member states, particularly in the events of geopolitical conflicts.***

Amendment 5

Proposal for a directive Recital 28

Text proposed by the Commission

(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 Council⁷⁶. 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.

⁷⁶ 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).

Amendment

(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 Council⁷⁶. 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.

⁷⁶ 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).

Compromise Amendment 11 (Article 11)

Supported by: EPP, S&D, Renew

Compromise amendment replacing Amendments: 54, 55, 514 - 549

Amendment 1

Proposal for a directive

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

Directive 2010/75/EU

Article 11 – paragraph 1 – point c

Present text

(c) no significant pollution is caused;

Amendment

(7 d) Article 11, point (c) is amended as follows

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

Amendment 2

Proposal for a directive

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

Directive 2010/75/EU

Article 11 – paragraph 1 – point f

Present text

(f) energy is used efficiently;

Amendment

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

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

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2010/75/EU

Article 11 – paragraph 1 – point f a

Text proposed by the Commission

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

Amendment

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

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2010/75/EU

Article 11 – paragraph 1 – point f b

Text proposed by the Commission

Amendment

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

(fb) *deleted*

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2010/75/EU

Article 11 – paragraph 1 – point f c

Text proposed by the Commission

Amendment

(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.

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive 2010/75/EU

Article 11 – paragraph 1 – point f g

Text proposed by the Commission

Amendment

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

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

Compromise Amendment 12 (Article 12)

Supported by: EPP, S&D, Renew, Greens/EFA

Compromise amendment replacing Amendments: 550 - 552, 554 - 562

Amendment 1

Proposal for a directive

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

Directive 2010/75/EU

Article 12 – paragraph 1

Present text

1. Member States shall take the necessary measures to ensure that an application for a permit includes a description of the following:

- (a) the installation and its activities;
- (b) the raw and auxiliary materials, other substances *and* the energy used in or generated by the installation;
- (c) the sources of emissions from the installation;
- (d) the conditions of the site of the installation;
- (e) where applicable, a baseline report in accordance with Article 22(2);
- (f) the nature and quantities of foreseeable emissions from the installation into each medium as well as identification of significant effects of the emissions on the environment;
- (g) the proposed technology and other techniques for preventing or, where this is not possible, reducing emissions from the installation;
- (h) measures for the prevention, preparation for re-use, recycling and recovery of waste generated by the installation;

Amendment

(8 a) Article 12, paragraph 1 is replaced as follows:

1. Member States shall take the necessary measures to ensure that an application for a permit includes a description of the following:

- (a) the installation and its activities;
- (b) the raw and auxiliary materials, other substances, the energy *and water* used in or generated by the installation;
- (c) the sources of emissions from the installation, ***including olfactory emissions;***
- (d) the conditions of the site of the installation;
- (e) where applicable, a baseline report in accordance with Article 22(2);
- (f) the nature and quantities of foreseeable emissions, ***including olfactory emissions as concentrations, and where possible at least for water in loads,*** from the installation into each medium as well as identification of significant effects of the emissions on the environment;
- (g) the proposed technology and other techniques for preventing or, where this is not possible, reducing emissions from the installation;
- (h) measures for the prevention, preparation for re-use, recycling and recovery of waste generated by the installation;

(i) further measures planned to comply with the general principles of the basic obligations of the operator as provided for in Article 11;

(j) measures planned to monitor emissions into the environment;

(k) the main alternatives to the proposed technology, techniques and measures studied by the applicant in outline. An application for a permit shall also include a non-technical summary of the details referred to in the first subparagraph.

(i) further measures planned to comply with the general principles of the basic obligations of the operator as provided for in Article 11;

(j) measures planned to monitor emissions into the environment;

(k) the main alternatives to the proposed technology, techniques and measures studied by the applicant in outline. An application for a permit shall also include a non-technical summary of the details referred to in the first subparagraph.

Compromise Amendment 31 (Article 13, Recitals 10, 38a (new))

Supported by: EPP, S&D, Renew, Greens/EFA, The Left

Compromise amendment replacing Amendments: 9, 25, 57-59, 61- 63, 185, 186, 196, 565 - 596, 612 - 639, AGRI 19

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 9 – point a

Directive 2010/75/EU

Article 13 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 9 – point a

Directive 2010/75/EU

Article 13 – paragraph 1a (new)

Text proposed by the Commission

Amendment

1 a. In Article 13, paragraph 1 a (new) is added

1a. The Commission shall, by the end date for transposition of this Directive amend Implementing Decisions (2012/119/EU) and provide both the Sevilla technical working group and the Forum pursuant to Article 13 of the Directive 2010/75/EU on industrial emissions with the necessary resources and adapt their structure, competences and financing in line with the scope extension of the present

Directive.

Amendment 3

Proposal for a directive

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

Directive 2010/75/EU

Article 13 – paragraph 2 – point a

Present text

(a) the performance of installations and techniques in terms of emissions, expressed as short- and long-term averages, where appropriate, and the associated reference conditions, consumption and nature of raw materials, water consumption, use of energy and generation of waste;

Amendment

(a a) In Article 13, paragraph (2), point (a) is amended as follows:

(a) the performance of installations and techniques in terms of emissions, expressed as short- and long-term averages, where appropriate, and the associated reference conditions, consumption and nature of raw materials, water consumption, use of energy and generation of waste;

Amendment 4

Proposal for a directive

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

Directive 2010/75/EU

Article 13 – paragraph 2 – point b

Present text

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

Amendment

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

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

Or. en

Amendment 5

Proposal for a directive

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

Directive 2010/75/EU
Article 13 – paragraph 2 – point c

Present text

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

Amendment

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

Or. en

Amendment 6

Proposal for a directive

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

Directive 2010/75/EU

Article 13 – paragraph 3 – subparagraph 1

Present text

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

Amendment

paragraph 3, subparagraph 1 is replaced by the following:

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

Or. en

Amendment 7

Proposal for a directive

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

Directive 2010/75/EU

Article 13 – paragraph 3 – subparagraph 2 – point a

Present text

(a) the rules of procedure of the forum;

Amendment

In Article 13, paragraph 3, subparagraph 2, point a is replaced by the following

"(a) the rules of procedure of the forum;

Amendment 8

Proposal for a directive

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

Directive 2010/75/EU

Article 13 – paragraph 3 – subparagraph 2 – point d

Present text

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

Amendment

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

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

Or. en

Amendment 9

Proposal for a directive

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

Directive 2010/75/EU

Article 13 – paragraph 3 – subparagraph 3

Present text

The guidance referred to in points (c) and (d) of the second subparagraph shall take account of the opinion of the forum and shall be adopted in accordance with the regulatory procedure referred to in Article 75(2).

Amendment

The guidance referred to in points (c) and (d) of the second subparagraph shall take account of the opinion of the forum and shall be adopted in accordance with the regulatory procedure referred to in Article 75(2).

Amendment 10

Proposal for a directive

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

Directive 2010/75/EU

Article 13 – paragraph 4

Present text

Amendment

4. The Commission shall obtain and make publicly available the opinion of the forum on the proposed content of the BAT reference documents within one month from its delivery on an easy to find webpage and shall take into account this opinion for the procedures laid down in paragraph 5.

4. The Commission shall obtain and make publicly available the opinion of the forum on the proposed content of the BAT reference documents within one month from its delivery on an easy to find webpage and shall take into account this opinion for the procedures laid down in paragraph 5.

Amendment 11

Proposal for a directive

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

Directive 2010/75/EU

Article 13 – paragraph 5

Present text

Amendment

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

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

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

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

BAT reference documents shall be reviewed and where necessary updated at least every 8 years.

Amendment 12**Proposal for a directive****Article 1 – paragraph 1 – point 9 – point d (new)**

Directive 2010/75/EU

Article 13 – paragraph 6

Present text

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

*Amendment****In Article 13, paragraph 6 is amended as follows:***

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

Amendment 13**Proposal for a directive****Article 1 – paragraph 1 – point 9 – point b c (new)**

Directive 2010/75/EU

Article 13 – paragraph 7

Present text

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

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

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

Amendment 14

Proposal for a directive Recital 10

Text proposed by the Commission

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

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

Amendment

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

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

Amendment 15

Proposal for a directive Recital 38 a (new)

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

Compromise Amendment 28 (Articles 13(2)(2), 3a (new), Recital 11)

Supported by: EPP, S&D, Renew

Compromise amendment replacing Amendments: 60, 187, 597 - 611, 634

Amendment 1

Proposal for a directive

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

Directive 2010/75/EU

Article 3 a (new)

Commission proposal

Amendment

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

- 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 and, only non-confidential information shall be made publicly available under the provisions of this Directive.***
- 2. *Irrespective of who publishes the information, Member States shall ensure that the operators are given an opportunity before publication to request in a proportionate manner the confidential treatment of relevant elements and within in a reasonable and clearly defined time period by the competent authority. Information may be redacted, or if that is not possible, excluded in case of confidential business information.***
- 3. *No later than one month after such a request, the competent authority shall assess the request and notify the operator on its decision. If no agreement is achieved, the operator may challenge the decision in the competent judicial or administrative authority of the Member State no later than one month after the decision of***

the competent authority.

4. *If the operators requests confidential treatment, the authority shall only suspend the publication of the contested elements until an agreement with the competent authorities or final decision by the competent judicial or administrative authority of the Member State is taken.*

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 9 – point b

Directive 2010/75/EU

Article 13 - paragraph 2 - subparagraph 2

Text proposed by the Commission

Without prejudice to Union competition law, information considered as confidential business information or commercially sensitive information shall only be shared with the Commission and with the following individuals having signed a confidentiality and non-disclosure agreement: civil servants and other public employees representing Member States or Union agencies, and representatives of non-governmental organisations promoting the protection of human health or the environment. The exchange of information considered as confidential business information or sensitive commercial information shall remain limited to what is required to draw up, review and, where necessary, update BAT reference documents, and such confidential business information or sensitive commercial information shall not be used for other purposes..

Amendment

By way of derogation from Article 3a (new), 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 sharing*** with the following individuals having signed a confidentiality, and non-disclosure agreement: civil servants and other public employees representing Member States or Union agencies, representatives of non-governmental organisations promoting the protection of human health or the environment ***and representatives of associations representing the relevant industrial sectors.*** The exchange of information considered as confidential business information or sensitive commercial information shall remain limited to what is ***technically*** required to draw up, review and, where necessary, update BAT reference documents, and such confidential business information or sensitive commercial information shall not be used for other purposes. ***The Commission shall adopt an implementing***

act providing the model for the confidentiality and non-disclosure agreement enabling the exchange of information in accordance with this paragraph.

Amendment 3
Proposal for a directive
Recital 11

Text proposed by the Commission

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

Amendment

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

Compromise Amendment 13 (Article 14, 3(1)(2), 3(1)(2a (new)), Recitals 3a (new), 36, 37, 38)

Supported by: EPP, S&D, Renew, Greens/EFA

Compromise amendment replacing Amendments: 23, 24, 27, 64, 101, 102, 145, 255 - 257, 301 - 308, 408, 409, 641 - 675, 677 - 696

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a – point i

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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.

Amendment

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.

Amendment 2

Proposal for a directive

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

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 1a

Text proposed by the Commission

Amendment

1 a. When an industrial installation discharges waste water directly or indirectly into surface water, drinking water and waste water operators shall be consulted prior to the delivery of the permit on the potential consequences of emissions on their infrastructures and the protection of human health and the environment. The authorities shall take this information duly into account when defining the permit conditions. This procedure shall not unduly delay the

permitting.

Amendment 3

Proposal for a directive

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

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

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

Amendment

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

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a – point iii

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

(aa) environmental performance limit values;

Amendment

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

Amendment 5

Proposal for a directive

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

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

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

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

Amendment 6

Proposal for a directive

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

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 2 – point bb

Text proposed by the Commission

Amendment

(v) **the following point (bb) is inserted:**

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

(v) **the following point (bb) is inserted:**

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

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a – point vi

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 2 – point bc a (new)

Text proposed by the Commission

Amendment

(bc a) suitable monitoring requirements for the consumption and reuse of resources such as energy, water, virgin and raw materials;

(bc a) suitable monitoring requirements for the consumption and reuse of resources such as energy, water, virgin and raw materials;

Amendment 8

Proposal for a directive

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

Directive 2010/75/EU

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

Present text

Amendment

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

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

Amendment 9

Proposal for a directive

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

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 2 – point d – introductory part

Present text

Amendment

an obligation to supply the competent authority regularly, and at least annually, with:

an obligation to supply the competent authority regularly, and at least annually, with:

Amendment 10

Proposal for a directive

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

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 2 – point d – subpoint i

Present text

Amendment

(i) information on the basis of results of emission monitoring referred to in point (c) and other required data that enables the competent authority to verify compliance with the permit conditions; and

(i) information on the basis of results of emission monitoring referred to in point (c) and other required data that enables the competent authority to verify compliance with the permit conditions; and

Amendment 11

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a – point vii

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 2 – point d – subpoint iii

Text proposed by the Commission

(iii) information on progress towards fulfilment of the environmental policy objectives referred to in Article 14a. Such information shall be made public;

Amendment

(iii) information on progress towards fulfilment of the environmental policy objectives referred to in Article 14a. Such information shall be made public;

Amendment 12

Proposal for a directive

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

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 2 – point e

Present text

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

Amendment

(vii a) In Article 14, paragraph 1, subparagraph 2, point e is replaced as follows:

(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;

Amendment 13

Proposal for a directive

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

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 2 – point f

Text proposed by the Commission

Amendment

(f) measures relating to conditions other than normal operating conditions such as start-up and shut-down operations, leaks, malfunctions, momentary stoppages, and definitive cessation of operations;

(viii a) In Article 14, paragraph 1, subparagraph 2, point f is replaced as follows:

(f) measures relating to conditions other than normal operating conditions such as start-up and shut-down operations, leaks, malfunctions, momentary stoppages, and definitive cessation of operations;

Amendment 14

Proposal for a directive

Article 1 – paragraph 1 – point 10 – point a – point viii

Directive 2010/75/EU

Article 14 – paragraph 1 – subparagraph 2 – point h

Text proposed by the Commission

Amendment

(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.

Amendment 15

Proposal for a directive

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

Directive 2010/75/EU

Article 14 – paragraph 2

Present text

Amendment

2. For the purpose of paragraph 1(a), emission limit values may be supplemented or replaced by equivalent parameters or technical measures ensuring an equivalent

2. For the purpose of paragraph 1(a), emission limit values may be supplemented or replaced by equivalent parameters or technical measures ensuring an equivalent

level of environmental protection.

level of environmental protection.

Amendment 16

Proposal for a directive

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

Directive 2010/75/EU

Article 14 – paragraph 2 (new)

Present text

Amendment

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

Amendment 17

Proposal for a directive

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

Directive 2010/75/EU

Article 14 – paragraph 3

Present text

Amendment

(10 a) Article 14 paragraph 3 is amended as follows:

3. BAT conclusions shall be the reference for setting the permit conditions.

3. BAT conclusions shall be the reference for setting the permit conditions.

Amendment 18

Proposal for a directive

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

Directive 2010/75/EU

Article 14 – paragraph 4

Present text

Amendment

(10 b) Article 14 paragraph 4 is replaced as follows:

4. Without prejudice to Article 18, the

4. Without prejudice to Article 18, the

competent authority may set stricter permit conditions than those achievable by the use of the best available techniques as described in the BAT conclusions. Member States may establish rules under which the competent authority may set such stricter conditions.

competent authority may set stricter permit conditions than those achievable by the use of the best available techniques as described in the BAT conclusions. Member States may establish rules under which the competent authority may set such stricter conditions.

Amendment 19

Proposal for a directive

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

Directive 2010/75/EU

Article 14 – paragraph 5

Present text

5. Where the competent authority sets permit conditions on the basis of a best available technique not described in any of the relevant BAT conclusions, it shall ensure that:

(a) that technique is determined by giving special consideration to the criteria listed in Annex III; and

(b) the requirements of Article 15 are complied with.

Where the BAT conclusions referred to in the first subparagraph do not contain emission levels associated with the best available techniques, the competent authority shall ensure that the technique referred to in the first subparagraph ensures a level of environmental protection equivalent to the best available techniques described in the BAT conclusions.

Amendment

(10 c) Article 14 paragraph 5 is replaced as follows:

5. Where the competent authority sets permit conditions on the basis of a best available technique not described in any of the relevant BAT conclusions, it shall ensure that:

(a) that technique is determined by giving special consideration to the criteria listed in Annex III; and

(b) the requirements of Article 15 are complied with.

Where the BAT conclusions referred to in the first subparagraph do not contain emission levels associated with the best available techniques, the competent authority shall ensure that the technique referred to in the first subparagraph ensures a level of environmental protection equivalent to the best available techniques described in the BAT conclusions.

Amendment 20

Proposal for a directive

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

Present text

6. Where an activity or a type of production process carried out within an installation is not covered by any of the BAT conclusions or where those conclusions do not address all the potential environmental effects of the activity or process, the competent authority shall, after prior consultations with the operator, set the permit conditions on the basis of the best available techniques that it has determined for the activities or processes concerned, by giving special consideration to the criteria listed in Annex III.

Amendment

(10 d) Article 14 paragraph 6 is replaced as follows:

6. Where an activity or a type of production process carried out within an installation is not covered by any of the BAT conclusions or where those conclusions do not address all the potential environmental effects of the activity or process, the competent authority shall, after prior consultations with the operator, set the permit conditions on the basis of the best available techniques that it has determined for the activities or processes concerned, by giving special consideration to the criteria listed in Annex III.

Amendment 21

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point b

Directive 2010/75/EU

Article 3 – paragraph 1 – point 12

Text proposed by the Commission

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

Amendment

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

relevant site remediation measures;

Amendment 22

Proposal for a directive

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

Directive 2010/75/EU

Article 3 – paragraph 1 – point 2

Present text

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

Amendment

(3 a) In Article 3, paragraph 1, point 2 is replaced as follow

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

Amendment 23

Proposal for a directive

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

Directive 2010/75/EU

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

Present text

Amendment

(3 b) In Article 3, paragraph 1, point 2 a (new) is added:

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

Amendment 24

Proposal for a directive

Recital 36

Text proposed by the Commission

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

Amendment

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

Amendment 25

Proposal for a directive

Recital 37

Text proposed by the Commission

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

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

Amendment

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

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

Amendment 26

Proposal for a directive

Recital 38

Text proposed by the Commission

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

Amendment

deleted

Amendment 27

Proposal for a directive

Recital 3 a (new)

Text proposed by the Commission

Amendment

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

Compromise Amendment 14 (Articles 14a & 3(1)(points 53, 53 a (new), 13a a (new), 13a b (new)), Recital 13)

Supported by: EPP, S&D, Renew, Greens/EFA

Compromise amendment replacing Amendments: 10, 37 - 39, 65 - 72, 189, 323, 326 - 329, 377 - 404, 697 - 766, 768, AGRI 9, AGRI 27, AGRI 28

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 11

Directive 2010/75/EU

Article 14a

Text proposed by the Commission

(11) The following Article 14a is inserted:

Article 14a

Environmental management system

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

The EMS shall *be reviewed periodically to ensure that it continues to be suitable,*

Amendment

(11) The following Article 14a is inserted:

Article 14a

Environmental management system

1. 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 environmental management system are of a general nature only.***

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

1a. The EMS shall ***be audited at least every 3 years by an environmental verifier, as defined in Article 2(20) of Regulation 1221/20091, 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 1221/20091

adequate and effective.

2. The EMS shall include at least the following:

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

- (i) prevent the generation of waste;
- (ii) optimise resource use and water reuse;
- (iii) prevent or reduce risks associated with the use of hazardous substances.

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

(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;

(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;

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

shall include the requirements set out in this Article.

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

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

- (i) prevent the generation of waste;
- (ii) optimise resource use and water reuse;
- (iii) prevent or reduce risks associated with the use of hazardous substances.

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

(c) for installations 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;

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

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

including corrective and preventive measures where needed;

(f) a transformation plan as referred to in Article 27d.

including corrective and preventive measures where needed;

(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.

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 date of transposition of this Directive.

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

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 *in accordance with Article 4a (new) of this Directive.*

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 53

Text proposed by the Commission

(53) “benchmarks” means the indicative range of environmental performance levels associated with best available techniques, other than emission levels, and may include:

Amendment

(53) “benchmarks” means the indicative range of environmental performance levels, associated with best available techniques, other than emission levels and may include:

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 53 – point a

Text proposed by the Commission

Amendment

(a) consumption levels;

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

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 53 – point b

Text proposed by the Commission

Amendment

(b) ***resource*** efficiency levels ***and reuse levels;***

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

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 - point 53 – point c

Text proposed by the Commission

Amendment

(c) levels ***of covering materials.***

(c) ***reuse*** levels ***of water, energy, and raw materials.***

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 53 – point d

Text proposed by the Commission

Amendment

(d) ***levels of water and energy resources;***

deleted

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 53 – point e

Text proposed by the Commission

Amendment

e) waste levels;

e) waste levels;

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 - point 53 – point f

Text proposed by the Commission

Amendment

(f) other levels obtained under specified reference conditions

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

Amendment 10

Proposal for a directive

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

Directive 2010/75/EU

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

Text proposed by the Commission

Amendment

(c b) In Article 3, paragraph 1, point 13a b (new) is inserted:

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

Amendment 11

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

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

Text proposed by the Commission

Amendment

(53a) 'water reuse system' means the infrastructure and other technical elements necessary for producing, supplying and using reclaimed water; it comprises all the elements from the starting point of the production process to the point where reclaimed water is used, including distribution and storage infrastructure, where relevant;

Or. en

Amendment 12

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

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

Text proposed by the Commission

Amendment

(53b) 'reclaimed water' means water that has been reclaimed from previous uses and it is reused for a different beneficial purpose;

Amendment 13

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

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

Text proposed by the Commission

Amendment

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

Amendment 14

Proposal for a directive

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

Directive 2010/75/EU

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

Text proposed by the Commission

Amendment

(c a) In Article 3, paragraph 1, point 13a a (new) is inserted:

(13a a) "Industrial Waste Water Treatment Plant" means a waste water treatment plant covered by Directive 2010/75/EU;

Amendment 15

Proposal for a directive

Recital 13

Text proposed by the Commission

Amendment

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

(13) With a view to continuously improving the environmental performance and safety of the installation, including by preventing waste generation, optimising resource and water *use and* reuse, and preventing or reducing risks associated with the use of hazardous substances, the operator should establish and implement an environmental management system (EMS) in accordance with relevant BAT conclusions. ***The EMS should be developed in a way that reflects the nature, scale and complexity of the installation, as well as the environmental impacts it may have. The EMS should be audited and made freely*** available to the public ***on the Internet***. The EMS should also cover the management of risks related to the use of the hazardous substances and an analysis of the possible substitution of hazardous substances by safer alternatives.

Compromise Amendment 32 (Articles 15(1),(2) & 3(1)(point 10), Annex III (points 2, 5, 9), Recital 14)

Supported by: EPP, S&D, Renew, Greens/EFA, The Left

Compromise amendment replacing Amendments: 190, 191, 295 - 300, 770 - 790, 820, 1725 - 1728, ITRE 8

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. 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.

Amendment

1. 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.

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

undertaken provided that *an equivalent level of protection of the environment as a whole is guaranteed, this does not lead to higher levels of pollution in the environment and provided* the operator ensures that all of the following requirements are fulfilled:

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 1 – subparagraph 2 – point a

Text proposed by the Commission

Amendment

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

(a) the released polluting substances do not impede the operation of the waste water treatment plant *nor the capacity to recover resources from the waste water treatment stream*;

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 1 – subparagraph 2 – point c

Text proposed by the Commission

Amendment

(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;

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 1 – subparagraph 2 – point d

Text proposed by the Commission

Amendment

(d) the overall load of the concerned polluting substances eventually released into the water is not increased compared 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.

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.

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 1– subparagraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 2

Text proposed by the Commission

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.

Amendment

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.

Amendment 8

Proposal for a directive

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

Directive 2010/75/EU

Article 3 – paragraph 1 – point 10

Present text

(10) ‘best available techniques’ means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing the basis for emission limit values and other permit conditions designed to prevent and, where that is not practicable, to reduce emissions and the impact on the environment as a whole:

(a) ‘techniques’ includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;

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

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

Amendment

(a h) In Article 3, paragraph 1, point 10 is replaced as follows:

(10) ‘best available techniques’ means the most effective and advanced stage in the development of activities and their methods of operation which indicates the practical suitability of particular techniques for providing the basis for emission limit values and other permit conditions designed to prevent and, where that is not practicable, to reduce emissions and the impact on the environment as a whole:

(a) ‘techniques’ includes both the technology used and the way in which the installation is designed, built, maintained, operated and decommissioned;

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

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

Amendment 9

Proposal for a directive

Annex III a (new)

Directive 2010/75/EU

Annex III – point 2

Present text

2. the use of less hazardous substances;

Amendment

in Annex III, point 2 is replaced as follows

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

Amendment 10

Proposal for a directive

Annex III b (new)

Directive 2010/75/EU

ANNEX III – point 5

Present text

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

Amendment

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

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

Amendment 11

Proposal for a directive

Annex III c (new)

Directive 2010/75/EU

Annex III – point 9

Present text

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

Amendment

In Annex III, point 9 is replaced as follows:

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

Amendment 12

Proposal for a directive Recital 14

Text proposed by the Commission

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

Amendment

(14) It is necessary to specify further the conditions under which the competent authority, when setting emission limit values applicable to pollutant releases to water in a permit granted under Directive 2010/75/EU, may take account of the downstream treatment processes in a waste water treatment plant, in order to ensure that such releases do not lead to an increased load of pollutants in receiving waters ***nor impede the capacity or potential to recover resources from the waste water treatment stream*** when compared to a situation where the installation applies BAT and meets emission levels associated with the best available techniques for direct releases.

Compromise Amendment 33 (Article 15(3),(4), Annex II(1), Recitals 15, 17, 20a (new))

Supported by: EPP, S&D, Renew, Greens/EFA

Compromise amendment replacing Amendments: 11, 15, 73, 75, 77, 78, 79, 192 - 195, 205, 206,

791 - 820, 843-858, 860 - 866, 868, 869, 871, 872, 874 - 884, 886 - 888, 890 - 898, 1588, 1702, 1703, 1705 - 1720, ITRE 2, ITRE 9, ITRE 11

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 3

Text proposed by the Commission

3. The competent authority shall set the strictest **possible** emission limit values that are consistent with the lowest emissions achievable by applying BAT in the installation, and that ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques (BAT-AELs) as laid down in the decisions on BAT conclusions referred to in Article 13(5). The emission limit values shall be based on an assessment by the operator analysing the feasibility of meeting the strictest end of the BAT-AEL range and demonstrating the best performance the installation can achieve by applying BAT as described in BAT conclusions. The emission limit values shall be set through either of the following:

Amendment

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 [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 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 **achievable emission limit values **for the specific installation** that are consistent with the lowest emissions achievable by applying BAT in the installation. **Those limit values shall take into account cross-media effects and ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques (BAT-AELs) as laid down in the decisions on BAT conclusions referred to in Article 13(5). The emission limit values shall be based on an assessment by the operator of the whole BAT-AEL range, analysing the feasibility of meeting the strictest end of the BAT-****

AEL range and demonstrating the best **overall** performance the **specific** installation can achieve **under normal operating conditions, while taking into consideration standard operating fluctuations in cases of short-term averages**, by applying BAT as described in BAT conclusions. The emission limit values shall be set through either of the following:

- (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
- (b) setting different emission limit values than those referred to under point (a) in terms of values, periods of time and reference conditions.

Where the emission limit values are set in accordance with point (b), the competent authority 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.

- (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
- (b) setting different emission limit values than those referred to under point (a) in terms of values, periods of time and reference conditions.

Where the emission limit values are set in accordance with point (b), the competent authority 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.

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

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

Text proposed by the Commission

Amendment

If general binding rules are adopted in regards to Article 15 (3), Member States shall set general binding rules of 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 achievable.

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15– paragraph 4 – subparagraph 1

Text proposed by the Commission

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:

- (a) the geographical location or the local environmental conditions of the installation concerned; or
- (b) the technical characteristics of the installation concerned.

Amendment

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

- (a) the geographical location or the local environmental conditions of the installation concerned; or
- (b) the technical characteristics of the installation concerned, ***including a situation of an agreed closure plan of the installation, within 4 years after the publication of BAT conclusion.***

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 4 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 4 – subparagraph 3

Text proposed by the Commission

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.

Amendment

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.

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 4 – subparagraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 4 – subparagraph 5

Text proposed by the Commission

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

Amendment

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

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 4 – subparagraph 6

Text proposed by the Commission

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).

Amendment

The Commission shall adopt an implementing act, to establish a standardised methodology for assessing the disproportionality between the costs of implementation of the BAT conclusions and the potential environmental benefits referred to in the first subparagraph That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).

Amendment 9

Proposal for a directive

Annex III

Directive 2010/75/EU

Annex II – paragraph 1 – introductory part

Text proposed by the Commission

Derogations provided in accordance with Article 15(4) shall respect the following principles:

Amendment

Derogations provided in accordance with Article 15(4) shall respect the following principles:

Amendment 10

Proposal for a directive

Annex III

Directive 2010/75/EU

Annex II – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. Costs
 - 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.
 - 1.2. The evaluation of the costs shall be quantitative, and supported by a qualitative assessment.
 - 1.3. Costs taken into account in the evaluation shall:
 - (a) represent net value costs, after deduction of any financial benefits from applying best available techniques;
 - (b) include the cost of accessing financial capital required to finance the best available techniques;
 - (c) be calculated using a discount rate to take account of differences in monetary value over time.

Amendment

1. Costs
 - 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.
 - 1.2. The evaluation of the costs shall be quantitative, and supported by a qualitative assessment.
 - 1.3. Costs taken into account in the evaluation shall:
 - (a) represent net value costs, after deduction of any financial benefits from applying best available techniques;
 - (b) include the cost of accessing financial capital required to finance the best available techniques;
 - (c) be calculated using a discount rate to take account of differences in monetary value over time.

1.4. The application for a derogation shall clearly identify the source of the costs and the methods used to calculate them, including the discount rate mentioned in point 1.3(c) and the estimation of uncertainties associated with the costs evaluation.

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.

1.4. The application for a derogation shall clearly identify the source of the costs and the methods used to calculate them, including the discount rate mentioned in point 1.3(c) and the estimation of uncertainties associated with the costs evaluation.

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

Amendment 11

Proposal for a directive

Annex III

Directive 2010/75/EU

Annex II – paragraph 1 – subparagraph 2

Text proposed by the Commission

2. Environmental benefits
- 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.
- 2.2. 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.
- 2.3. The evaluation of environmental benefits shall consider a discount rate applied to any monetised benefits which addresses differences in values to society over time.
- 2.4. 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

Amendment

2. Environmental benefits
- 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.
- 2.2. 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.
- 2.3. The evaluation of environmental benefits shall consider a discount rate applied to any monetised benefits which addresses differences in values to society over time.
- 2.4. 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.

2.5. Environmental benefits evaluated by the operator shall be assessed by the competent authority, based on expert judgement or data from other plants where the best available techniques were recently installed.

the estimate of uncertainties associated with the evaluation of the environmental benefits.

2.5. Environmental benefits evaluated by the operator shall be assessed by the competent authority, based on expert judgement or data from other plants where the best available techniques were recently installed.

Amendment 12

Proposal for a directive Recital 15

Text proposed by the Commission

(15) Providing a high level of protection of human health and the environment as a whole requires inter alia the establishment in permits of emission limit values at a level that ensures compliance with the applicable emission levels associated with the best available techniques set out in the BAT conclusions. Emission levels associated with the best available techniques (BAT-AELs) are usually expressed as ranges, rather than as single values, to reflect the differences within a given type of installations that result in variations in the environmental performances achieved when applying BAT. For example, a given BAT will not deliver the same performance for different installations, some BATs may not be suitable for use in certain installations, or a combination of BATs may be more effective on some pollutants or environmental media than others. The achievement of a high level of protection of human health and the environment as a whole has been jeopardised by the practice of setting emission limit values at the laxest end of the range of emission levels associated with the best available techniques, without considering the potential of a given installation to achieve lower emission levels through the

Amendment

(15) Providing a high level of protection of human health and the environment as a whole requires inter alia the establishment in permits of emission limit values at a level that ensures compliance with the applicable emission levels associated with the best available techniques set out in the BAT conclusions. Emission levels associated with the best available techniques (BAT-AELs) are usually expressed as ranges, rather than as single values, to reflect the differences within a given type of installations that result in variations in the environmental performances achieved when applying BAT. For example, a given BAT will not deliver the same performance for different installations, some BATs may not be suitable for use in certain installations, or a combination of BATs may be more effective on some pollutants or environmental media than others. The achievement of a high level of protection of human health and the environment as a whole has been jeopardised by the practice of setting emission limit values at the laxest end of the range of emission levels associated with the best available techniques, without considering the potential of a given installation to achieve lower emission levels through the

application of best available techniques. Such practice discourages frontrunners from implementing more effective techniques, and hinders the achievement of a level-playing field at a high level of protection of human health and the environment. *Competent authorities should therefore be required to set in permits the lowest possible emission limit values which reflect the performance of BAT for the specific installations, taking into consideration the whole range of BAT-AELs and aiming at the best environmental performance possible for the installations; unless the operator demonstrates that applying best available techniques as described in the BAT conclusions only allows the concerned installation to meeting less strict emission limit values.*

application of best available techniques. Such practice discourages frontrunners from implementing more effective techniques, and hinders the achievement of a level-playing field at a high level of protection of human health and the environment. *Therefore, the competent authority should set emission limit values, taking into account the entire range of the BAT AELs, at the strictest achievable level for the specific installation. The emission limit values should take into account cross-media effects, should be based on an assessment by the operator analysing the feasibility to meet the strictest end of the BAT AEL range and aiming at the best overall environmental performance for the specific installation under standard normal operating conditions, while taking into consideration standard operating fluctuations in cases of short-term averages, unless the operator demonstrates that applying best available techniques as described in the BAT conclusions only allows the concerned installation to meeting less strict emission limit values.*

Or. en

Amendment 13

Proposal for a directive Recital 17

Text proposed by the Commission

(17) With a view to preventing or minimising the emission of pollutants by installations within the scope of Directive 2010/75/EU and to levelling the playing field across the Union, the conditions under which derogations from emissions limit values can be granted should be better framed through general principles, in order to ensure a more harmonized implementation of such derogations throughout the Union. Moreover,

Amendment

(17) With a view to preventing or minimising the emission of pollutants by installations within the scope of Directive 2010/75/EU and to levelling the playing field across the Union, the conditions under which derogations from emissions limit values can be granted should be better framed through general principles. *Clear criteria, including maximum duration and timeline for revision of derogations, need to be provided* in order to ensure a more

derogations from emissions limit values should not be granted where they may put at risk compliance with environmental quality standards.

harmonized implementation of such derogations throughout the Union. Moreover, derogations from emissions limit values should not be granted where they may put at risk compliance with environmental quality standards.

Amendment 14

Proposal for a directive Recital 20 a (new)

Text proposed by the Commission

Amendment

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

Compromise Amendment 34 (Articles 15(3a, 4a (new)), 3(1)(points 5a(new),13a), Recital 16)

Supported by: EPP, S&D, Renew

Compromise amendment replacing Amendments: 12, 28, 74, 197 - 201, 309 - 321, 821 - 836, 838 - 842, ITRE 3, ITRE 10

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 3 a

Text proposed by the Commission

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

Amendment

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

Amendment 2

Proposal for a directive

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

Directive 2010/75/EU

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

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

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point c

Directive 2010/75/EU

Article 3 – paragraph 1 – point 13a

Text proposed by the Commission

Amendment

(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;

(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 the transposition of this Directive, reuse levels of water, energy, and raw materials, except emission levels, obtained under normal operating conditions using a BAT or a combination of BATs as described in BAT conclusions, expressed as an average over a given period of time, under specified reference conditions;

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

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

Text proposed by the Commission

Amendment

By way of derogation from paragraph 3a, and without prejudice to Article 18, the competent authority may, in specific cases, 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 effect due to:

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

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

A derogation from water-related environmental performance limit values is conditional upon a robust assessment of a present and future water risk for the installation.

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

Article 15 – paragraph 4 a (new) – subparagraph 2

Text proposed by the Commission

Amendment

The competent authority shall document in an annex to the permit conditions the reasons for the application of the first

subparagraph including the result of the assessment and the justification for the conditions imposed.

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

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

Text proposed by the Commission

Amendment

The competent authority shall 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 may put at risk compliance with environmental quality standards referred to in Article 18.

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

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

Text proposed by the Commission

Amendment

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

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

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

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

Amendment 9

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) The contribution of Directive 2010/75/EU to resource and energy efficiency and circular economy in the Union should be made more effective, taking into consideration the ‘Energy Efficiency First’ as a guiding principle of the Union energy policy. Therefore, the permits should establish, where possible, **mandatory** environmental performance limit values on consumption and resource efficiency levels, including on the use of water, energy and recycled materials, based on the environmental performance levels associated with the best available techniques (BAT AEPLs) set out in decisions on BAT conclusions.

Amendment

(16) The contribution of Directive 2010/75/EU to resource and energy efficiency and circular economy in the Union should be made more effective, taking into consideration the ‘Energy Efficiency First’ as a guiding principle of the Union energy policy. Therefore, the permits should establish, where possible, **indicative** environmental performance limit values, **provided that the lower performing end of the mandatory range is ensured** on consumption and resource efficiency levels, including on the use of water, energy and recycled materials, based on the environmental performance levels associated with the best available techniques (BAT AEPLs) set out in decisions on BAT conclusions, **while taking into account the higher energy consumption related to certain decarbonisation and depollution activities and processes, and to emerging and innovative techniques and the whole industrial ecosystem. Competent authorities may 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.

Compromise Amendment 35 (Article 15(4b)(1 (new)), Recital 32a (new))

Supported by: EPP, S&D, Renew

Compromise amendment replacing Amendments: 249 - 251, 899 - 903 , [ITRE 12](#)

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 12

Directive 2010/75/EU

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

Text proposed by the Commission

Amendment

Without prejudice to Article 18, by way of derogation from paragraph 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 when the extraordinary circumstances as referred to in this paragraph persist by 3 months, subject to a simplified assessment justifying the reasons and period for this temporary adjustment. As soon as the supply or abatement conditions are restored, the Member State shall ensure that this derogation ceases to have effect.

Member States shall inform the Commission of any derogation granted under these circumstances.

The Commission shall assess whether the use of the derogation clause is justified having due regard to the criteria set in this subparagraph. If the Commission raises objections, the Member States shall without delay revise the derogation provided accordingly.

As soon as the supply conditions are restored then the derogation will no longer be valid.

Amendment 2

Proposal for a directive Recital 32 a (new)

Text proposed by the Commission

Amendment

(32 a) In case of exceptional circumstances like the COVID-19 pandemic or the Russian war aggression against Ukraine, 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, it may be necessary to temporarily set less strict emission or environmental performance limit values while ensuring the integrity of the environment as a whole.

Compromise Amendment 36 (Articles 15a, 3(1)(52), Recital 18)

Supported by: EPP, S&D, Renew, Greens/EFA

Compromise amendment replacing Amendments: 13, 904 - 914

Article 15a

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/75/EU

Article 15a – paragraph 1

Text proposed by the Commission

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

Amendment

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

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

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/75/EU

Article 15a – paragraph 2 – subparagraph 1

Text proposed by the Commission

The Commission shall by [OP please insert date = the first day of the month following 24 months after the date of entry into force of this Directive] adopt an implementing act establishing the *measuring* method for assessing compliance with emission limit values set out in the permit with regard to emissions to air and water. This

Amendment

The Commission shall by [OP please insert date = the first day of the month following 24 months after the date of entry into force of this Directive] adopt an implementing act establishing the method for assessing compliance with emission limit values set out in the permit with regard to emissions to air and water. This implementing act

implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).

shall be adopted in accordance with the examination procedure referred to in Article 75(2).

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 13

Directive 2010/75/EU

Article 15a – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 52

Text proposed by the Commission

52) ‘compliance assurance’ means mechanisms for securing compliance using three categories of intervention: compliance promotion; compliance monitoring; follow-up and enforcement.’

Amendment

52) ‘compliance assurance’ means mechanisms for securing compliance using three categories of intervention: compliance promotion; compliance monitoring; follow-up and enforcement.’

Amendment 5

Proposal for a directive

Recital 18

Text proposed by the Commission

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

Amendment

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

Compromise Amendment 37 (Article 16, Recital 18a (new))

Supported by: EPP, S&D, Renew, Greens/EFA, The Left

Compromise amendment replacing Amendments: 916 - 918, 920 - 922, 1332

Amendment 1

Proposal for a directive

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

Directive 2010/75/EU

Article 16 – paragraph 1

Present text

1. The monitoring requirements referred to in Article 14(1)(c) shall, where applicable, be based on the conclusions on monitoring as described in the BAT conclusions.

Amendment

1. The monitoring requirements referred to in Article 14(1)(c) shall, where applicable, be based on the conclusions on monitoring as described in the BAT conclusions.

Amendment 2

Proposal for a directive

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

Directive 2010/75/EU

Article 16 – paragraph 2

Present text

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

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

Amendment

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

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

Amendment 3

Proposal for a directive

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

Directive 2010/75/EU

Article 16 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

(13 b) In Article 16, paragraph 2a is inserted as follows:

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

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 14

Directive 2010/75/EU

Article 16 – paragraph 3

Text proposed by the Commission

Amendment

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.

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.

Amendment 5

Proposal for a directive

Recital 18 a (new)

Text proposed by the Commission

Amendment

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

Compromise Amendment 38 (Articles 17, 3(1)(8))

Supported by: EPP, S&D, Renew

Compromise amendment replacing Amendments: 291, 820, 923 - 931

Amendment 1

Proposal for a directive

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

Directive 2010/75/EU

Article 17 – paragraph 1

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

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

Amendment 2

Proposal for a directive

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

Directive 2010/75/EU

Article 17 – paragraph 2

Present text

2. General binding rules shall be based on the best available techniques, without prescribing the use of any technique or specific technology in order to ensure compliance with Articles 14 and 15.

Amendment

2. General binding rules shall be based on the best available techniques, without prescribing the use of any technique or specific technology in order to ensure compliance with Articles 14 and 15.

Amendment 3

Proposal for a directive

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

Directive 2010/75/EU

Article 17 – paragraph 3

Present text

3. Member States shall ensure that general binding rules are updated to take into account developments in best available

Amendment

3. Member States shall ensure that general binding rules are updated to take into account developments in best available

techniques and in order to ensure compliance with Article 21.

techniques and in order to ensure compliance with Article 21.

Amendment 4

Proposal for a directive

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

Directive 2010/75/EU

Article 17 – paragraph 4

Present text

4. General binding rules adopted in accordance with paragraphs 1 to 3 shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication.

Amendment

(14 c) In Article 17, paragraph 4 is replaced by the following:

4. General binding rules adopted in accordance with paragraphs 1 to 3 shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication.

Amendment 5

Proposal for a directive

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

Directive 2010/75/EU

Article 3 – paragraph 1 – point 8

Present text

(8) ‘general binding rules’ means emission limit values or other conditions, at least at sector level, that are adopted with the intention of being used directly to set permit conditions;

Amendment

(a f) In Article 3, paragraph 1, point 8 is replaced as follows:

(8) ‘general binding rules’ means emission limit values or other conditions, at least at sector level, that are adopted with the intention of being used directly to set permit conditions;

Compromise Amendment 39 (Articles 18, 3(1)(6), Recitals 12, 19)

Supported by: EPP, S&D, Renew, Greens/EFA, The Left

Compromise amendment replacing Amendments: 80, 81, 188, 207 - 209, 284 - 290, 932 - 943, 945 - 950, 1589, 1590, AGRI 8, AGRI 10

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/75/EU

Article 18 – paragraph 1

Text proposed by the Commission

Where an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, additional measures shall be included in the permit with a view to reducing the specific contribution of the installation to the pollution occurring in the relevant area.

Amendment

Where, an environmental quality standard requires stricter conditions than those achievable by the use of the best available techniques, additional measures ***such as but not limited to setting supplementary load limits for the relevant polluting substances*** shall be included in the permit, with a view to reducing the specific contribution of the installation to the pollution occurring in the relevant area ***without prejudice to other measures which may be taken to comply with environmental quality standards.***

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 15

Directive 2010/75/EU

Article 18 – paragraph 2

Text proposed by the Commission

Where stricter conditions have been included in the permit in accordance with the first paragraph, regular monitoring of the concentration of relevant pollutants in the receiving environment resulting from operations of the installations concerned shall be required from the operator, and the results of such monitoring shall be transmitted to the competent authority. Where monitoring and measurement

Amendment

Where stricter conditions have been included in the permit in accordance with the first paragraph, regular monitoring of the concentration ***and loads*** of relevant pollutants in the receiving environment resulting from operations of the installations concerned shall be required from the operator, and the results of such monitoring shall be transmitted to the competent authority ***and the downstream***

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.

drinking water and/or wastewater treatment plants operators, as relevant, within the shortest possible time after the information has been generated, not exceeding 1 month after the information has been generated. Where monitoring and measurement methods for the concerned pollutants, ***including cocktail effects***, are set out in other relevant Union legislation, such methods shall be used for the purpose of the monitoring referred to in this paragraph.

Amendment 3

Proposal for a directive

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

Directive 2010/75/EU

Article 3 – paragraph 1 – point 6

Present text

(6) ‘environmental quality standard’ means the set of requirements which must be fulfilled at a given time by a given environment or particular part thereof, as set out in Union law;

Amendment

(a d) In Article 3, paragraph 1, point 6 is replaced by the following:

(6) ‘environmental quality standard’ means the set of requirements which must be fulfilled at a given time by a given environment or particular part thereof, as set out in Union law;

Amendment 4

Proposal for a directive

Recital 12

Text proposed by the Commission

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

Amendment

(12) To ensure the protection of human health and the environment as a whole synergies and coordination with other relevant Union environmental legislation are necessary, at all stages of its implementation. Therefore, all relevant competent authorities that ensure compliance with relevant Union environmental legislation, ***in particular in***

consulted before the granting of a permit under Directive 2010/75/EU.

regards to Directive (EU) 2016/2284 of the European Parliament and of the Council of 14 December 2016, should be duly consulted before the granting of a permit under Directive 2010/75/EU.

Amendment 5

Proposal for a directive Recital 19

Text proposed by the Commission

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

Amendment

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

Compromise Amendment 15 (Article 20)

Supported by: EPP, S&D, Renew, Greens/EFA, The Left
Compromise amendment replacing Amendments: 82, 952

Amendment 1

Proposal for a directive

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

Directive 2010/75/EU

Article 20 – paragraph 1

Present text

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

Amendment

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

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

Compromise Amendment 10 (Articles 21, 3(1)(9), Recital 20)

Supported by: EPP, S&D, Renew, Greens/EFA, The Left

Compromise amendment replacing Amendments: 14, 83, 184, 210, 211, 292 - 294, 325, 405, 406, 410, 676, 953 - 956, 958 - 973, AGRI 11

Amendment 1

Proposal for a directive

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

Directive 2010/75/EU

Article 3 – paragraph 1 – point 9

Present text

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

Amendment

(3 a) Article 3, paragraph 1, point 9 is amended as follows:

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

Amendment 2

Proposal for a directive

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

Directive 2010/75/EU

Article 21 – paragraph 1

Present text

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

Amendment

(15 c) in Article 21 paragraph 1 is replaced as follows:

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

authorities reconsider the permit at least every 8 years.

Amendment 3

Proposal for a directive

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

Directive 2010/75/EU

Article 21 – paragraph 2 – subparagraph 2

Present text

When reconsidering permit conditions, the competent authority shall use any information resulting from monitoring or inspections.

Amendment

When reconsidering permit conditions, the competent authority shall use any information resulting from monitoring or inspections.

Amendment 4

Proposal for a directive

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

Directive 2010/75/EU

Article 21 – paragraph 3 – subparagraph 1 – introductory part

Present text

Within 4 years of publication of decisions on BAT conclusions in accordance with Article 13(5) relating to the main activity of an installation, the competent authority shall ensure that:

Amendment

(15 c) In Article 21, paragraph 3, subparagraph 1, introductory part is amended as follows:

Within 4 years of publication of decisions on BAT conclusions in accordance with Article 13(5) relating to the main activity of an installation, the competent authority shall ensure that:

Amendment 5

Proposal for a directive

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

Directive 2010/75/EU

Article 21 – paragraph 3 – subparagraph 1 – point a

Present text

Amendment

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

(15 c) In Article 21, paragraph 3, subparagraph 1, point a is replaced as follows:

(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;

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 16

Directive 2010/75/EU

Article 21 – paragraph 5 – point c

Text proposed by the Commission

Amendment

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

(c) where it is necessary to comply with an environmental quality standard referred to in Article 18, 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.

Amendment 7

Proposal for a directive

Recital 20

Text proposed by the Commission

Amendment

(20) Permit conditions should be regularly reviewed and, where necessary, updated by the competent authority to ensure compliance with relevant

(20) **To ensure that permits under this directive address the need to improve performance**, permit conditions should be regularly reviewed, and, where necessary,

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

updated by the competent authority to ensure compliance with relevant legislation, *the frequency should be 8 years*. Such *reconsiderations of the permit* should also take place where it is necessary for the installation to comply with an environmental quality standard, including in the case of a new or revised environmental quality standard or where the status of the receiving environment requires a revision of the permit in order to achieve compliance with plans and programmes set under Union legislation, such as the river basin management plans under Directive 2000/60/EC of the European Parliament and of the Council⁷².

Compromise Amendment 16 (Article 22)

Supported by: EPP, S&D, Renew, The Left

Compromise amendment replacing Amendments: 974 - 977

Amendment 1

Proposal for a directive

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

Directive 2010/75/EU

Article 22 – paragraph 2

Present text

2. Where the activity involves the use, production or release of relevant hazardous substances and having regard to the possibility of soil and groundwater contamination at the site of the installation, the operator shall prepare and submit to the competent authority a baseline report before starting operation of an installation or before a permit for an installation is updated for the first time after 7 January 2013. The baseline report shall contain the information necessary to determine the state of soil and groundwater contamination so as to make a quantified comparison with the state upon definitive cessation of activities provided for under paragraph 3.

Amendment

(16 a) In Article 22, paragraph 2 is replaced as follows:

2. Where the activity involves the use, production or release of relevant hazardous substances and having regard to the possibility of soil, ***surface*** and groundwater contamination at the site of the installation, the operator shall prepare and submit to the competent authority a baseline report before starting operation of an installation or before a permit for an installation is updated for the first time after 7 January 2013. The baseline report shall contain the information necessary to determine the state of soil, ***surface*** and groundwater contamination so as to make a quantified comparison with the state upon definitive cessation of activities provided for under paragraph 3.

Amendment 2

Proposal for a directive

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

Directive 2010/75/EU

Article 22 – paragraph 3– subparagraph 1

Present text

Amendment

(16 c) In Article 22, paragraph 3, subparagraph 1 is replaced as follows:

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

3. 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.

Amendment 3

Proposal for a directive

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

Directive 2010/75/EU

Article 22 – paragraph 4

Present text

4. Where the operator is not required to prepare a baseline report referred to in paragraph 2, the operator shall, upon definitive cessation of the activities, take the necessary actions aimed at the removal, control, containment or reduction of relevant hazardous substances, so that the site, taking into account its current or approved future use, ceases to pose any significant risk to human health or the environment due to the contamination of soil, surface and groundwater as a result of the permitted activities and taking into account the conditions of the site of the installation established in accordance with Article 12(1)(d).

Amendment

(16 d) In Article 22, paragraph 4 is replaced as follows:

4. Where the operator is not required to prepare a baseline report referred to in paragraph 2, the operator shall, upon definitive cessation of the activities, take the necessary actions aimed at the removal, control, containment or reduction of relevant hazardous substances, so that the site, taking into account its current or approved future use, ceases to pose any significant risk to human health or the environment due to the contamination of soil, surface and groundwater as a result of the permitted activities and taking into account the conditions of the site of the installation established in accordance with Article 12(1)(d).

Compromise Amendment 17 (Article 23)

Supported by: EPP, S&D, Renew, Greens/EFA, The Left
Compromise amendment replacing Amendments: 978, 979

Amendment 1

Proposal for a directive

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

2010/75/EU

Article 23 – paragraph 4 – subparagraph 2

Present text

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

Amendment

(16 e) In Article 23, paragraph 4, subparagraph 2 is replaced as follows:

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

Amendment 2

Proposal for a directive

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

Directive 2010/75/EU

Article 23 – paragraph 4 – subparagraph 5

Present text

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

Amendment

(16 f) In Article 23, paragraph 4, subparagraph 5 is replaced as follows:

"By two years after the transposition of this Directive latest, the Commission shall adopt and, where appropriate regularly update, guidance on the criteria for the appraisal of environmental risks."

Compromise Amendment 18 (Article 24)

Supported by: EPP, S&D, Renew, Greens/EFA, The Left

Compromise amendment replacing Amendments: 84, 980, 981, 983 - 998, 1000 - 1016

Amendment 1

Proposal for a directive

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

Directive 2010/75/EU

Article 24 – paragraph 1 – introductory part

Present text

1. Member States shall ensure that the public concerned are given early and effective opportunities to participate in the following procedures:

Amendment

(-i) In Article 24, paragraph 1, subparagraph 1, introductory part is replaced as follows:

1. Member States shall ensure that the public concerned are given early and effective opportunities to participate in the following procedures:

Amendment 2

Proposal for a directive

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

Directive 2010/75/EU

Article 24 – paragraph 1 – point b

Present text

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

Amendment

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

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

Amendment 3

Proposal for a directive

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

Directive 2010/75/EU

Article 24 – paragraph 1 – point c

Present text

(c) the granting or updating of a permit for an installation where the application of

Amendment

(c) the granting or updating of a permit for an installation where the application of

Article 15(4) is proposed;

Article 15(4) is proposed;

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 17 – point a – point i

Directive 2010/75/EU

Article 24 – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(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);

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 17 – point a – point ii

Directive 2010/75/EU

Article 24 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(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);

Amendment 6

Proposal for a directive

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

Directive 2010/75/EU

Article 24 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

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

2. When a decision on granting, reconsideration or updating of a permit has been taken, the competent authority shall make available to the public, including systematically via the Internet, ***on its website, on a webpage which is easy to find***, free of charge and without restricting access to registered users, in relation to

points (a), (b) and (f) the following information:

Amendment 7

Proposal for a directive

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

Directive 2010/75/EU

Article 24 – paragraph 2 – point a a (new)

Present text

Amendment

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

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

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 17 – point b – point ii

Directive 2010/75/EU

Article 24 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(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;

Amendment 9

Proposal for a directive

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

Directive 2010/75/EU

Article 24 – paragraph 2 – point e

Present text

Amendment

(ii a) In Article 24 - paragraph 1, point e is replaced by the following:

(e) how the permit conditions referred to in Article 14, including the emission limit

(e) how the permit conditions referred to in Article 14, including the emission limit

values, have been determined in relation to the best available techniques and emission levels associated with the best available techniques;

values *and environmental performance levels*, have been determined in relation to the best available techniques and emission levels *and environmental performance levels* associated with the best available techniques;

Amendment 10

Proposal for a directive

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

Directive 2010/75/EU

Article 24 – paragraph 2 – point f

Present text

(f) where a derogation is granted in accordance with Article 15(4), the specific reasons for that derogation based on the criteria laid down in that paragraph and the conditions imposed.

Amendment

(f) where a derogation is granted in accordance with Article 15(4), the specific reasons for that derogation based on the criteria laid down in that paragraph and the conditions imposed.

Amendment 11

Proposal for a directive

Article 1 – paragraph 1 – point 17 – point c

Directive 2010/75/EU

Article 24 – paragraph 3 – introductory part

Text proposed by the Commission

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:

Amendment

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

Amendment 12

Proposal for a directive

Article 1 – paragraph 1 – point 17 – point c

Directive 2010/75/EU

Article 24 – paragraph 3 – point b

Text proposed by the Commission

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

Amendment

(b) the results of emission monitoring as required under the permit conditions and held by the competent authority ***in a database allowing for downloads of query-based datasets;***

Amendment 13

Proposal for a directive

Article 1 – paragraph 1 – point 17 – point c

Directive 2010/75/EU

Article 24 – paragraph 3 – point c

Text proposed by the Commission

(c) the results of the monitoring referred to in Article 16(3) and in Article 18, second subparagraph.

Amendment

(c) the results of the monitoring referred to in Article 16(3) and in Article 18, second subparagraph.

Compromise Amendment 20 (Article 25, Recital 22)

Supported by: EPP, S&D, Renew, Greens/EFA, The Left

Compromise amendment replacing Amendments: 85, 212, 1017 - 1024, AGRI 12

Amendment 1

Proposal for a directive

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

Directive 2010/75/EU

Article 25 – paragraph 1 – subparagraph 1-introductory part

Present text

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

Amendment

(17 a) In Article 25, paragraph 1, introductory part is replaced as follows:

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 ***Articles 14, 17(1)-(3), 22, and*** Article 24 when one of the following conditions is met:

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 18

Directive 2010/75/EU

Article 25 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 3

Proposal for a directive

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

Directive 2010/75/EU

Article 25 – paragraph 3

Present text

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

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

Such organisations shall also be deemed to have rights capable of being impaired for the purpose of paragraph 1(b).

Amendment

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

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

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

Such organisations ***and authorities*** shall also be deemed to have rights capable of being impaired for the purpose of paragraph 1(b).

Amendment 4

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) As clarified by the case-law of the Court of Justice⁷³, Member States may not restrict legal standing to challenge a decision of a public authority to those members of the public concerned who participated in the preceding administrative procedure to adopt that decision. As also clarified by the case-law of the Court of Justice⁷⁴, effective access to justice in

Amendment

(22) As clarified by the case-law of the Court of Justice⁷³, Member States may not restrict legal standing to challenge a decision of a public authority to those members of the public concerned who participated in the preceding administrative procedure to adopt that decision. As also clarified by the case-law of the Court of Justice⁷⁴, effective access to justice in

environmental matters and effective remedies requires inter alia that members of the public concerned should have the right to ask the court or a competent independent and impartial body to order interim measures to prevent a given instance of pollution, including, where necessary, through the temporary suspension of the disputed permit. Therefore, it should be specified that legal standing should not be made conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive. In addition, any review procedure should be fair, equitable, timely and not prohibitively expensive, and provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.

environmental matters and effective remedies requires inter alia that members of the public concerned should have the right to ask the court or a competent independent and impartial body to order interim measures to prevent a given instance of pollution, including, where necessary, through the temporary suspension of the disputed permit. Therefore, it should be specified that legal standing should not be made conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive. In addition, any review procedure should be fair, equitable, timely and not prohibitively expensive, and provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.

Compromise Amendment 21 (Article 26, Recital 23)

Supported by: EPP, S&D, Renew, Greens/EFA, The Left

Compromise amendment replacing Amendments: 213, 1025 - 1029

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 19

Directive 2010/75/EU

Article 26 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 2

Proposal for a directive

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

Directive 2010/75/EU

Article 26 – paragraph 4 a (new)

Present text

Amendment

(19 a) In Article 26, the following paragraph 4 a (new) is added:

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

Amendment 3

Proposal for a directive

Recital 23

Text proposed by the Commission

Amendment

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

Compromise Amendment 24 (Chapter IIa, Articles 27, 27a)

Supported by: EPP, S&D, Renew, Greens/EFA

Compromise amendment replacing Amendments: 86 - 91, 1030 - 1047, ITRE 13, ITRE 14

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 20

Directive 2010/75/EU

Chapter IIa – title

Text proposed by the Commission

Amendment

PROMOTING INNOVATION'

ENABLING AND PROMOTING
INNOVATION

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 21

Directive 2010/75/EU

Article 27 – paragraph 1

Text proposed by the Commission

Amendment

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.

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

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27a – paragraph 2

Text proposed by the Commission

Amendment

2. The centre shall collect and analyse information on innovative techniques, including emerging techniques relevant to

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).

activities within the scope of this Directive, and characterise their level of development and their environmental performance. The Commission shall take into account the findings of the centre when preparing the work programme for the exchange of information referred to in Article 13(3), point (b), and when drawing up, reviewing and updating, ***after an assessment by the relevant technical working group in Sevilla***, the BAT reference documents referred to in Article 13(1).

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27a – paragraph 3

Text proposed by the Commission

3. The centre shall be assisted by:

Amendment

3. The centre shall be assisted by:

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27a – paragraph 3 – point a

Text proposed by the Commission

(a) representatives of Member States;

Amendment

(a) representatives of Member States;

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27a – paragraph 3 – point e

Text proposed by the Commission

(e) representatives of the industries concerned;

Amendment

(e) representatives of the industries concerned;

Amendment 7

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

Text proposed by the Commission

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

Amendment

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

Amendment 8

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

Text proposed by the Commission

(h) the Commission.

Amendment

the Commission.

Amendment 9

Proposal for a directive
Article 1 – paragraph 1 – point 22
Directive 2010/75/EU
Article 27a – paragraph 4

Text proposed by the Commission

The centre shall make its findings public, subject to the restrictions laid down in Article 4(1) and (2) of Directive 2003/4/EC.

Amendment

4. The centre shall make its findings public, subject to the restrictions laid down in Article 4(1) and (2) of Directive 2003/4/EC.

Compromise Amendment 25 (Article 27b, Recital 24)

Supported by: EPP, S&D, Renew

Compromise amendment replacing Amendments: 16, 92, 214, 215, 324, 1048 - 1058, ITRE 5, ITRE 15, ITRE 16

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27b – title

Text proposed by the Commission

Amendment

Testing of emerging techniques

Testing of emerging techniques

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27b – paragraph 1

Text proposed by the Commission

Amendment

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

Without prejudice to Article 18 **and Article 2(2)**, the competent authority may grant temporary derogations from the requirements set out in Article 15(2) and (3) and from the principles set out in Article 11, points (a) and (b), for the testing of emerging techniques for a total period of time not exceeding **36** months, ***provided that after the period specified, either the technique is stopped or the activity achieves at least the emission levels associated with the best available techniques.***

Amendment 3

Proposal for a directive

Recital 24

(24) The evaluation of Directive 2010/75/EU found that, even if it should foster the transformation of European industry, it is not dynamic enough and does not sufficiently support the deployment of innovative processes and technologies. *It* is therefore appropriate to facilitate the testing and deployment of emerging techniques with improved environmental performance, to facilitate cooperation with researchers and industries in publicly funded research projects subject to the conditions foreseen in the relevant European and national funding instruments, as well as to set up a dedicated centre to support innovation by collecting and analysing information on innovative techniques, including emerging techniques, relevant to activities within the scope of that Directive and to characterise their level of development from research to deployment (technology readiness level or ‘TRL’) and *their* environmental performance. This will also inform the exchange of information on drawing up, reviewing and updating BAT reference documents. Innovative techniques to be collected and analysed by the centre should be at least at the level of technology demonstrated in relevant environment (industrially relevant environment in the case of key enabling technologies) or system prototype demonstration in operation environment (TRL 6-7).

(24) The evaluation of Directive 2010/75/EU found that, even if it should foster the transformation of European industry, it is not dynamic enough and does not sufficiently support the deployment of innovative processes and technologies, ***including those that are essential for the twin green and digital transition and the achievement of the European Climate Law. Without prescribing the use of any technique or specific technology***, it is therefore appropriate to facilitate the testing and deployment of emerging techniques with improved environmental performance, to facilitate cooperation with researchers and industries in publicly funded research projects subject to the conditions foreseen in the relevant European and national funding instruments, as well as to set up a dedicated centre to support innovation by collecting and analysing information on innovative techniques, including emerging techniques, relevant to activities within the scope of that Directive and to characterise their level of development from research to deployment (technology readiness level or ‘TRL’) and ***assess the level of*** the environmental performance ***of those techniques, while taking into account potential limitation in regards to the availability of data***. This will also inform the exchange of information on drawing up, reviewing and updating BAT reference documents. Innovative techniques to be collected and analysed by the centre should be at least at the level of technology demonstrated in relevant environment (industrially relevant environment in the case of key enabling technologies) or system prototype demonstration in operation environment (TRL 6-7).

Compromise Amendment 26 (Articles 27c, 3(1)(points 14, 50, 51))

Supported by: EPP, S&D, Renew

Compromise amendment replacing Amendments: 35, 36, 93, 330, 360 - 375, 1059 - 1068, ITRE 17, AGRI 30

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27c – title

Text proposed by the Commission

Amendment

Emission levels associated with emerging techniques

Emission levels associated with emerging techniques

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27c – paragraph 1

Text proposed by the Commission

Amendment

By way of derogation from Article 21(3), the competent authority may set emission limit values that ensure that, within 6 years of publication of a decision on BAT conclusions in accordance with Article 13(5) relating to the main activity of an installation, emissions shall not, under normal operating conditions, exceed emission levels associated with emerging techniques as laid down in the decisions on BAT conclusions.

By way of derogation from Article 21(3), ***upon a request by the operator***, the competent authority may set emission limit values that ensure that, within 6 years of publication of a decision on BAT conclusions in accordance with Article 13(5) relating to the main activity of an installation, emissions shall not, under normal operating conditions, exceed emission levels associated with emerging techniques as laid down in the decisions on BAT conclusions. ***The Member States or the competent authorities shall notify INCITE on the emerging techniques for which a permit has been granted.***

Amendment 3

Proposal for a directive

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

Directive 2010/75/EU

Article 3 – paragraph 1 – point 14

Present text

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

Amendment

(c f) In Article 3, paragraph 1, point 14 is replaced by the following:

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

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 50

Text proposed by the Commission

(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;

Amendment

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

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 51

Text proposed by the Commission

(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;

Amendment

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

Compromise Amendment 22 (Articles 27d, 76(2), Recitals 25, 25a (new))

Supported by: EPP, S&D, Renew

Compromise amendment replacing Amendments: 17, 94 - 98, 202 - 204, 216 - 222, 1069 - 1144, 1146 - 1186, ITRE 4, ITRE 6, ITRE 18, ITRE 19, ITRE 20

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27d – title

Text proposed by the Commission

Transformation towards a clean, circular and climate neutral industry

Amendment

Transformation towards a clean, circular and climate neutral industry

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27d – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

Where a derogation has been set in accordance with Article 15 (4), Member States shall require that, by 30 June 2027, the operator includes in its environmental management system an indicative transformation plan for each installation carrying out any activity listed in points 1, 2, 3, 4, 6.1 a, and 6.1 b of Annex I.

The operators of the 200 most polluting installations in the Union, as referred to in Article 76 paragraph 2, shall also include in their environmental management system a indicative transformation plans for each of those installations, unless the installation has an closure plan for 2035.

The transformation plan shall contain information on how the **transformation**

during the 2030-2050 period in order to contribute to the emergence of a sustainable, clean, circular and climate-neutral economy by 2050, using the format referred to in paragraph 4, *is intended*.

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

Member States shall require that by 30 June **2029** the operator includes in its environmental management system *an indicative* transformation plan for each installation carrying out any activity listed in points 1, 2, 3, 4, 6.1 a, and 6.1 b of Annex I, *a consolidated transformation plan at corporate level for two or more installations as referred to in Article 4(2), or a consolidated transformation plan for all the undertakings in a group covering the elements referred to in the second and third subparagraph and including a reference to each installation.*

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27d – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

emergence of a sustainable, clean, circular and climate-neutral economy by 2050.

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

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

Text proposed by the Commission

Amendment

Where elements of the Transformation Plans, have already been developed elsewhere and comply with this provision, a reference may be made in the Transformation Plan to the relevant documents.

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27d – paragraph 1a (new)

Text proposed by the Commission

Amendment

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

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27d – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall require that, as part of the review of the permit conditions pursuant to Article 21(3) following the publication of decisions on BAT conclusions after 1 January 2030, the

Member States shall require that **by** 1 January 2030, the operator **carrying out any activity listed in Annex I that is not referred to in paragraph 1** includes in its environmental management system

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.

referred to in Article 14a a transformation plan **as set out** in paragraph 1 **of this Article**. The transformation plan shall contain information on how the installation will transform itself during the 2030-2050 period in order to contribute to the emergence of a sustainable, clean, circular and climate-neutral economy by 2050, using the format referred to in paragraph 4.

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27d – paragraph 2 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27d – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27d – paragraph 4

Text proposed by the Commission

4. The Commission shall by 30 June 2028, adopt an **implementing** act establishing the format for the transformation plans. This **implementing** act shall be adopted in accordance with the examination procedure referred to in Article 75(2).

Amendment

4. The Commission shall by 30 June 2026, adopt a **delegated** act establishing the format for the transformation plans **and the list of the 200 most polluting installations**. **This delegated** act shall be adopted in accordance with the examination procedure referred to in Article 76(2).

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 next to air pollutants also water pollutants.

Amendment 10

Proposal for a directive

Article 1 – paragraph 1 – point 22

Directive 2010/75/EU

Article 27d – paragraph 4 a (new)

Text proposed by the Commission

Amendment

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

Amendment 11

Proposal for a directive

Article 1 – paragraph 1 – point 27

Text proposed by the Commission

Amendment

2a. The Commission shall, based on the report of the European Environmental Agency ETC/ATNI 2020/4, by 30 June 2026 [OP please insert date as referred to in paragraph 4 subparagraph 1] adopt a delegated act in accordance with Article 76 in order to establish a list of the 200 most polluting installations based on marginal damage costs for the air pollutants (PM2.5, PM10, SO2, NH3, NOX, NMVOCs, As, Cd, CrVI, Pb, Hg, Ni, 1,3 butadiene, benzene, formaldehyde, benzo(a)pyrene, dioxins and furans) and greenhouse gases (CO2, CH4 and N2O) in line with the report. When establishing the list, the Commission may consider pollution of respective pollutants to water environment, where applicable.

Amendment 12

Proposal for a directive Recital 25

Text proposed by the Commission

Amendment

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

(25) Achieving Union objectives regarding a clean, circular and climate neutral economy by 2050 calls for a deep transformation of the Union economy. Consistently with the 8th Environmental Action Programme, operators of installations covered by Directive 2010/75/EU should therefore be required to include **indicative** transformation plans **at group, corporate or installation level** in their environmental management systems. Such transformation plans will also complement the Corporate Sustainability Reporting requirements under Directive 2013/34/EU of the European Parliament and of the Council⁷⁵, **whereas transformation plans information or data that are already reported under other**

intensive activities listed in Annex I. Therefore, the operators of energy-intensive installations should produce transformation plans by 30 June 2030. Operators of installations carrying out other activities listed in Annex I should be required to produce transformation plans as part of the permit reconsideration and update following the publication of decisions on BAT conclusions published after 1 January 2030. Whilst the transformation plans should remain indicative documents prepared under the responsibility of the operators, the audit organisation contracted by the operators as part of their environmental management systems should check that they contain the minimum information to be set by the European Commission in *an implementing act*, and the operators should make the transformation plans public.

Union legislation, such as the Directive (EU) 2022/2464 of the European Parliament and of the Council^{75a} or the Directive on corporate sustainability due diligence [OJ: please insert the reference number for 2022/0051(COD)]^{75b} a reference may simply be made when they are compliant if they are compliant with the elements of the transformation plans

The first priority is the transformation of energy-intensive activities listed in Annex I. Therefore, the operators of energy-intensive installations, *for which a derogation is granted or which are under the 200 most polluting installations except for installations with a closure plan for 2035* should produce transformation plans by 30 June 2027 *at installation level. The second priority is all other operators of energy-intensive installation by 30 June 2029 at group or corporate level with reference to each installation. Similarly* operators of installations carrying out other activities listed in Annex I should be required to produce transformation plans by *1 January 2030*. Whilst the transformation plans should remain indicative documents prepared under the responsibility of the operators, the audit organisation contracted by the operators as part of their environmental management systems should check that they contain the minimum information to be set by the European Commission in a *delegated act*, and the operators should make the transformation plans public, *while respecting confidentiality and not disclosing sensitive business information. The Commission should do a mid-term review of the delegated act of the transformation plan in 2035, upon which the transformation plans should be revised.*

⁷⁵ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of

⁷⁵ Directive 2013/34/EU of the European Parliament and of the Council of 26 June 2013 on the annual financial statements, consolidated financial statements and related reports of certain types of

undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC; OJ L 182, 29.6.2013, p. 19–76.

undertakings, amending Directive 2006/43/EC of the European Parliament and of the Council and repealing Council Directives 78/660/EEC and 83/349/EEC; OJ L 182, 29.6.2013, p. 19–76.

^{75a} Directive (EU) 2022/2464 of the European Parliament and of the Council of 14 December 2022 amending Regulation (EU) No 537/2014, Directive 2004/109/EC, Directive 2006/43/EC and Directive 2013/34/EU, as regards corporate sustainability reporting (OJ L 322, 16.12.2022, p.15).

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

Amendment 13

Proposal for a directive Recital 25 a (new)

Text proposed by the Commission

Amendment

Considering the risk of water on and by industrial activities, especially taking into account the current situations regarding droughts and floods in Europe or rising the sea levels, digital tools such as digitalized management systems might help to quantitatively and qualitatively assess, manage water risks and help operators in the transformation of their installations.

Compromise Amendment 7bis (Chapter VIa, Articles 70a, 70b, 3(1)(point 23c a(new)), Annex Ia, Recital 4)

Supported by: EPP

Compromise amendment replacing Amendments: 2, 30, 31, 32, 33, 103, 104, 125, 126, 146 - 161, 165, 224 - 228, 348 - 352, 1228 - 1270, 1574 - 1581, 1640 - 1645, 1648 - 1699, AGRI 4, AGRI 13, AGRI 31, AGRI 32, AGRI 34, AGRI 78, AGRI 80

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 24

Directive 2010/75/EU

Chapter VIa – title

Text proposed by the Commission

Amendment

SPECIAL PROVISIONS FOR REARING
POULTRY, PIGS **AND CATTLE**

SPECIAL PROVISIONS FOR REARING
POULTRY, **AND** PIGS

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70a – paragraph 1

Text proposed by the Commission

Amendment

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

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

The provisions of Article 79 shall not apply to activities set out in Annex Ia, if there is violations of the operating rules as referred to in Article 70i of this Chapter. In such cases, Article 70f of this Chapter and the national provisions applicable to such violations shall apply.

By [OP please insert date = the first day of the month following 24 months after the date of entry into force of the legislative act as referred to in paragraph 3] products originating from rearing activities covered by Chapter VIa may be

placed in the EU market provided that the installation where the rearing activity takes place complies with uniform conditions of the operating rules referred to in this Article, or if the importers provide guarantees of origin from third countries deemed to be comparable in effectiveness.

The competent authorities of the Member State where the imports take place shall verify the compliance of the imported products.

The Commission shall by [OP please insert date = the first day of the month following 18 months after the date of entry into force of this Directive] carry out an impact assessment with view to establish a WTO-consistent methodology laying down the procedure for placing products in the Union market and determine the verification procedure for competent authorities, to ensure a level playing field. On the basis of the impact assessment, 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] put forward, as appropriate, a legislative proposal.

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70b – paragraph 1

Text proposed by the Commission

Aggregation rule

*If two or more installations are located close to each other and if **their operator is the same or if the installations are under the control of operators who are engaged in an economic or legal relationship, the***

Amendment

Aggregation rule

If two or more installations are located close to each other and if

- a) they are operated by the same operator, or*
- b) on a lasting basis all their*

installations concerned shall be considered as a single unit for the purpose of calculating the capacity threshold referred to in Article 70a.

management and operational functions are performed as if they were a single economic entity, and/or

- c) *they are operated by entities participating in a same group, as defined in Article 2, point (11), of Directive 2013/34/EU of the European Parliament and of the Council,*

they shall be considered as a single unit for the purpose of calculating the capacity threshold referred to in Article 70a.

Amendment 4

Proposal for a directive

Annex II

Directive 2010/75/EU

Annex Ia – point 1

Text proposed by the Commission

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

Amendment

1. **Excluding rearing carried out in the context of extensive farming, as defined in this Directive, rearing in installations of 350 livestock units (LSU) or more of pigs and 325 LSU of poultry, except for broilers where a limit of 280 LSU shall apply.**

Amendment 5

Proposal for a directive

Annex II

Directive 2010/75/EU

Annex Ia – point 2

Text proposed by the Commission

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

Amendment

2. Rearing of any mix of the following animals: pigs, poultry, in installations of **350** LSU or more, **excluding rearing carried out in the context of extensive farming, as defined in this Directive. Where rearing in one of the above categories of animals is below 25 LSU, this category shall not be counted to the final LSU of any mix rearing.**

The approximate equivalent in LSU is

The approximate equivalent in LSU is

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

** Commission Implementing Regulation (EU) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (OJ L 227, 31.07.2014, p.18).*

based *in line livestock unit coefficients as defined in the Integrated Farm Statistic Regulation¹* on the *following* conversion rates:

** deleted*

IOJ L 200, 7.8.2018, p. 1–29

		2020
Pigs	Piglets having a live weight of under 20 kg	0.027
	Breeding sows weighing 50 kg and over	0.500
	Other pigs	0.300
Poultry	Broilers	0.007
	Laying hens	0.014
	Other poultry (turkeys, ducks, geese, ostriches, other poultry fowls n.e.c.)	
	Turkeys	0.030
	Ducks	0.010
	Geese	0.020
	Ostriches and other poultry fowls n.e.c.	
	Ostriches	0.350
	Other poultry fowls n.e.c.	0.001

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point e

Directive 2010/75/EU

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

Text proposed by the Commission

Amendment

(23c a) ‘extensive farming’ refers to a type of animal rearing characterized 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 growing fodder or forage for feeding the animals or based on farming practices certified in accordance with in Directive 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products, with livestock unit density equal to or less than 2.0 LSU per hectare (LSU/ha density) used for grazing, or growing fodder or forage for feeding the animals , or rearing practices where livestock is subject to transhumance practices at least between 90 and 180 days per year depending on local climate conditions;

Amendment 7

Proposal for a directive Recital 4

Text proposed by the Commission

(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 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

Amendment

(4) Rearing of pigs and poultry, **while contributing to food security**, cause significant pollutant emissions into the air and water. In order to reduce such pollutant emissions, including ammonia, methane, nitrates and greenhouse gas emissions and thereby improve air, water and soil quality, it is necessary to **improve the approach for inclusion of large** pigs and poultry installations within the scope of Directive 2010/75/EU. Relevant BAT requirements take into consideration the nature, size, density and complexity of these 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.

For any past or future changes of the

transition towards increasingly environmentally friendly agricultural practices.

methodology for determining the approximate equivalent in LSU under this Directive, the Commission shall provide full information transparency in order to correctly assess the effects of its implementation on the agricultural sector economic performance and competitiveness, by providing, including systematically via the Internet, free of charge and without restricting access to registered users, all relevant statistical information on agricultural installations included in the IED in each of the methodological formats that were used during different phases of implementation.

High environmental standards in both industrial activities and intensive animal rearing tend to increase the production value of products, complying with the requirements of EU environmental legislation. It is therefore essential, in order to promote higher environmental standards worldwide, to introduce reciprocity with producers outside of the EU, thus incentivizing the import on the single market of products complying with similar environmental obligations, starting with agricultural production under Annex Ia of this Directive and potentially extending to industrial activities.

Compromise Amendment 7 (Articles 70c, 70d, 70e, 70f, 70g, 70h, 70i, 3(1)(23c a (new)), 10, Recital 2)

Supported by: EPP, S&D, Renew

Compromise amendment replacing Amendments: 105, 106, 134 - 141, 162, 163, 167, 243, 511 - 513, 563, 564, 640 (Parts 1,2,3,4,5,6), 1271 - 1427, AGRI 2, AGRI 35, AGRI 37, AGRI 38, AGRI 39, AGRI 40, AGRI 41, AGRI 42, AGRI 43, AGRI 44, AGRI 45, AGRI 46, AGRI 47, AGRI 48, AGRI 49, AGRI 50, AGRI 51, AGRI 52, AGRI 53, AGRI 54, AGRI 55, AGRI 57, AGRI 58, AGRI 60, AGRI 61, AGRI 62, AGRI 63, AGRI 64, AGRI 65, AGRI 66, AGRI 67, AGRI 68, AGRI 69, AGRI 70, AGRI 71.

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point e

Directive 2010/75/EU

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

Text proposed by the Commission

Amendment

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

Amendment 2

Proposal for a directive

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

Directive 2010/75/EC

Article 10

Present text

This Chapter shall apply to the activities set out in Annex I and, where applicable, reaching the capacity thresholds set out in that Annex.

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – title

Text proposed by the Commission

Permits

Amendment

This Chapter shall apply to the activities set out in Annex I and, where applicable, reaching the capacity thresholds set out in that Annex.

Amendment

Permits *and registrations*

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 1

Text proposed by the Commission

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

Amendment

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

Member States shall use any similar pre-existing procedure for the registration in order to avoid creating an administrative burden.

In any case, Member States shall apply a permitting procedure to the intensive rearing of poultry and pigs:

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

(b) with more than 2 000 places for

production pigs (over 30 kg), or
(c) with more than 750 places for
sows.

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

2. 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:

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the installation and its activities

(a) the installation and its activities;

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EC

Article 70c – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) the animal type

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

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point c

Text proposed by the Commission

(c) the capacity of the installation;

Amendment

(c) the capacity of the installation;

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point d

Text proposed by the Commission

(d) the sources of emissions from the installation;

Amendment

(d) the sources of emissions from the installation;

Amendment 10

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point e

Text proposed by the Commission

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

Amendment

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

Amendment 11

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – subparagraph 1 – point e a (new)

Text proposed by the Commission

Amendment

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

Amendment 12

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 3

Text proposed by the Commission

Amendment

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.

Amendement 13

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 4

Text proposed by the Commission

Amendment

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

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

Amendment 14

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 4a (new)

4 a. *The Commission shall, two years following 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 dispositions emanating from the directive accordingly.*

Amendment 15

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70d – title

Text proposed by the Commission

Amendment

Obligations of the operator

Obligations of the operator

Amendment 16

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70d – paragraph 1

Text proposed by the Commission

Amendment

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

The operator shall keep a record of, and process, all monitoring results, for a period

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

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.

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.*

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.

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.

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

By [OP please insert the date = the first day of 24 months following the date of entry into force of this Directive], the Commission shall publish guidelines, on the criteria for measurement and calculation methods taking into account the specificities and heterogeneity of rearing practices across the EU.

Amendment 17

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70d – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 18

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70d – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 19

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70e – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 20

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70e – paragraph 3

Text proposed by the Commission

3. The operator shall, without delay, make available the data and information listed in paragraph 2 of this Article to the

Amendment

3. The operator shall, without delay, make available the data and information listed in paragraph 2 of this Article to the

competent authority upon request. The competent authority may make such a request in order to verify compliance with the operating rules *referred to in Article 70i*. The competent authority shall make such a request if a member of the public requests access to the data or information listed in paragraph 2 of this Article.

competent authority upon request. The competent authority may make such a request in order to verify compliance with the operating rules. The competent authority shall make such a request if a member of the public requests access to the data or information listed in paragraph 2 of this Article.

Amendment 21

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70f – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 22

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70f – paragraph 2

Text proposed by the Commission

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.

Amendment

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.

Amendment 23

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70f – paragraph 3 - subparagraph 1

Text proposed by the Commission

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.

Amendment

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.

Amendment 24

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70f – paragraph 3 – subparagraph 2

Text proposed by the Commission

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.

Amendment

Where non-compliance causes a significant degradation of local air, water or soil conditions, or where it poses, or risks to pose, a significant danger to human health, the operation of the installation shall be suspended by the competent authority until compliance is restored.

Amendment 25

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that the public concerned are given early and effective opportunities to participate in the

Amendment

1. Member States shall ensure that the public concerned are given early and effective opportunities to participate in the

following procedures:

following procedures:

Amendment 26

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 1 – point a

Text proposed by the Commission

(a) preparation of general binding rules as referred to in Article 6 on permits for installations falling within the scope of this Chapter;

Amendment

(a) preparation of general binding rules as referred to in Article 6 on permits for installations falling within the scope of this Chapter;

Amendment 27

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 1 – point b

Text proposed by the Commission

b) the granting of a permit for a new installation falling within the scope of this Chapter;

Amendment

b) the granting of a permit for a new installation falling within the scope of this Chapter;

Amendment 28

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 1 – point c

Text proposed by the Commission

(c) the granting of an updated permit in accordance with article 70c.4 for any substantial change to an existing installation falling within the scope of this Chapter.

Amendment

(c) the granting of an updated permit in accordance with article 70c.4 for any substantial change to an existing installation falling within the scope of this Chapter.

Amendment 29

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 1 – point ca (new)

Text proposed by the Commission

Amendment

(c a) 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.

Amendment 30

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

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:

Amendment 31

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) the permit;

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

Amendment 32

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the results of the consultations held in accordance with paragraph 1;

(b) the results of the consultations held in accordance with paragraph 1;

Amendment 33

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 2 – point d

Text proposed by the Commission

Amendment

(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.

Amendment 34

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70h – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

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:

Amendment 35

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70h – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) they have a sufficient interest;

(a) they have a sufficient interest;

Amendment 36

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70h – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 37

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70h – paragraph 1 – subparagraph 3

Text proposed by the Commission

The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.

Amendment

The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective redress mechanisms, including injunctive relief as appropriate.;

Amendment 38

Proposal for a directive

Article 1 – paragraph 1 – point 25

Article 70i – paragraph 1

Text proposed by the Commission

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

Amendment

deleted

Amendment 39

Proposal for a directive

Article 1 – paragraph 1 – point 25

Text proposed by the Commission

Amendment

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

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

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

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

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

Amendment 40

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall by [OP please insert date = the first day of the month following 24 months after the date of entry into force of this Directive] adopt a delegated act in accordance with Article 76 to supplement this Directive by establishing the operating rules referred to

2. The Commission shall by [OP please insert date = the first day of the month following 24 months after the date of entry into force of this Directive] adopt a delegated act in accordance with Article 76 to ***establish operating rules in uniform conditions for each of the activities***

in paragraph 1.’.

referred to in Annex Ia resulting from the exchange of information as referred to in this Article.

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

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

Amendment 41

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 42

Proposal for a directive

Recital 2

(2) The European Green Deal announced a revision of Union measures to address pollution from large industrial installations, including reviewing the

(2) The European Green Deal announced a revision of Union measures to address pollution from large industrial installations, including reviewing the

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

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

Compromise Amendment 43 (Article 72)

Supported by: EPP, S&D, Renew, Greens/EFA, The Left

Compromise amendment replacing Amendments: 81, 433, 443, 446, 488, 597, 641, 673, 674, 690, 760 - 762, 765, 785, 945, 947, 993, 994, 1003 - 1006, 1016, 1159 - 1161, 1532, 1571

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 25 a (new)

Directive 2010/75/EU

Article 72 – paragraph 5 (new)

Present text

Amendment

(25 a) In Article 72, paragraph 5 is added:

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

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

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

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

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

(e) available scientific data as referred to in Article 79a.

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

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

2. The Commission shall incorporate the information reported by Member States into the Portal within two months from receipt of the information referred to in subparagraph 1.

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

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

Compromise Amendment 41 (Article 73)

Supported by: EPP, S&D, Renew, The Left

Compromise amendment replacing Amendments: 107, 1429 - 1445

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 26

Directive 2010/75/EU

Article 73 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

By 30 June 2028 and every 5 years thereafter, the Commission shall submit to the European Parliament and to the Council a report reviewing the implementation of this Directive. The report shall take into account the dynamics of innovation, ***emerging techniques, the need for further pollution prevention measures while taking into consideration a just and inclusive industrial transition*** and the review referred to in Article 8 of Directive 2003/87/EC.

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 26

Directive 2010/75/EU

Article 73 – paragraph 1 – subparagraph 2 – introductory part

Text proposed by the Commission

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

Amendment

That report shall include an assessment of the need for Union action through the establishment or updating of Union-wide minimum requirements for emission limit values, ***including activities for which no BAT conclusions have been adopted pursuant to Article 13(7) under Directive 2010/75/EU*** and for rules on monitoring and compliance for activities within the scope of the BAT conclusions adopted during the previous five-year period, on the basis of the following criteria:

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 26

Directive 2010/75/EU

Article 73 – paragraph 1 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(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.

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 26

Directive 2010/75/EU

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

Text proposed by the Commission

Amendment

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

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 26 a (new)

Directive 2010/75/EU

Article 73 – paragraph 1 – subparagraph 4

Present text

Amendment

Chapter III and Annex V of this Directive shall be considered to represent the Union-wide minimum requirements in the case of large combustion plants.

Chapter III and Annex V of this Directive shall be considered to represent the Union-wide minimum requirements in the case of large combustion plants.

Compromise Amendment 42 (Article 74, Recital 29)

Supported by: EPP, S&D, Renew

Compromise amendment replacing Amendments: 18, 108, 109, 231 - 242, 1446 - 1476, AGRI 15, AGRI 73

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 27

Directive 2010/75/EU

Article 74 – paragraph 1

Text proposed by the Commission

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.

Amendment

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.

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 27

Directive 2010/75/EU

Article 74 – paragraph 2

Text proposed by the Commission

2. In order to allow the provisions of this Directive to meet its objectives to prevent or reduce pollutants emissions and achieve a high level of protection of human health and the environment, the Commission shall be empowered to adopt a delegated act, in accordance with Article 76, to amend Annex I or Annex Ia by including in those Annexes an agro-industrial activity that meets the following criteria:

(a) it has or is expected to have an impact on human health or the environment, in particular as a

Amendment

deleted

consequence of pollutant emissions and use of resources;

(b) its environmental performance diverges within the Union;

(c) it presents potential for improvement in terms of its environmental impact through the application of best available techniques or innovative techniques;

(d) its inclusion within the scope of this Directive is assessed, on the basis of its environmental, economic and social impacts, to have a favourable ratio of societal benefits to economic costs.

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 27

Directive 2010/75/EU

Article 74 – paragraph 3

Text proposed by the Commission

3. The Commission shall carry out appropriate consultation with stakeholders before adopting a delegated act in accordance with this Article.

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..

Amendment

3. The Commission shall carry out appropriate consultation with stakeholders before adopting a delegated act in accordance with this Article.

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.

Amendment 4

Proposal for a directive

Recital 29

Text proposed by the Commission

(29) In order to ensure that Directive 2010/75/EU continues meeting its objectives to prevent or reduce emissions of pollutants and achieve a high level of

Amendment

(29) In order to ensure that Directive 2010/75/EU continues meeting its objectives to prevent or reduce emissions of pollutants and achieve a high level of

protection of human health and the environment, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement that Directive in order to establish operating rules containing requirements for activities relating to rearing of *poultry, pigs and cattle, and to amend Annexes I and Ia to that Directive by adding an agro-industrial activity to ensure that it meets its objectives to prevent or reduce pollutants emissions and achieve a high level of protection of human health and the environment.* It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016⁷⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁷⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making; OJ L 123, 12.5.2016, p. 1–14.

protection of human health and the environment, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to supplement that Directive in order to establish operating rules containing requirements for activities relating *irrespective of their permitting or registration procedures to large-scale rearing of animals under Annex Ia of this Directive.* It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016⁷⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

⁷⁷ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making; OJ L 123, 12.5.2016, p. 1–14.

Compromise Amendment 8 (Article 79, Recital 31)

Supported by: EPP, S&D, Renew, Greens/EFA, The Left

Compromise amendment replacing Amendments 111, 112, 247, 1490 - 1532

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 31

Directive 2010/75/EU

Article 79 – paragraph 1

Text proposed by the Commission

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.

Amendment

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.

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 31

Directive 2010/75/EU

Article 79 – paragraph 2

Text proposed by the Commission

Amendment

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

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 31

Directive 2010/75/EC

Article 79 – paragraph 3 – point a

Text proposed by the Commission

(a) the nature, gravity, and extent of the violation;

Amendment

(a) the nature, gravity, and extent of the violation,

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 31

Directive 2010/75/EC

Article 79 – paragraph 3 – point c

Text proposed by the Commission

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

Amendment

(c) the population or the environment affected by the violation, bearing in mind the impact of the infringement on the objective of achieving a high level of protection of human health and the environment, *including the reversibility of any damage caused as a result of the violation and the length of time necessary for such damage to be reversed*.

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 31

2010/75/EU

Article 79 - paragraph 3 - point d

Text proposed by the Commission

Amendment

(c a) relevant previous violations by the operator or by the installation.

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 31

Directive 2010/75/EU

Article 79 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure that revenue from penalties is used, as a matter of priority, to compensate for harm caused to local communities, including on the social consequences of ending economic activities, due to permit violations. Without prejudice to Article 79a, revenues raised from penalties shall not be used for the purpose of Article 79a.

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 31

Directive 2010/75/EU

Article 79 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

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

Amendment 8

Proposal for a directive Recital 31

Text proposed by the Commission

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

Amendment

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

Compromise Amendment 9 (Article 79a, Recitals 32, 33, 34)

Supported by: EPP

Compromise amendment replacing Amendments: 20, 21, 113 - 117, 248, 252 - 254, 1533 - 1573, AGRI 16, AGRI 19, AGRI 74, AGRI 75

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EU

Article 79a – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EU

Article 79a – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EU

Article 79a – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EU

Article 79a – paragraph 4

Text proposed by the Commission

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

Amendment

4. Where there is a claim for compensation in accordance with paragraph 1, supported by ***clear and consistent scientific data that demonstrate*** a causality link between the damage and the violation, Member States shall ensure that ***such data are recognised both in substantive and procedural law as evidence and are given due weight by national courts. They shall also grant*** the person responsible for the violation ***the legal right*** to prove that the violation did not cause or ***only partially contribute*** to the damage.

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 32

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Text proposed by the Commission

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

Amendment 6

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

Text proposed by the Commission

Amendment

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

Amendment

5a. For the purpose of this article, “clear and consistent scientific data” means statistical, epidemiological and other relevant data demonstrating a statistically robust causal link between specific types of pollution and specific health conditions.
Member States shall create a centralized 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 in legal procedures under the present Directive.

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EU

Article 79a - paragraph 5b (new)

Text proposed by the Commission

Amendment

5b. This Article shall not apply where damage to human health has occurred as a result of a violation of the operating rules as referred to in Article 70i of this Directive. In such cases, Member States shall ensure that national rules and procedures of civil litigation shall apply.

Amendment 8

Proposal for a directive

Recital 32

Text proposed by the Commission

Amendment

(32) Where damage to human health has occurred as a result of a violation of national measures adopted pursuant to Directive 2010/75/EU, Member States should ensure that the individuals affected are able to claim and obtain compensation for that damage from the relevant natural or legal persons and, 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

(32) Where damage to human health has occurred as a result of a violation of national measures adopted pursuant to Directive 2010/75/EU, Member States should ensure that the individuals affected are able to claim and obtain compensation for that damage from the relevant natural or legal persons and, where appropriate, from the relevant competent authorities responsible for the infringement **when a decision, act or omission of the authority caused or contributed to the damage**. Such rules on compensation contribute to pursuing the objectives of preserving, protecting and improving the quality of the environment and protecting human health as laid down in Article 191 TFEU. They also underpin the right to life, integrity of the person and health care laid down in Article 2, 3 and 35 of the Charter of Fundamental Rights of the European Union and the right to an effective remedy as laid down in Article 47 of the Charter. Moreover, Directive 2004/35/EC of the European Parliament and of the Council does not give private parties a right of

threat of such damage.

compensation as a consequence of environmental damage or of an imminent threat of such damage.

Amendment 9

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) It is therefore appropriate for Directive 2010/75/EU to address the right for compensation for damages suffered by individuals. To ensure that individuals can defend their rights against damages to health caused by violations of Directive 2010/75/EU and thereby ensure a more efficient enforcement of that Directive, non-governmental organisations promoting the protection of human health or the environment, including those promoting the protection of consumers and meeting any requirements under national law, as members of the public concerned, should be empowered to engage in proceedings, as the Member States so determine, ***either on behalf or or*** in support of any victim, without prejudice to national rules of procedure concerning representation and defence before the courts. Member States ***usually*** enjoy procedural autonomy to ensure an effective remedy against violations of Union law, subject to the respect of the principles of equivalence and effectivity. ***However***, experience shows that while there is overwhelming epidemiologic ***evidence*** on the negative health impacts of pollution on the population, in particular as regards air, it is difficult for the victims of violations of Directive 2010/75/EU under the procedural rules ***on the burden of proof generally applicable in the Member States*** to demonstrate a causality link between the suffered harm and the violation. As a result, in the majority of cases, victims of violations of Directive 2010/75/EU do not have an effective way to obtain compensation for the harm caused by such

Amendment

(33) It is therefore appropriate for Directive 2010/75/EU to address the right for compensation for damages suffered by individuals. To ensure that individuals can defend their rights against damages to health caused by violations of Directive 2010/75/EU and thereby ensure a more efficient enforcement of that Directive, non-governmental organisations promoting the protection of human health or the environment, including those promoting the protection of consumers and meeting any requirements under national law, as members of the public concerned, should be empowered to engage in proceedings, as the Member States so determine, in support of any victim, without prejudice to national rules of procedure concerning representation and defence before the courts. Member States enjoy procedural autonomy to ensure an effective remedy against violations of Union law, subject to the respect of the principles of equivalence and effectivity. Experience shows that while there is overwhelming epidemiologic ***data*** on the negative health impacts of ***certain types of pollutants*** on the population, in particular as regards air, it is difficult for the victims of violations of Directive 2010/75/EU under the procedural rules to demonstrate a causality link between the suffered harm and the violation. As a result, in the majority of cases, victims of violations of Directive 2010/75/EU do not have an effective way to obtain compensation for the harm caused by such violations. To strengthen the rights of individuals to obtain compensation for violations of Directive

violations. To strengthen the rights of individuals to obtain compensation for violations of Directive 2010/75/EU and to contribute to a more efficient enforcement of its requirements throughout the Union, it is necessary *to adapt the burden of proof applicable to such situations*. Therefore, *when an individual can provide sufficiently robust evidence to give rise to a presumption that the violation of Directive 2010/75/EU is at the origins of the damage caused to the health of an individual, or has significantly contributed to it, it should be for the defendant to rebut that presumption in order to escape his liability*.

2010/75/EU and to contribute to a more efficient enforcement of its requirements throughout the Union, it is necessary *to recognize clear and consistent scientific data that demonstrate a causality between a certain type of pollution and health condition, as evidence in procedural and substantial law*. Therefore *each Member State should establish a framework on clear and consistent scientific data and give it due weight in national courts in regards to compensation for damage caused in case of violation of Directive 2010/75/EU*.

Amendment 10
Proposal for a directive
Recital 34

Text proposed by the Commission

(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.

Amendment

(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.

Compromise Amendment 27 (Annex I - subparagraph 1, point 2.7, Recital 5)

Supported by: EPP, S&D, Renew

Compromise amendment replacing Amendments: 3, 120, 168, 169, 258, 1589, 1590, 1611 - 1617

Amendment 1

Proposal for a directive

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

Directive 2010/75/EU

Annex I – subparagraph 1

Present text

The threshold values given below generally refer to production capacities or outputs. Where several activities falling under the same activity description containing a threshold are operated in the same installation, the capacities of such activities are added together. For waste management activities, this calculation shall apply at the level of activities 5.1, 5.3(a) and 5.3(b).

Amendment

(-a) subparagraph 1 of Annex I is amended as follows:

The threshold values given below generally refer to production capacities or outputs. Where several activities falling under the same activity description containing a threshold are operated in the same installation, the capacities of such activities are added together. For waste management activities, this calculation shall apply at the level of activities 5.1, 5.3(a) and 5.3(b).

Amendment 2

Proposal for a directive

Annex I – paragraph 1 – point c

Directive 2010/75/EC

Annex I – point 2.7

Text proposed by the Commission

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

Amendment

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

Amendment 3

Proposal for a directive Recital 5

Text proposed by the Commission

(5) A significant increase in the number of large-scale installations for the production of batteries for electric vehicles will likely take place within the Union up to **2040**, increasing the Union's share of the global battery production. Whilst several of the activities of the batteries value chain are already regulated by Directive 2010/75/EU **and** batteries are regulated **as products** by Regulation (EU) .../... of the European Parliament and of the Council* +., it is still necessary to include in the scope of the Directive large installations manufacturing batteries, **ensure that they** are also covered by the requirements set out in Directive 2010/75/EU and therefore contribute to a more sustainable growth of batteries manufacturing. Including large installations manufacturing batteries in the scope of Directive 2010/75/EU will improve in a holistic way the sustainability of batteries and minimise their impact on the environment throughout their life cycle.

Amendment

(5) A significant increase in the number of large-scale installations for the production of batteries for electric vehicles will likely take place within the Union up to **2030**, increasing the Union's share of the global battery production. Whilst several of the activities of the batteries value chain are already regulated by Directive 2010/75/EU, **other activities, such as the assembly of battery modules and battery packs fall clearly outside of its scope. Furthermore, batteries as products** are regulated by Regulation (EU) .../... of the European Parliament and of the Council* +. **However**, it is still necessary to include in the scope of the Directive large installations manufacturing batteries, **except for installations exclusively assembling battery modules and battery packs, thereby ensuring that such large manufacturing installations** are also covered by the requirements set out in Directive 2010/75/EU and therefore contribute to a more sustainable growth of batteries manufacturing. Including large installations manufacturing batteries in the scope of Directive 2010/75/EU will improve in a holistic way the sustainability of batteries and minimise their impact on the environment throughout their life cycle

Compromise Amendment 29 (Annex I - subparagraph 3, Articles 3(1)(points 48, 49) & 74(2a (new), 2b (new)), Recitals 3, 35)

Supported by: EPP, S&D, Renew

Compromise amendment replacing Amendments: 1, 22, 34, 109, 121 - 123, 144, 354 - 359, 1618 - 1631, AGRI 3

Amendment 1

Proposal for a directive

Annex I – paragraph 1 – point d

Directive 2010/75/EC

Annex I – point 3 - point 3.5 b)

Text proposed by the Commission

- (a) a production capacity exceeding 75 tonnes per day₂ or
- (b) a kiln capacity exceeding 4 m³ and a setting density per kiln exceeding 300 kg/m³;

Amendment

- (a) a production capacity exceeding 75 tonnes per day, **and/or**
- (b) a kiln capacity exceeding 4 m³ and a setting density per kiln exceeding 300 kg/m³;

Amendment 2

Proposal for a directive

Annex I – paragraph 1 – point e

Directive 2010/75/EU

Annex 1 – point 3 – point 3.6

Text proposed by the Commission

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

Amendment

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

Amendment 3

Proposal for a directive

Annex I – paragraph 1 – point e

Directive 2010/75/EU

Annexe 1 – point 3 – point 3.6 – point a

Text proposed by the Commission

Amendment

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

Amendment 4

Proposal for a directive

Annex I – paragraph 1 – point e

Directive 2010/75/EU

Annexe 1 – point 3 – point 3.6 – point b

Text proposed by the Commission

Amendment

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

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 48

Text proposed by the Commission

Amendment

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

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point f

Directive 2010/75/EU

Article 3 – paragraph 1 – point 49

Text proposed by the Commission

Amendment

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

deleted

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 27

Directive 2010/75/EU

Article 74 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. By [OP please insert date the first day of the month following 24 months after the date of entry into force of this Directive] the Commission shall, based on an impact assessment, adopt a delegated act in accordance with Article 76 in order to amend point 3.6. of Annex I to this Directive by adding an exhaustive list of extraction and treatment processes of the non-energy industrial minerals barite, bentonite, diatomite, feldspar, fluorspar, graphite, kaolin, magnesite, perlite, potash, salt, sulphur and talc if their extraction and treatment have a significant environmental impact regarding emissions and/or consumption of water and energy with the relevant thresholds.

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 27

Directive 2010/75/EU

Article 74 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

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

Amendment 9

Proposal for a directive

Recital 3

Text proposed by the Commission

Amendment

(3) The Union's extractive industry is key to achieving the aims of the European Green Deal and the EU industrial strategy, including its update. Raw materials are of strategic importance for the digital and green transition, the energy, materials and circular economy transformation and to strengthen EU economic resilience. In order to achieve these objectives, sustainable domestic capacities need to be further developed. 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

(3) The Union's extractive industry is key to achieving the aims of the European Green Deal and the EU industrial strategy, including its update. Raw materials are of strategic importance for the digital and green transition, the energy, materials and circular economy transformation and to strengthen EU economic resilience **and autonomy**. In order to achieve these objectives, sustainable domestic capacities **and supply** need to be further developed, **especially in light of the growing global demand, the vulnerability of supply chains and geopolitical tensions**. This requires effective, tailored and *harmonized* measures **only for activities in regards to**

impacts on human health and the environment. The governance mechanisms of Directive 2010/75/EU that closely associate industry experts to the development of consensual and tailored environmental requirements will support the sustainable growth of those activities in the Union. The development and availability of commonly agreed standards will level the Union's playing field while ensuring a high level of protection of human health and the environment. It is therefore appropriate to include those activities within the scope of Directive 2010/75/EU.

certain metalliferous ores and specific industrial ores which have a significant impact on the environment and/or consumption of water and energy such as chemical processing, confirmed by an impact assessment, to ensure that the best available techniques are established and employed, thus applying processes that are both the most efficient and have the lowest possible impacts on human health and the environment. ***The Commission, based on an impact assessment, should establish an exhaustive list of such activities in regards to certain industrial ores.***

The governance mechanisms of Directive 2010/75/EU that closely associate industry experts to the development of consensual and tailored environmental requirements will support the sustainable growth of those activities in the Union. The development and availability of commonly agreed standards will level the Union's playing field while ensuring a high level of protection of human health and the environment. It is therefore appropriate to include those activities within the scope of Directive 2010/75/EU ***as well as to empower the Commission to adopt a delegated act in order to amend point 3.6 of Annex I to this Directive, in case of new large discoveries of minerals in the Union that have a significant environmental impact.***

Amendment 10

Proposal for a directive Recital 35

Text proposed by the Commission

(35) The implementation of Directive 2010/75/EU has shown divergent applications across Member States concerning the coverage of installations for the manufacturing of ceramic products by firing, because the wording of the

Amendment

(35) The implementation of Directive 2010/75/EU has shown divergent applications across Member States concerning the coverage of installations for the manufacturing of ceramic products by firing, because the wording of the

definition of this activity allowed Member States to decide whether to apply both or only one of the two criteria on production capacity and kiln capacity. With a view to ensuring a more consistent implementation of that Directive and securing a level-playing field throughout the Union, *such installations should be included* within the scope of *that* Directive *whenever any one of those two criteria is met*.

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

Compromise Amendment 30 (Annex I - subparagraph 4)

Supported by: EPP, S&D, Renew

Compromise amendment replacing Amendments: 4, 5, 124, 1632, 1633

Amendment 1

Proposal for a directive

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

Directive 2010/75/EC

Annex I – point 4 – point 4.2 – point a

Present text

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

Amendment

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

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

Amendment 2

Proposal for a directive

Recital 5a (new)

Text proposed by the Commission

Amendment

(5a) Renewable hydrogen will be key to replacing fossil fuels in hard-to decarbonise, energy-intensive industries and transport, diversifying the Union's energy mix and boosting the progress towards climate neutrality by 2050 at the latest. Hydrogen production through water electrolysis has a much lower environmental impact than its production in conventional hydrogen plants, with water footprint being a crucial, and a very location-specific parameter dependent on the local water availability, consumption, degradation, and pollution. While

requiring high quality water for its production, hydrogen as an energy carrier offers great potential for self-sufficiency to small and medium-sized enterprises.

Compromise Amendment 19 (Annex IV)

Supported by: EPP, S&D, Renew, Greens/EFA, The Left
Compromise amendment replacing Amendments: 1733 - 1743

Amendment 1

Proposal for a directive

Annex III c (new)

Directive 2010/75/EU

Annex IV – paragraph 1 – introductory part

Present text

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

Amendment

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

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

Amendment 2

Proposal for a directive

Annex III b (new)

Directive 2010/75/EU

Annex IV – paragraph 2 – introductory part

Present text

Member States shall ensure that, within appropriate time-frames, the following is made available to the public concerned:

Amendment

2. Member States shall ensure that, within appropriate time-frames, the following is made available to the public concerned:

Amendment 3

Proposal for a directive

Annex III c (new)

Directive 2010/75/EU

ANNEX IV – paragraph 3

Present text

Amendment

In Annex IV, paragraph 3 is replaced by

3. The public concerned shall be entitled to express comments and opinions to the competent authority before a decision is taken.

the following:

3. The public concerned shall be entitled to express comments and opinions to the competent authority ***in a timely manner*** before a decision is taken.

Amendment 4

Proposal for a directive

Annex III d (new)

Directive 2010/75/EU

Annex IV – paragraph 5

Present text

Amendment

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

in Annex IV, paragraph 5 is replaced as follows:

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

Amendment 5

Proposal for a directive

Annex III e (new)

Directive 2010/75/EU

Annex IV – paragraph 5a (new)

Text proposed by the Commission

Amendment

In Annex IV, paragraph 5 a (new) is added:

5a. The public concerned living across a national border from the activity shall be informed in an equally effective manner to the public concerned living in the same Member State where the activity is

implemented. This shall include the translation of relevant information under paragraphs 1 and 2 above.

ALTERNATIVE COMPROMISE AMENDMENTS

Compromise Amendment 7A (Articles 4(1)(2), 3(1)(3), 70c, 70d, 70e, 70f, 70g, 70h, 70i, 70j a (new), Recital 2)

Supported by: Greens/EFA, The Left

Compromise amendment replacing Amendments: 40, 105, 106, 134 - 141, 162, 163, 167, 243, 270 - 281, 411 - 417, 511 - 513, 563, 564, 640 (Parts 1,2,3,4,5,6), 1273, 1278 - 1427, AGRI 2, AGRI 24, AGRI 25, AGRI 37, AGRI 38, AGRI 39, AGRI 40, AGRI 41, AGRI 42, AGRI 43, AGRI 44, AGRI 45, AGRI 46, AGRI 47, AGRI 48, AGRI 49, AGRI 50, AGRI 51, AGRI 52, AGRI 53, AGRI 54, AGRI 55, AGRI 57, AGRI 58, AGRI 60, AGRI 61, AGRI 62, AGRI 63, AGRI 64, AGRI 65, AGRI 66, AGRI 67, AGRI 68, AGRI 69, AGRI 70, AGRI 71.

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive 2010/75/EU

Article 4 – paragraph 1 – subparagraph 2

Text proposed by the Commission

By way of derogation from the first subparagraph, Member States may set a procedure for the registration of installations covered only by Chapter V *or Chapter VIa*.

Amendment

By way of derogation from the first subparagraph, Member States may set a procedure for the registration of installations covered only by Chapter V.

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point a

Directive 2010/75/EU

Article 3 – paragraph 1 – point 3

Text proposed by the Commission

(3) ‘installation’ means a stationary technical unit within which one or more activities listed in Annex I, in Annex Ia or in Part 1 of Annex VII are carried out, and any other directly associated activities on 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;

Amendment

(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 pollution *and consumption of natural resources including water, energy, and raw*

materials;

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 1 – subparagraph 3

Text proposed by the Commission

Member States shall specify the procedure for granting a permit in respect of installations falling within the scope of this Chapter. Those procedures shall include at least the information listed in paragraph 2.

Amendment

Member States shall specify the procedure for granting a permit in respect of installations falling within the scope of this Chapter. Those procedures shall include at least the information listed in **Articles 11 and 12 and in** paragraph 2.

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

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

Amendment

2. **Without prejudice to Articles 11 and 12,** Applications for permits shall include at least a description of the following elements:

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point a

Text proposed by the Commission

(a) the installation and its activities

Amendment

(a) the installation and its activities;

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EC

Article 70c – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) the animal type

(b) the animal type, ***livestock density and information on animal welfare***;

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) the capacity of the installation;

(c) the capacity of the installation;

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) the sources of emissions from the installation;

(d) the sources of emissions from the installation;

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – point e

Text proposed by the Commission

Amendment

(e) the nature and quantities of foreseeable emissions from the installation

(e) the nature and quantities of foreseeable emissions from the installation

into each medium.

into each medium;

Amendment 10

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – subparagraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(e a) the number of days animals spent outside the stable.

Amendment 11

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 2 – subparagraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(e b) the percentage of feed produced in the farm or in neighbouring farms;

Amendment 12

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 3

Text proposed by the Commission

Amendment

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.

Amendment 13

Proposal for a directive
Article 1 – paragraph 1 – point 25
Directive 2010/75/EU
Article 70c – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 14

Proposal for a directive
Article 1 – paragraph 1 – point 25
Directive 2010/75/EU
Article 70c – paragraph 4a (new)

Text proposed by the Commission

Amendment

Where, taking into account seasonal fluctuations of the environment as well as extreme weather events such as, but not limited to, drought, heat waves or low river levels, an environmental quality standard, in particular as defined in the Nitrates Directive and including areas in need of specific protection, may be put at risk and therefore 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 preventing the specific contribution of the installation to the pollution occurring in the relevant area.

Amendment 15

Proposal for a directive
Article 1 – paragraph 1 – point 25

Obligations of the operator

Obligations of the operator

Amendment 16

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70d – paragraph 1

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

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.

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*.

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

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.

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.

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.

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

Amendment 17

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70d – paragraph 2

Text proposed by the Commission

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

Amendment

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

Amendment 18

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70d – paragraph 3

Text proposed by the Commission

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

Amendment

3. The operator shall ensure that any ***manure management, including*** land spreading of waste, animal by-products or other residues generated by the installation is undertaken in accordance with the best available techniques, as specified in the operating rules referred to in Article 70i, and other relevant Union legislation and that it does not cause significant pollution of the environment, ***nor land use change with significant negative environmental consequences, especially in regard to climate change mitigation, and that it promotes circular practices to the highest extent. The operator shall also take into account the cumulative effect of the operation of similar installations in the same geographical area.***

Amendment 19

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70e – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 20

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70e – paragraph 3

Text proposed by the Commission

3. The operator shall, 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.

Amendment

3. The operator shall, without delay, make available the data and information listed in paragraph 2 of this Article to the competent authority upon request. The competent authority may make such a request in order to verify compliance with the operating rules referred to in Article 70i. The competent authority shall make such a request if a member of the public requests access to the data or information listed in paragraph 2 of this Article.

Amendment 21

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70f – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that the values for emissions and environmental performance levels monitored in

Amendment

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.

accordance with the operating rules in referred to in Article 70i do not exceed the emission limit values and environmental performance limit values set out therein.

Amendment 22

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70f – paragraph 2

Text proposed by the Commission

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.

Amendment

2. Member States shall set up an effective compliance monitoring system, based on environmental inspections to check compliance with the requirements set out in this Chapter.

Amendment 23

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70f – paragraph 3 subparagraph 1

Text proposed by the Commission

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.

Amendment

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.

Amendment 24

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70f – paragraph 3 – subparagraph 2

Text proposed by the Commission

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.

Amendment

Where non-compliance causes a significant degradation of local air, water or soil conditions, or where it poses, or risks to pose, a danger to human health, the operation of the installation shall be suspended by the competent authority until compliance is restored.

Amendment 25

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that the public concerned are given early and effective opportunities to participate in the following procedures:

Amendment

1. Member States shall ensure that the public concerned are given early and effective opportunities to participate, ***in accordance with the procedure set out in Annex IV***, in the following procedures:

Amendment 26

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 1 – point a

Text proposed by the Commission

(a) preparation of general binding rules as referred to in Article 6 on permits for installations falling within the scope of this Chapter;

Amendment

(a) preparation of general binding rules as referred to in Article 6 on permits for installations falling within the scope of this Chapter;

Amendment 27

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 1 – point b

Text proposed by the Commission

b) the granting of a permit for a new installation falling within the scope of this Chapter;

Amendment

b) the granting of a permit for a new installation falling within the scope of this Chapter;

Amendment 28

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 1 – point c

Text proposed by the Commission

(c) the granting of an updated permit in accordance with article 70c.4 for any substantial change to an existing installation falling within the scope of this Chapter.

Amendment

(c) the granting *reconsideration or* of an updated permit in accordance with article 70c.4 for any substantial change to an existing installation falling within the scope of this Chapter.

Amendment 29

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 2 – introductory part

Text proposed by the Commission

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

Amendment

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

Amendment 30

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) the results of the consultations held in accordance with paragraph 1;

(b) the results of the consultations held in accordance with paragraph 1;

Amendment 31

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70g – paragraph 2 – point d

Text proposed by the Commission

Amendment

(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.

Amendment 32

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70h – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

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:

Amendment 33

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70h – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) they have a sufficient interest;

(a) they have a sufficient interest;

Amendment 34

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70h – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

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

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

Amendment 35

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70h – paragraph 1 – subparagraph 3

Text proposed by the Commission

Amendment

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.;

Amendment 36

Proposal for a directive

Article 1 – paragraph 1 – point 25

Article 70i – paragraph 1 - subparagraph 1

Text proposed by the Commission

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

Amendment

The Commission shall establish operating rules containing requirements consistent with the use of best available techniques for the activities listed in Annex Ia, which shall include ***but not be limited to***, the following:

Amendment 37

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 1 – subparagraph 1 – point c

Text proposed by the Commission

(c) land spreading practices;

Amendment

(c) land spreading ***and sludge utilisation*** practices;

Amendment 38

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 1 – subparagraph 1 – point ca (new)

Text proposed by the Commission

Amendment

(c a) feeding practices

Amendment 39

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 1 – subparagraph 1 – point d

Text proposed by the Commission

(d) pollution prevention and mitigation practices;

Amendment

(d) pollution prevention and mitigation practices, ***including circular solutions***;

Amendment 40

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 1 – subparagraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(e a) measures ensuring animal welfare, in accordance to the One Health approach;

Amendment 41

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

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

The operating rules shall take into account inter alia the nature, type, size and density of these installations. ***They shall guarantee that animal welfare and biodiversity of pasture land are improved, and that the precautionary principle is fully respected, including in relation to animal feed techniques. Distinct operating rules shall apply to extensive*** pasture based cattle rearing systems, where animals are only seasonally ***or not at all*** reared in indoor installations. ***The operating rules shall be guided by the best available agro-ecological science.***

Amendment 42

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 1 – subparagraph 2a (new)

Text proposed by the Commission

Amendment

In order to draw up, review and, where necessary, update those operating rules, the Commission shall organise an exchange of information between Member States, the industries concerned, researchers on sustainable agriculture, non-governmental organisations promoting the protection of human health, animal welfare or the environment, the European Environment Agency and the Commission.

Amendment 43

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall by [OP please insert date = the first day of the month following 24 months after the date of entry into force of this Directive] adopt a delegated act in accordance with Article 76 to supplement this Directive by establishing the operating rules referred to in paragraph 1.

2. The Commission shall by [OP please insert date = the first day of the month following 24 months after the date of entry into force of this Directive] adopt a delegated act in accordance with Article 76 to supplement this Directive by establishing the operating rules referred to in paragraph 1.

Amendment 44

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70i – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall ensure that all the permit conditions for the installations concerned are in compliance with the operating rules referred to in paragraph 1

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.

within 24 months of the entry into force of the delegated act establishing those rules.

Amendment 45

Proposal for a directive

Article 1 – paragraph 1 – point 25 a (new)

Directive 2010/75/EU

Article 70ia (new)

Text proposed by the Commission

Amendment

(25 a) The following Article 70 ia is inserted:

Article 70ia

Transformation Plans

Member states shall present by June 2025 a sector wide transformation plan, containing information on how the sector will be transformed during the 2030-2050 period in order to contribute to the emergence of a sustainable, clean, non-toxic circular and climate-neutral economy by 2050 at the latest. The transformation plan shall be reviewed and updated every 5 years.

Amendment 46

Proposal for a directive

Recital 2

(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

(2) The European Green Deal announced a revision of Union measures to address pollution from large industrial installations, including reviewing the sectoral scope of the legislation and how to make it fully consistent with climate, energy, ***water, air quality*** and circular economy policies ***while protecting the health and well-being of citizens from environment-related risks and impacts, and animals and their interconnections.*** In addition, the Zero Pollution Action Plan,

scope of Directive 2010/75/EU of the European Parliament and of the Council⁶⁹. Addressing pollution from certain agro-industrial activities thus requires their inclusion within the scope of that Directive.

the Circular Economy Action Plan, *the Biodiversity Strategy* and the Farm to Fork Strategy also call for *restoring biodiversity improving animal welfare, improving resource efficiency and reuse while* reducing pollutant emissions at source, including sources not currently within the scope of Directive 2010/75/EU of the European Parliament and of the Council⁶⁹. Addressing pollution, *including greenhouse gas emissions*, from certain agro-industrial activities thus requires their inclusion within the scope of that Directive, *in line with the One Health principle*.

Compromise Amendment 7 bis A1 (Chapter VIa, Articles 70a, 70b, 3(1)(point 23c a(new)), Annex Ia, Recital 4)

Supported by: S&D, Renew

Compromise amendment replacing Amendments: 2, 30 - 33, 103, 104, 125, 126, 146 - 161, 165, 224-228, 348 - 352, 1228 - 1270, 1574 - 1581, 1640 - 1645, 1648 - 1699, AGRI 4, AGRI 13, AGRI 31, AGRI 32, AGRI 34, AGRI 78, AGRI 80

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 24

Directive 2010/75/EU

Chapter VIa – title

Text proposed by the Commission

Amendment

SPECIAL PROVISIONS FOR REARING
POULTRY, PIGS AND CATTLE

SPECIAL PROVISIONS FOR REARING
POULTRY, PIGS AND CATTLE

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70a – paragraph 1

Text proposed by the Commission

Amendment

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

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

By [OP please insert date = the first day of the month following 24 months after the date of entry into force of the delegated act as referred to in paragraph 3] products originating from rearing activities covered by chapter VIa may be placed in the EU market provided that the installation where the rearing activity takes place complies with uniform conditions of the operating rules referred to in this Article, or if the importers provide guarantees of origin from third countries deemed to be comparable in effectiveness.

The competent authorities of the Member State where the imports take place shall verify the compliance of the imported

products.

The Commission shall by [OP please insert date = the first day of the month following 24 months after the date of entry into force of this Directive] put forward a delegated act to establish a WTO-consistent methodology laying power the procedure for placing products on the Union market and the verification procedure for competent authority, to ensure a level playing field.

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70b – paragraph 1

Text proposed by the Commission

Amendment

Aggregation rule

If two or more installations are located close to each other and if their operator is the same or if the installations are under the control of operators who are engaged in an economic or legal relationship, the installations concerned shall be considered as a single unit for the purpose of calculating the capacity threshold referred to in Article 70a.

Aggregation rule

Member States shall adopt measures to ensure that if two or more installations, ***engaged in rearing activities***, are located close to each other and if their operator is the same or if the installations are under the control of operators who are engaged in an economic or legal relationship, the installations concerned shall be considered as a single unit for the purpose of calculating the capacity threshold referred to in Article 70a.

Member States shall ensure that this rule is not used to circumvent the obligations set out in this directive

By [OP please insert the date = the first day of 24 months following the date of entry into force of this Directive], the Commission shall publish guidelines, after consulting the Member States, on the criteria to consider different installations as a single unit under paragraph 1.

Amendment 4 -

Proposal for a directive

Annex II

Directive 2010/75/EU

Annex Ia – point 1

Text proposed by the Commission

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

Amendment

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

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

Amendment 5

Proposal for a directive

Annex II

Directive 2010/75/EU

Annex Ia – point 2

Text proposed by the Commission

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

Amendment

2. Rearing of any mix of the following animals: cattle pigs, poultry, in installations of **250** LSU or more, ***excluding rearing carried out in the context of extensive farming, as defined in this Directive.***

Where rearing in one of the above categories of animals is below 25 LSU, this category shall not be counted to the final LSU of any mix rearing.

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

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

The approximate equivalent in LSU is based ***in line livestock unit coefficients as defined in the Integrated Farm Statistic Regulation¹*** on the ***following*** conversion

rates:

** 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*

IOJ L 200, 7.8.2018, p. 1–29

		2020
Bovine animals	Under 1 year old	0.400
	1 but less than 2 years old	0.700
	Male, 2 years old and over	1.000
	Heifers, 2 years old and over	0.800
	Dairy cows	1.000
	Other cows, 2 years old and over	0.800
Pigs	Piglets having a live weight of under 20 kg	0.027
	Breeding sows weighing 50 kg and over	0.500
	Other pigs	0.300
Poultry	Broilers	0.007
	Laying hens	0.014
	Other poultry (turkeys, ducks, geese, ostriches, other poultry fowls n.e.c.)	
	Turkeys	0.030
	Ducks	0.010
	Geese	0.020
	Ostriches and other poultry fowls n.e.c.	
	Ostriches	0.350
Other poultry fowls n.e.c.	0.001	

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point e

Directive 2010/75/EU

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

(23ca) ‘extensive farming’ refers to a type of animal rearing characterized 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 in Directive 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products, with livestock unit density equal to or less than 2.0 LSU per hectare (LSU/ha density) used for grazing or foraging, or rearing practices where livestock is subject to transhumance practices at least 180 days per year or as long as climatic conditions allow, in particular in alpine regions.

Amendment 7

Proposal for a directive

Recital 4

Text proposed by the Commission

(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 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

Amendment

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

farmers to implement the necessary transition towards increasingly environmentally friendly agricultural practices.

aim to incentivise farmers to implement the necessary transition towards increasingly environmentally friendly agricultural practices.

High environmental standards in both industrial activities and intensive animal rearing tend to increase the production value of products, complying with the requirements of EU environmental legislation. It is therefore essential, in order to promote higher environmental standards worldwide, to introduce reciprocity with producers outside of the EU, thus incentivizing the import on the single market of products complying with similar environmental obligations, starting with agricultural production under Annex Ia of this Directive and potentially extending to industrial activities.

Compromise Amendment 7 bis A2 (Chapter VIa, Articles 70a, 70b, 70c, 3(1)(point 23c a(new)), Annex Ia, Annex I, Recitals 4, 27)

Supported by: Greens/EFA, The Left

Compromise amendment replacing Amendments: 2, 30 - 33, 103, 104, 125, 126, 146 - 161, 165, 224 - 228, 348 - 352, 511-513, 915, 1228 - 1270, 1271 - 1277, 1574 - 1581, 1640 - 1645, 1648 - 1699, AGRI 4, AGRI 13, AGRI 31, AGRI 32, AGRI 34, AGRI 35, AGRI 78, AGRI 80

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 24

Directive 2010/75/EU

Chapter VIa – title

Text proposed by the Commission

Amendment

SPECIAL PROVISIONS FOR REARING
POULTRY, PIGS AND CATTLE

SPECIAL PROVISIONS FOR REARING
POULTRY, PIGS AND CATTLE

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70a – paragraph 1

Text proposed by the Commission

Amendment

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

This Chapter shall apply to the activities set out in Annex Ia which reach the capacity thresholds set out in that Annex. This Chapter shall not apply to installations reaching the capacity threshold set out in Annex I.

By [OP please insert date = 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 2] Economic operators importing of products produced outside the Union from activities listed in Annex Ia, may place them on the Union market, if they comply with the uniform conditions of the operating rules referred to in this Article, or if the importers provide guarantees of origin from third countries deemed to be

comparable in effectiveness.

The competent authorities of the Member State where the imports take place shall verify the compliance of the imported products.

The Commission shall by [OP please insert date = the first day of the month following 24 months after the date of entry into force of this Directive] adopt a delegated act in accordance with Article 76 to establish a methodology, which is consistent with WTO law, laying down the procedure for placing products on the Union market, the verification procedure for competent authority and a list of countries that has regulatory effectiveness to the operating rules.

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70b – paragraph 1

Text proposed by the Commission

Amendment

Aggregation rule

Aggregation rule

If two or more installations are located close to each other and if their operator is the same or if the installations are under the control of operators who are engaged in an economic or legal relationship, the installations concerned shall be considered as a single unit for the purpose of calculating the capacity threshold referred to in Article 70a.

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.

Member States shall ensure that this rule is not used to circumvent the obligations set out in this directive

By [OP please insert the date = the first day of 24 months following the date of entry into force of this Directive], the Commission shall publish guidelines, after consulting the Member States, on the criteria to consider different installations as a single unit under

paragraph 1.

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – title

Text proposed by the Commission

Amendment

Permits

Permits

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 25

Directive 2010/75/EU

Article 70c – paragraph 1 - subparagraph 1

Text proposed by the Commission

Amendment

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

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

Amendment 6

Proposal for a directive

Annex II

Directive 2010/75/EU

Annex Ia – point 1

Text proposed by the Commission

Amendment

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

1. Rearing of **cattle or** pigs in installations of **100** livestock units (LSU) or more, ***excluding rearing carried out in the context of extensive farming as defined in this Directive.***

Rearing of poultry in installations of **100** livestock units (LSU) or more

Amendment 7
Proposal for a directive
Annex II
 Directive 2010/75/EU
 Annex Ia – point 2

Text proposed by the Commission

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

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

** Commission Implementing Regulation (EU) No 808/2014 of 17 July 2014 laying down rules for the application of Regulation (EU) No 1305/2013 of the European Parliament and of the Council on support for rural development by the European Agricultural Fund for Rural Development (OJ L 227, 31.07.2014, p.18).*

Amendment

2. Rearing of any mix of the following animals: cattle pigs, poultry, in installations of **100** LSU or more, ***excluding rearing carried out in the context of extensive farming, as defined in this Directive.***

The approximate equivalent in LSU is based ***in line with Eurostat livestock unit coefficients*** on the ***following*** conversion rates:

**** deleted***

		2020
Bovine animals	Under 1 year old	0.400
	1 but less than 2 years old	0.700
	Male, 2 years old and over	1.000
	Heifers, 2 years old and over	0.800
	Dairy cows	1.000
	Other cows, 2 years old and over	0.800
Sheep and goats		0.100
Equidae		
Pigs	Piglets having a live weight of under 20 kg	0.027
	Breeding sows weighing 50 kg and over	0.500
	Other pigs	0.300
Poultry	Broilers	0.007

	Laying hens	0.014
	Other poultry (turkeys, ducks, geese, ostriches, other poultry fowls n.e.c.)	
	Turkeys	0.030
	Ducks	0.010
	Geese	0.020
	Ostriches and other poultry fowls n.e.c.	
	Ostriches	0.350
	Other poultry fowls n.e.c.	0.001

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 3 – point e

Directive 2010/75/EU

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

Text proposed by the Commission

Amendment

(23c a) ‘extensive farming’ refers to a type of animal rearing characterized by low levels of input per unit area of land, based on extensive practices, with livestock unit density equal to or less than 1.8 LSU per hectare (LSU/ha density) used for grazing or foraging, where the fodder is grown within the installation or its direct vicinity, or certified in accordance with in Directive 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products, with livestock unit density equal to or less than 1.8 LSU per hectare (LSU/ha density) used for grazing, or rearing practices where livestock is subject to transhumance practices at least 180 days per year.

Amendment 9

Proposal for a directive

Annex I – paragraph 1 – point j

Directive 2010/75/EU

Annex I – paragraph 3 – subparagraph 6 – point 6.6

(j) point 6.6 is deleted.

(j) In Annex I, paragraph 3, subparagraph 6, point 6.6 is replaced by the following:
Intensive rearing of poultry, or pigs and cattle:
(a) with more than 40 000 places for poultry;
(b) with more than 2 000 places for production pigs (over 30 kg);
(c) with more than 750 places for sows; or
(d) with more than 450 places for cows, or 900 for calves.

Amendment 10

Proposal for a directive

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

Directive 2010/75/EU

Annex I – paragraph 3 – subparagraph 6 – point 6.6 – point c a (new)

Present text

Amendment

(j a) In Annex I, paragraph 3, subparagraph 6, point 6.6 c a (new) is added:
c a. Rearing of any mix of the following animals: cattle, pigs, poultry, in installations of 450 LSU or more.

Amendment 11

Proposal for a directive

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

Directive 2010/75/EU

Annex I – paragraph 3 – subparagraph 6 – point 6.6 – point c b (new)

Present text

Amendment

(j b) In Annex I, paragraph 3, subparagraph 6, point 6.6, point c b (new) is added
c b. Aquaculture with a production capacity of 1000 tonnes of fish or shellfish per year or more.

Amendment 12
Proposal for a directive
Recital 4

Text proposed by the Commission

(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 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.

Amendment

(4) Rearing of pigs, poultry and cattle, cause significant pollutant emissions into the air and water. In order to reduce such pollutant emissions, including ammonia, methane, nitrates, **particulate matter**, and greenhouse gas emissions and thereby improve air, water and soil quality **as well as reduce the impact on aquatic and terrestrial ecosystems**, it is necessary to lower the threshold above which pigs and poultry installations are included within the scope of Directive 2010/75/EU and to include also cattle farming within that scope. Relevant BAT requirements take into consideration the nature, size, density and complexity of these installations, including the specificities of pasture based cattle rearing systems, where animals are only seasonally **or not at all** reared in indoor installations, and the range of environmental impacts they may have, **in line with the One Health principle**. The proportionality requirements in BATs aim to incentivise farmers to implement the necessary transition towards increasingly environmentally friendly agricultural practices.

High environmental standards in both industrial activities and intensive animal rearing tend to increase the production value of products, complying with the requirements of EU environmental legislation. It is therefore essential, in order to promote higher environmental standards worldwide, to introduce reciprocity with producers outside of the EU, thus incentivizing the import on the single market of products complying with similar environmental obligations, starting with agricultural production under Annex Ia of this Directive and potentially extending to industrial activities.

Amendment 13

Proposal for a directive Recital 27

Text proposed by the Commission

(27) In light of the high number of rearing installations that should be included within the scope of Directive 2010/75/EU, and the relative simplicity of the processes and emissions patterns of such installations, it is appropriate to set out specific administrative procedures for issuing permits and for the operation of the relevant activities which are adapted to the sector, without prejudice to requirements related to public information and participation, monitoring and compliance.

Amendment

(27) In light of the high number of 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.

Compromise Amendment 9A (Article 79a, Recitals 32, 33, 34)

Supported by: S&D, Renew

Compromise amendment replacing Amendments: 20, 21, 113 - 117, 248, 252 - 254, 1533 - 1573, AGRI 16, AGRI 19, AGRI 74, AGRI 75

Amendment 1

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EU

Article 79a – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 2

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EU

Article 79a – paragraph 2

Text proposed by the Commission

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

Amendment

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

this paragraph.

this paragraph.

Amendment 3

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EU

Article 79a – paragraph 3

Text proposed by the Commission

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

Amendment

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

Amendment 4

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EU

Article 79a – paragraph 4

Text proposed by the Commission

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

Amendment

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

Amendment 5

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EC

Article 79a – paragraph 4a (new)

Text proposed by the Commission

Amendment

4 a. *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 claimant, the court or administrative authority is able to order that such evidence is disclosed by the defendant or the third party in accordance with national procedural law, subject to the applicable Union and national rules on confidentiality and proportionality.

Amendment 6

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EU

Article 79a – paragraph 5

Text proposed by the Commission

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

Amendment

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

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EU

Article 79a - paragraph 5a (new)

Text proposed by the Commission

Amendment

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

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 32

Directive 2010/75/EU

Article 79a - paragraph 5b (new)

Text proposed by the Commission

Amendment

5b. Member States shall submit relevant scientific data on the causality links between certain type 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 to the Industrial Emission Portal under Regulation (COM(2022)0157 – C9-0145/2022 – 2022/0105(COD)).

Amendment 9

Proposal for a directive

Recital 32

Text proposed by the Commission

Amendment

(32) Where damage to human health has occurred as a result of a violation of national measures adopted pursuant to Directive 2010/75/EU, Member States should ensure that the individuals affected are able to claim and obtain compensation for that damage from the relevant natural or legal persons and, where appropriate, from the relevant competent authorities responsible for the

(32) Where damage to human health has occurred as a result of a violation of national measures adopted pursuant to Directive 2010/75/EU, Member States should ensure that the individuals affected are able to claim and obtain compensation for that damage from the relevant natural or legal persons and, where appropriate, from the relevant competent authorities responsible for the

infringement. Such rules on compensation contribute to pursuing the objectives of preserving, protecting and improving the quality of the environment and protecting human health as laid down in Article 191 TFEU. They also underpin the right to life, integrity of 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.

infringement *when a decision, act or omission of the authority caused or contributed to the damage*. Such rules on compensation contribute to pursuing the objectives of preserving, protecting and improving the quality of the environment and protecting human health as laid down in Article 191 TFEU. They also underpin the right to life, integrity of the person and health care laid down in Article 2, 3 and 35 of the Charter of Fundamental Rights of the European Union and the right to an effective remedy as laid down in *Article 47* of the Charter. Moreover, Directive 2004/35/EC of the European Parliament and of the Council does not give private parties a right of compensation as a consequence of environmental damage or of an imminent threat of such damage.

Amendment 10
Proposal for a directive
Recital 33

Text proposed by the Commission

(33) It is therefore appropriate for Directive 2010/75/EU to address the right for compensation for damages suffered by individuals. To ensure that individuals can defend their rights against damages to health caused by violations of Directive 2010/75/EU and thereby ensure a more efficient enforcement of that Directive, non-governmental organisations promoting the protection of human health or the environment, including those promoting the protection of consumers and meeting any requirements under national law, as members of the public concerned, should be empowered to engage in proceedings, as the Member States so determine, either on behalf or *or* in support of any victim, without prejudice to national rules of procedure concerning representation and defence before the courts. Member States usually enjoy procedural autonomy to ensure an effective remedy against violations of Union law, subject to the respect of the principles of equivalence and effectivity. However, experience shows that while there is overwhelming epidemiologic evidence on the negative health impacts of pollution on the population, in particular as regards air, it is difficult for the victims of violations of Directive 2010/75/EU under the procedural rules on the burden of proof generally applicable in the Member States to demonstrate a causality link between the suffered harm and the violation. As a result, in the majority of cases, victims of violations of Directive 2010/75/EU do not have an effective way to obtain compensation for the harm caused by such violations. To strengthen the rights of individuals to

Amendment

(33) It is therefore appropriate for Directive 2010/75/EU to address the right for compensation for damages suffered by individuals. To ensure that individuals can defend their rights against damages to health caused by violations of Directive 2010/75/EU and thereby ensure a more efficient enforcement of that Directive, non-governmental organisations promoting the protection of human health or the environment, including those promoting the protection of consumers and meeting any requirements under national law, as members of the public concerned, should be empowered to engage in proceedings, as the Member States so determine, either on behalf or in support of any victim, without prejudice to national rules of procedure concerning representation and defence before the courts. Member States enjoy procedural autonomy to ensure an effective remedy against violations of Union law, subject to the respect of the principles of equivalence and effectivity. Experience shows that while there is overwhelming epidemiologic evidence on the negative health impacts of on the population, in particular as regards air, it is difficult for the victims of violations of Directive 2010/75/EU under the procedural rules to demonstrate a causality link between the suffered harm and the violation. As a result, in the majority of cases, victims of violations of Directive 2010/75/EU do not have an effective way to obtain compensation for the harm caused by such violations. To strengthen the rights of individuals to obtain compensation for violations of Directive 2010/75/EU and to contribute to a more efficient enforcement of its requirements

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.*

throughout the Union, it is necessary to adapt *national legislation on rebuttable presumptions* applicable to such situations

Rebuttable presumptions are a common mechanism for alleviating a claimant's evidential difficulties, while preserving the rights of the defendant. Rebuttable presumptions are only applicable provided that certain conditions are fulfilled. In order to maintain a fair apportionment of risk, and to avoid a reversal of the burden of proof, a claimant should be required to demonstrate sufficiently relevant evidence, including scientific data, that give rise to a presumption that the violation has caused or contributed to the damage. In light of the evidentiary challenges faced by injured persons, especially in complex cases, the provision will achieve a fair balance for the individual suffering from human health damage, industry and, where appropriate, authorities.

Relevant scientific data, irrespective of its publication on the Portal, may also be used as evidence in accordance with the national law. Where such relevant scientific data is not available, other evidence may be used to support the claim in accordance with the national law.

Amendment 11

Proposal for a directive Recital 34

Text proposed by the Commission

(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

Amendment

(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.

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.