



Council of the European Union
General Secretariat

Brussels, 11 January 2023

**Interinstitutional files:
2022/0104 (COD)**

WK 264/2023 INIT

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MEETING DOCUMENT

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

Subject:	Industrial Emissions Directive: WPE meeting on 16 and 17 January 2023 - Steering note of the Presidency
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Delegations will find in Annex a steering note and an accompanying table on the Proposal to amend the Industrial Emissions Directive prepared by the Presidency in view of the meeting of the Working Party on the Environment on 16 and 17 January 2023.

Presidency Steering note for the WPE on 16-17 January 2023

Industrial Emissions Directive

During the previous meetings the preceding CZ Presidency has proposed changes, based on the MS considerations in the working party, which will be the starting point for the continued discussions. Based on the previous meetings the Presidency has identified some further issues in need of clarification or further changes. Those are explained in the steering note below, accompanied by text proposals in the annex to the steering note for MS considerations.

The Presidency invites the Working Party and the MS to an examination of the proposed way forward. The discussions will focus on Cluster 1-5 (except article 79), 7, 8, transitional provisions, as well as associated recitals. The Presidency would welcome the delegations' reactions and thoughts on the proposed way forward explained in the steering note and the annex. The previous CZ Presidency's changes are marked in **red** while the current Presidency's new proposals are marked in **blue**. Cluster 6 (Rules and scope of agro-industrial activities) as well as the provision on penalties (article 79) will be discussed at a later stage.

Cluster 1-Minimisation of emission

The Working Party is invited to continue the discussion on Cluster 1, which includes art. 1, 14(1), 15(1), 15(3), 15(4), 15a, 16(3), 18, 21.5c and Annex II. The Presidency would like to hear the MS's views on the proposed way forward and the changes in art. 14.1diii 15(3), 15(5) and 16(3).

The Presidency understands from previous discussions it being a general request by several MS to reduce the administrative burden. With the ambition to meet the request from MS to reduce the administrative burden for competent authorities the Presidency proposes a deletion of the obligation for the competent authority to make the information on progress towards fulfilment of the environmental policy objectives public, in Art. 14.1diii. *The Presidency invites MS to indicate whether they agree to the proposal as a way forward.*

Building on the previous CZ Presidency's proposed link to general binding rules in art. 15(3) and the discussions in the Working Party on how to clarify the general binding rules the Presidency proposes adjustments to further facilitate the use of general binding rules and to enhance the legal clarification regarding the use of general binding rules and the proposed wording in art. 15.3. *The Presidency invites MS to react to the proposed way forward.*

With regard to the comments from the delegations the Presidency proposes some changes in Art. 16(3) to clarify the requirements of monitoring in the receiving environment. The ambition is to clarify in the article that it is the operator who is responsible for the

monitoring, in order to ensure the polluters pays principle, but without increasing the administrative burden. *The Presidency welcomes MS reactions to the proposed way forward.*

In addition to the above, the Presidency suggests to come back to a topic related to derogations. Previously, some delegations have raised the need for including a temporary derogation in IED for the event of an exceptional crisis situation. While the last years of Covid-19 pandemic and the Russian war against Ukraine has shed light on the potential need of such a derogation due to the shortage of energy and essential resources, materials or equipment, potentially including such a provision would have to be carefully balanced not to open for loopholes or relaxation of the requirements in the IED and still making sure to fulfil the purpose of the IED objectives. *The Presidency invites MS to indicate whether MS would prefer to include such a derogation or not, and if so, invites MS to elaborate on what elements should be included to strike that careful balance preserving the environmental ambition, the IED requirements and avoiding loopholes.*

Cluster 2 – Innovation and industrial transformation

The Working Party will continue the debate on Cluster 2, which includes art. 3(50), 3(51), 13(1) and (2), 27, 27a, 27b, 27c and 27d. The Presidency would like to discuss changes proposed in Art. 3(12), 3(50), 3(51), 27a(2), 27(b) and 27(c) and *invites MS to indicate if they agree with the suggested way forward in these articles.*

The Presidency propose minor changes in Art. 3(12), 3(50), 3(51) in order to align the definitions with the definitions of emission levels associated with the best available techniques (BAT AEL) and environmental performance levels associated with the best available techniques (BAT AEPL) and to clarify that the emission levels associated with emerging techniques (ET AEL) and environmental performance levels associated with emerging techniques (ET AEPL) will be included in the BAT-conclusions.

Based on question that has been posed regarding the objectives for the innovation centre for industrial transformation and emissions (INCITE) changes are made in art. 27a(2) and in recital 24.

According to art. 27b and 27c the competent authority may grant temporary derogations from the BAT AELs for the testing of emerging techniques and when setting ET AELs. With regard to the new binding nature of BAT AEPLs the Presidency proposes minor changes, to enhance consistency, in art. 27b and 27c, which enables similar derogations regarding the BAT AEPLs.

To facilitate for frontrunners and other installation already developing a transformation plan, the deadline for the Commission to adopt an implementing act establishing the format for the plan is proposed to 2025, instead of 2028.

Cluster 3- Non-toxic circular economy, resource efficiency and decarbonisation

Cluster 3 includes art. 3(12), 3(13a), 3(53), 9, 11(fa-fb), 14(1), 14a, 15(3a), 15(4a) and 73. *The Presidency invites MS to react on proposed changes in Art. 3(5a), 3(13a-b), 14(1), 14a, 15(4a) and the new recital 13a.*

Minor changes are proposed in Art. 3(13a), 3(13b) in order to align the definitions with the wording in other definitions.

In order to facilitate the reading and to clarify the concept of BAT AEPLs and benchmarks the Presidency proposes some changes. A new recital (13a) describes the concept of BAT AEPL and benchmarks. The definition of benchmarks is moved to Art. 3 (13b) to cluster it with BAT AEPL. A new definition of Environmental Performance Limit Values is proposed in art. 3(5a).

On request from Member States changes are proposed Art. 14(1)a) and 14a with the ambition to enhance the focus of hazardous substances but without increasing the administrative burden. When developing the chemicals inventory of hazardous substances the operator shall assess the risk of using certain substances and an analysis of the possibility to substitute them with safer alternatives. The addition aims to enhance the link to REACH by highlighting the most hazardous substances, without excluding other chemicals. In the end of art. 14a(2) the Presidency has suggested clarifications based on previous discussions where several MS expressed unclarities on the meaning.

With the ambition to clarify the requirements and simplify the text regarding the publication, review and audit of the EMS, changes are proposed in Art. 14a(3) and (3a). In line with Art. 24 the Presidency propose a delegation to the Commission to develop an implementing act regarding the template for the publication of relevant information from the EMS in art. 14a(3) and recital (30). *The Presidency welcomes MS reactions to A) the proposed way forward alternatively to B) have the content in a guidance document or C) stated in the Article.*

In document WK 16031/2022 INIT of 21 November 2022 the Presidency proposed that a non confidential summary of the EMS shall be made available on the Internet. During the discussion of the Council on 25 November 2022 several Member States expressed a need for the possibility of keeping information confidential to be expressed in a more explicit and clear way. An additional text, in line with article 24.4 and 27d.4, is therefore introduced in article 14a.3. The aim with the proposal is that operators first shall try to redact the information and only if that is not possible the information can be excluded when made available on the internet. This is further clarified in recital 13.

Also in order to simplify, we propose to move the article regarding derogations from BAT AEPL:s to a new art. 15(4a) as well as some minor changes in the text to align it with 15(4). In accordance with suggestions from delegations, changes are proposed aiming to make the

wording more adequate to circular economy and resource efficiency; cross media effects are added as one reason for derogation and “pollution” is changed to environmental impact.

Cluster 4 – Public participation

Cluster 4 consists of Art. 3(17), 5(4), 7, 24(1), 24(2), 24(3), 26(1) and 26(2). *The Presidency invites MS to react on the proposed changes in Art. 24.*

With the ambition to reduce the administrative burden changes are made in art. 24.2 regarding publication and in Art 24.3. The Presidency also proposes a change to make it clear that the obligation to make the permit summary public on the internet applies only when there is a new or revised permit in accordance with Art. 21(3) after the directive enters into force.

According to 24 (2) the Commission shall adopt an implementing act regarding the format for the permit summary. The Presidency proposes that this implementing act shall be adopted 24 months after the IED enters into force.

Cluster 7 - Scope of industrial activities

Cluster 7 consists of Art. 3(48), Art. 3(49), Art. 42, Annex I Pt. 1.4, 2.3, 2.7, 3.5, 3.6, 5.3, 6.2 and 6.5. *The Presidency invites MS to react on the proposed way forward in Annex I, Pt. 2.7 1 and 4.2*

The Presidency suggests to come back to whether the threshold for batteries should be expressed in tonnes or in GWh. So far, industry has shown that it is possible to increase the number of GWh per battery produced without increasing the weight of batteries produced. The weight of batteries produced is therefore more static and reflects potential environmental impact better than the amount of energy. Using tonnes instead of GWh would therefore better reflect potential environmental impact. The development of batteries is fast and an energy threshold might soon become obsolete. Tonnes are also the most common threshold used in Annex I in IED where the output, in a similar way as for batteries, are products. While the amount of energy is used as a threshold for pure energy industries, for example combustion of fuels.

During the previous discussions in WPE points were made that there was a lack of information regarding the conversion from GWh to tonnes. The Presidency has looked into the conversion from GWh to tonnes. It seems that how many tonnes that correspond to 3,5 GWh can be based on applications and permits for existing battery factories manufacturing lithium ion batteries in which both tonnes and corresponding GWh are described. According to the applications and the permits for three different battery factories the production of 37-60 GWh would correspond to 150 000-210 000 tonnes. For a threshold of 3,5 GWh, those would correspond to 12 000-14 700 tonnes. *Against this background the Presidency wonders if MS could support the change of the threshold value to tonnes instead of GWh or would prefer to keep the current threshold value. As a starting point for the discussions the Presidency proposes that the threshold value of 3,5 GWh could be changed to 12 000 tonnes.* The threshold is set at the lowest end of the conversion

rates presented since the development of batteries is fast and in order to prevent fragmentation and splitting of factories.

CZ proposed introduction of Hydrogen in Annex 1 point 1.5 with a threshold of 20 MW. Another proposal raised by Member states is a threshold of 5 tonnes per day in accordance with the Seveso directive. *In line with the reflections regarding batteries on whether weight is a better threshold to use than the amount of energy the Presidency would like to hear the Member States views on whether the threshold for Hydrogen should be expressed in tonnes or in MW.*

Based on previous discussions and in order to clarify that Hydrogen production made with electrolysis from water (below the threshold) shall not be covered by point 4.2 an additional text is added in that point. *Member States are invited to react on the need for such a clarification.*

Cluster 8 - Standard provisions

Cluster 8 consists of Art. 73, 74, 75 and 76 and Art. 2 – 5 (of the proposal). The Presidency does not propose any changes in these articles but in Art. 72.

According to Art. 72 Member states shall ensure that information is made available to the Commission on data regarding emissions, derogations etc. To align this Article with the new requirements in the directive the Presidency proposes some changes and welcome the Member states reflections on this.

Transitional provisions

The Presidency suggests to continue the discussions in the working party on transitional provisions. Based on the CZ Presidency proposal and the discussions in the WPE meeting on 25 November 2022 the Presidency has identified a need for some further clarifications and additional transitional periods. *MS are invited to react on the Presidency's proposed suggestions and way forward.*

The proposed changes from the Presidency are based on the document WK 16031/2022 INIT of 21 November 2022. The Presidency's proposal includes clarifications regarding publishing of BAT conclusions (transitional periods B, C) and what type of installations the various provisions are referring to (transitional periods C, D, E). It also includes a new provision which clarifies that the new requirements on binding BAT AEPLs will apply for all installations, including installations that not yet are in operation, first within 4 years of publication of decisions on new BAT conclusions relating to the main activity of an installation (transitional period B). This change means that the references to Article 14 (1 aa), Article 15(3a) and Article 15(4a) in transitional period C are moved to transitional period B.

The breaking point for when an existing installation must be in operation and have a permit for the transitional provisions to apply is changed to the date the new IED shall be transposed into Member States national laws. In line with this a corresponding change is made regarding when an installation where a full application has been submitted have to be

put into operation (transitional period C). This is done to avoid the situation where the new requirements have not been implemented in the Member States at the same time as the transitional provisions do not apply. This is in line with the transitional provisions in the existing IED (article 80 and 82).

The proposal also includes changes regarding existing installations which means that new provisions shall be considered when a permit is revised or from within 4 years of publication of decisions on BAT conclusions, whichever the sooner (transitional period C).

For installations which are not in operation (or have submitted a full application) the transitional provisions C, D and E do not apply. This means that the new provisions, except regarding binding BAT-AEPL, apply to new installations directly when the directive shall be applied in the Member States (24 months after the date of entry into force of the Directive).

Regarding the transitional provisions connected with the publishing of BAT conclusions there might be a need for more legal certainty since there is no precise deadline concerning the publication of the BAT conclusion in Article 13(5). The deadline for when the articles regulated in transitional periods B, C and E could therefore be considered as to indefinite in the context of legal certainty. Possible ways forward in clarifying this could for example be by setting a date for when the BAT conclusions have to be adopted by the Commission in article 13 (5), adding a stop date to the transitional periods saying when the articles shall apply at the latest or a combination of both. *The Council Legal Service, the Commission and the Member States are especially invited to react on the need for further clarifications and the proposed possible ways forward.*

The Presidency also proposes additional transitional provisions regarding exemptions from BAT-AELs decided before the new IED shall be transposed into Member States national laws (transitional periods F, G). This applies to exemptions decided on the basis of article 15.4 and 15.5 in the existing IED.

During the discussion of the Council several Member States have expressed a need to extend the time for Member States to transpose the directive into national law. The Presidency therefore proposes the period to be extended from 18 to 24 months (article 3).

ANNEX to the steering note, WPE on IED 16-17 January 2023

Proposal for a directive amending Directive 2010/75/EU on industrial emissions (integrated pollution prevention and control) and directive 1999/31/EC on the landfill of waste

Changes of COM proposal in **green bold**.

Changes the CZ Presidency in **red bold**.

Changes the SE Presidency in **blue bold**.

Recital	COM proposal	PRES proposal
(13)	(13) With a view to continuously improving the environmental performance and safety of the installation, including by preventing waste generation, optimising resource use and water reuse, and preventing or reducing risks associated with the use of hazardous substances, the operator should establish and implement an environmental management system (EMS) in accordance with relevant BAT conclusions, and should make it available to the public. The EMS should also cover the management of risks related to the use of the hazardous substances and an analysis of the possible substitution of hazardous substances by safer alternatives.	(13) With a view to continuously improving the environmental performance and safety of the installation, including by preventing waste generation, optimising resource use and water reuse, and preventing or reducing risks associated with the use of hazardous substances, the operator should establish and implement an environmental management system (EMS) in accordance with relevant BAT conclusions, and should make it available to the public. When made available to the public the operator should have an opportunity to redact or exclude confidential business information. This should apply in a restrictive way, taking into account for the particular case the public interest served by disclosure. The EMS should also cover the management of risks related to the use of the hazardous substances and an analysis of the possible substitution of hazardous substances by safer alternatives. In order to ensure that the EMS is in line with the requirements of the Directive, the EMS should be audited by an audit organisation contracted by the operator, such as an accredited environmental verifier in accordance with Article 2(20) of Regulation 1221/2009.
(13a)		In order to support decarbonisation, resource efficiency and a circular economy the BAT-conclusions should include binding environmental performance levels associated with BAT, when appropriate, and indicative benchmarks. The environmental performance levels associated with BAT and the benchmarks may include consumption levels; resource efficiency levels and reuse levels covering

		<p>materials, water and energy resources; waste and other levels obtained under specified reference conditions. The competent authority should set environmental performance limit values in the permit, that ensure that, under normal operating conditions, such performance limit values do not exceed the environmental performance levels associated with BATs. The operator should include the benchmarks in the EMS.</p>
24	<p>(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).</p>	<p>(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).</p>
30	<p>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 center for industrial</p>	<p>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 center for industrial</p>

	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 Council.	transformation and emissions, and (v) the format to be used for transformation plans and (vi) the format to be used for the EMS summary. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.
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	COM proposal	PRES proposal
<i>Art. 01</i>	<p>This Directive lays down rules on integrated prevention and control of pollution arising from industrial activities.</p> <p>It also lays down rules designed to prevent or, where that is not practicable, to reduce emissions into air, water and land and to prevent the generation of waste, in order to achieve a high level of protection of human health and the environment taken as a whole.</p>	
<i>Art. 02</i>	1. This Directive shall apply to the industrial activities giving rise to pollution referred to in Chapters II to VIa.	
<i>Art. 03</i>	For the purposes of this Directive the following definitions shall apply:	
<i>Art. 03 (3)</i>	(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;	
<i>Art 3 (5)</i>	‘emission limit value’ means the mass, expressed in terms of certain specific parameters, concentration and/or level of an emission, which may not be exceeded during one or more periods of time;	
<i>Art 3 (5a)</i>		‘ environmental performance limit value ’ means the environmental performance levels, including consumption levels, resource efficiency levels and reuse levels covering materials, water and energy resources, waste and other levels obtained under specified reference conditions, which may not be exceeded during one or more periods of time.
<i>Art. 03 (12)</i>	(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	(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

	COM proposal	PRES proposal
	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;	emission levels associated with the best available techniques and with emerging techniques; the environmental performance levels associated with the best available techniques and with emerging 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;
<i>Art. 03 (13a)</i>	(13a) ‘environmental performance levels associated with the best available techniques’ means the range of environmental performance levels, except emission levels, obtained under normal and other than 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, except emission levels, obtained under normal and other than normal operating conditions using a BAT or a combination of BATs, as described in BAT conclusions.
<i>Art. 03 (13b)</i> <i>Art 13(53)</i>	(53) ‘benchmarks’ means the indicative range of environmental performance levels associated with best available techniques, other than emission levels, and may include: (a) consumption levels; (b) resource efficiency levels and reuse levels covering materials, water and energy resources; (c) waste and other levels obtained under specified reference conditions.	(13b) ‘benchmarks’ means the indicative range of environmental performance levels associated with best available techniques, which shall be used as a reference in the EMS. other than emission levels, and may include: (a) consumption levels; (b) resource efficiency levels and reuse levels covering materials, water and energy resources; (c) waste and other levels obtained under specified reference conditions;
<i>Art. 03 (17)</i>	(17) ‘the public concerned’ means the public affected or likely to be affected by, or having an interest in, the taking of a decision on the granting or the updating of a permit or of permit conditions; for the purposes of this definition, non-governmental organisations promoting the protection of human health or the environment environmental protection and meeting any requirements under national law shall be deemed to have an interest;	
<i>Art. 03 (23a)</i>	(23a) ‘pigs’ means pigs as defined in Article 2 of Council Directive 2008/120/EC*;	
<i>Art. 03 (23b)</i>	(23b) ‘cattle’ means domestic animals of the species Bos taurus;	
<i>Art. 03 (23c)</i>	(23c) ‘livestock unit’ or ‘LSU’ means the grazing equivalent of one adult dairy cow producing 3 000 kg of milk annually, without additional concentrated foodstuffs, which is used to express the size of farms	(23c) ‘livestock unit’ or ‘LSU’ means the grazing equivalent of one adult dairy cow producing 3 000 kg of milk annually, without additional concentrated foodstuffs, which is unit used to express the size of

	COM proposal	PRES proposal
	rearing different categories of animals, using the conversion rates, with reference to actual production within the calendar year, set out in Annex II to Commission Implementing Regulation (EU) No 808/2014**.	farms rearing different categories of animals, using the conversion rates ,with reference to actual production within the calendar year, set out in Annex III to Commission Implementing Regulation (EU) No 2018/1091 808/2014**.
<i>Art. 03 (48)</i>	(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;	(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;
<i>Art. 03 (49)</i>	(49) ‘metalliferous ores’ means ores that yield metals or metallic substances;	(49) ‘metalliferous ores’ means ores that yield metals or metallic substances;
<i>Art. 03 (50)</i>	(50) ‘emission levels associated with emerging techniques’ means the range of emission levels obtained under normal operating conditions using an emerging technique or a combination of emerging techniques, expressed as an average over a given period of time, under specified reference conditions;	50) ‘emission levels associated with emerging techniques’ means the range of emission levels obtained under normal operating conditions using an emerging technique or a combination of emerging techniques <u>as described in BAT conclusions</u> , expressed as an average over a given period of time, under specified reference conditions;
<i>Art. 03 (51)</i>	(51) ‘environmental performance levels associated with emerging techniques’ means the range of environmental performance levels, except emission levels, obtained under normal operating conditions using an emerging technique or a combination of emerging techniques;	51) ‘environmental performance levels associated with emerging techniques’ means the range of environmental performance levels, except emission levels, obtained under normal operating conditions using an emerging technique or a combination of emerging techniques <u>as described in BAT conclusions</u> ;
<i>Art. 03 (52)</i>	(52) ‘compliance assurance’ means mechanisms for securing compliance using three categories of intervention: compliance promotion; compliance monitoring; follow-up and enforcement;	
<i>Art. 04 (1)</i>	<p>1. Member States shall take the necessary measures to ensure that no installation or combustion plant, waste incineration plant or waste co-incineration plant is operated without a permit.</p> <p>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.</p> <p>The procedure for registration shall be specified in a binding act and include at least a notification to the competent authority by the</p>	

	COM proposal	PRES proposal
	operator of the intention to operate an installation.	
<i>Art. 05 (4)</i>	<p>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:</p> <p>(a) an overview of the main permit conditions;</p> <p>(b) the emission limit values and environmental performance limits values;</p> <p>(c) any derogations granted in accordance with Article 15(4);</p> <p>(d) the applicable BAT conclusions;</p> <p>(e) the provisions for reconsideration and updating of the permit.</p> <p>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).</p>	<p>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:</p> <p>(a) an overview of the main permit conditions;</p> <p>(b) the emission limit values and environmental performance limits values;</p> <p>(c) any derogations granted in accordance with Article 15(4);</p> <p>(d) the applicable BAT conclusions;</p> <p>(e) the provisions for reconsideration and updating of the permit.</p> <p>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).</p>
<i>Art. 07</i>	<p>Without prejudice to Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (30), 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:</p> <p>(a) the operator informs the competent authority immediately;</p> <p>(b) the operator immediately takes the measures to limit the environmental consequences and to prevent further possible incidents or accidents;</p> <p>(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.</p> <p>In the event of any incident or accident significantly affecting human health or the environment in another Member State, the</p>	<p>Without prejudice to Directive 2004/35/EC of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage, 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:</p> <p>(a) the operator informs the competent authority immediately;</p> <p>(b) the operator immediately takes the measures to limit the environmental consequences on human health or the environment and to prevent further possible incidents or accidents;</p> <p>(c) the competent authority requires the operator to take any appropriate complementary measures that the competent authority considers necessary to limit the environmental consequences on human health or the environment and prevent further incidents or accidents.</p>

	COM proposal	PRES proposal
	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.	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.
<i>Art. 08 (1)</i>	<p>1. Member States shall take the necessary measures to ensure that the permit conditions are complied with.</p> <p>They shall also adopt compliance assurance measures to promote, monitor and enforce compliance with obligations placed on natural or legal persons under this Directive.</p>	<p>1. Member States shall take the necessary measures to ensure that the permit conditions are complied with.</p> <p>They shall also adopt compliance assurance measures to promote, monitor and enforce compliance with obligations placed on natural or legal persons under this Directive.</p>
<i>Art. 08 (2)</i>	<p>2. In the event of a breach of the permit conditions, Member States shall ensure that:</p> <p>(a) the operator immediately informs the competent authority;</p> <p>(b) the operator immediately takes the measures necessary to ensure that compliance is restored within the shortest possible time;</p> <p>(c) the competent authority requires the operator to take any appropriate complementary measures that the competent authority considers necessary to restore compliance.</p> <p>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.</p>	
<i>Art. 08 (3)</i>	<p>3. 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 actions for restoring compliance identified in the inspection report referred to in Article 23(6) have not been</p>	

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	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.	
<i>Art. 09 (2)</i>	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.	
<i>Art. 11</i>	<p>Member States shall take the necessary measures to provide that installations are operated in accordance with the following principles:</p> <p>(a) all the appropriate preventive measures are taken against pollution;</p> <p>(b) the best available techniques are applied;</p> <p>(c) no significant pollution is caused;</p> <p>(d) the generation of waste is prevented in accordance with Directive 2008/98/EC;</p> <p>(e) where waste is generated, it is, in order of priority and in accordance with Directive 2008/98/EC, prepared for re-use, recycled, recovered or, where that is technically and economically impossible, it is disposed of while avoiding or reducing any impact on the environment;</p> <p>(f) energy is used efficiently;</p> <p>(fa) material resources and water are used efficiently, including through re-use;</p> <p>(fb) the overall life-cycle environmental performance of the supply chain is taken into account as appropriate;</p> <p>(fc) an environmental management system is implemented as referred to in Article 14a;</p> <p>(g) the necessary measures are taken to prevent accidents and limit their consequences;</p> <p>(h) the necessary measures are taken upon definitive cessation of activities to avoid any risk of pollution and return the site of operation to the satisfactory state defined in accordance with Article 22.</p>	
<i>Art. 13 (1)</i>	1. In order to draw up, review and, where necessary, update BAT reference documents, the Commission shall organise an exchange of	

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	information between Member States, the industries concerned, non-governmental organisations promoting environmental protection, the European Chemicals Agency and the Commission.	
<i>Art. 13 (2)</i>	<p>2. The exchange of information shall, in particular, address the following:</p> <p>(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;</p> <p>(b) the techniques used, associated monitoring, cross-media effects, economic and technical viability and developments therein;</p> <p>(c) best available techniques and emerging techniques identified after considering the issues mentioned in points (a) and (b).</p> <p>Without prejudice to Union competition law, information considered as confidential business information or commercially sensitive information shall only be shared with the Commission and with the following individuals having signed a confidentiality and non-disclosure agreement: civil servants and other public employees representing Member States or Union agencies, and representatives of non-governmental organisations promoting the protection of human health or the environment. The exchange of information considered as confidential business information or sensitive commercial information shall remain limited to what is required to draw up, review and, where necessary, update BAT reference documents, and such confidential business information or sensitive commercial information shall not be used for other purposes.</p>	
<i>Art. 14 (1)</i>	<p>1. Member States shall ensure that the permit includes all measures necessary for compliance 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.</p>	<p>1. Member States shall ensure that the permit includes all measures necessary for compliance 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.</p>

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	<p>Those measures shall include at least the following:</p> <p>(a) emission limit values for polluting substances listed in Annex II of Regulation (EC) No 166/2006*, and for other polluting substances, which are likely to be emitted from the installation concerned in significant quantities, having regard to their nature and their potential to transfer pollution from one medium to another;</p> <p>(aa) environmental performance limit values;</p> <p>(b) appropriate requirements ensuring protection of the soil, and groundwater and surface water, and measures concerning the monitoring and management of waste generated by the installation;</p> <p>(ba) appropriate requirements for an environmental management system as laid down in Article 14a;</p> <p>(bb) suitable monitoring requirements for the consumption and reuse of resources such as energy, water and raw materials;</p> <p>(c) suitable emission monitoring requirements specifying:</p> <p>(i) measurement methodology, frequency and evaluation procedure; and</p> <p>(ii) where Article 15(3)(b) is applied, that results of emission monitoring are available for the same periods of time and reference conditions as for the emission levels associated with the best available techniques;</p> <p>(d) an obligation to supply the competent authority regularly, and at least annually, with:</p> <p>(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</p> <p>(ii) where Article 15(3)(b) is applied, a summary of the results of emission monitoring which allows a comparison with the emission levels associated with the best available techniques;</p> <p>(iii) information on progress towards fulfilment of the environmental policy objectives</p>	<p>Those measures shall include at least the following:</p> <p>(a) emission limit values for polluting substances listed in Annex II of Regulation (EC) No 166/2006*, and for other polluting substances, which are likely to be emitted from the installation concerned in significant quantities, having regard to their nature, their hazardousness and their potential to transfer pollution from one medium to another,</p> <p>(aa) environmental performance limit values in accordance with Article 15(3a);</p> <p>(b) appropriate requirements ensuring protection of the soil, and groundwater and surface water, and measures concerning the monitoring and management of waste generated by the installation;</p> <p>(ba) appropriate requirements for an environmental management system as laid down in Article 14a;</p> <p>(bb) suitable monitoring requirements for the consumption and reuse of resources such as energy, water and raw materials;</p> <p>(c) suitable emission monitoring requirements specifying:</p> <p>(i) measurement methodology, frequency and evaluation procedure; and</p> <p>(ii) where Article 15(3)(b) is applied, that results of emission monitoring are available for the same periods of time and reference conditions as for the emission levels associated with the best available techniques;</p> <p>(d) an obligation to supply the competent authority regularly, and at least annually, with:</p> <p>(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</p> <p>(ii) where Article 15(3)(b) is applied, a summary of the results of emission monitoring which allows a comparison with the emission levels associated with the best available techniques;</p> <p>(iii) information on progress towards fulfilment of the environmental policy objectives</p>

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	<p>referred to in Article 14a. Such information shall be made public;</p> <p>(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;</p> <p>(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;</p> <p>(g) provisions on the minimisation of long-distance or transboundary pollution;</p> <p>(h) conditions for assessing compliance with the emission limit values and environmental performance limit values or a reference to the applicable requirements specified elsewhere.</p>	<p>referred to in Article 14a. Such information shall be made public;</p> <p>(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;</p> <p>(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;</p> <p>(g) provisions on the minimisation of long-distance or transboundary pollution;</p> <p>(h) conditions for assessing compliance with the emission limit values and environmental performance limit values or a reference to the applicable requirements specified elsewhere.</p>
<i>Art. 14a (1)</i>	<p>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.</p> <p>The EMS shall be reviewed periodically to ensure that it continues to be suitable, adequate and effective.</p>	<p>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.</p> <p>The EMS shall be reviewed periodically to ensure that it continues to be suitable, adequate and effective. [text moved]</p>
<i>Art. 14a (2)</i>	<p>2. The EMS shall include at least the following:</p> <p>(a) environmental policy objectives for the continuous improvement of the environmental performance and safety of the installation, which shall include measures to:</p> <p>(i) prevent the generation of waste;</p> <p>(ii) optimise resource use and water reuse;</p> <p>(iii) prevent or reduce risks associated with the use of hazardous substances.</p> <p>(b) objectives and performance indicators in relation to significant environmental aspects, which shall take into account benchmarks set out in the relevant BAT</p>	<p>2. The EMS shall include at least the following:</p> <p>(a) environmental policy objectives for the continuous improvement of the environmental performance and safety of the installation, which shall include measures to</p> <p>(i) prevent the generation of waste,</p> <p>(ii) optimise resource use and water reuse,</p> <p>(iii) and prevent or reduce risks associated with the use of hazardous substances.</p> <p>(b) objectives and performance indicators in relation to significant environmental aspects, which shall take into account benchmarks set out in the relevant BAT</p>

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	<p>conclusions and the life-cycle environmental performance of the supply chain;</p> <p>(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;</p> <p>(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;</p> <p>(e) measures taken to achieve the environmental objectives and avoid risks for human health or the environment, including corrective and preventive measures where needed;</p> <p>(f) a transformation plan as referred to in Article 27d.</p>	<p>conclusions and the life-cycle environmental performance of the supply chain;</p> <p>(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;</p> <p>(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, with special regard to the substances fulfilling the criteria of Article 57 and substances addressed in restrictions in Annex XVII to Regulation (EC) No 1907/2006;</p> <p>(e) measures taken to achieve the environmental objectives and avoid risks for human health or the environment, including corrective and preventive measures where needed;</p> <p>(f) a transformation plan as referred to in Article 27d.</p> <p>The level of detail of the EMS will be consistent with the nature, scale and complexity of the installation, and the range of environmental impacts it may have.</p> <p><u>Where elements of the EMS, or the related performance indicators, objectives, measures and analysis have already been developed elsewhere and comply with this paragraph and paragraph 1, article a reference may be made in the EMS to the relevant documents.</u></p>
<i>Art. 14a (3)</i>	<p>3. The EMS of an installation shall be made available on the Internet, free of charge and without restricting access to registered users.</p>	<p>3. The non-confidential summary of the EMS, including the performance indicators, objectives, measures, analysis and transformation plan referred to in Art. 14a(1) and (2) The EMS of an installation</p> <p>Member states shall ensure that relevant information of the EMS from paragraph 2 a-</p>

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		<p>e and the transformation plan shall be made available on the Internet, free of charge and without restricting access to registered users. The content of the summary of EMS shall allow comparison with information referred to in Art. 14(1) d) (iii).</p> <p>Information may be redacted, or if that is not possible, excluded when made available on the Internet, if the disclosure of the information would adversely affect any of the interests listed in article 4.2 (a)-(h) of Directive 2003/4/EC.</p> <p>The Commission shall, by 31 December 2025, adopt an implementing act to establish the standardised template to be used for the information referred to in this paragraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).</p>
<i>Art. 14a (3a)</i>		<p>3a. Member States shall take the necessary measures to ensure that the operator reviews its EMS to ensure that it continues to be is suitable, adequate and effective and Member States shall take the necessary measures to ensure that the EMS is audited, at least every 3 years: a) by an audit organisation contracted by the operator, who verifies the conformity of the EMS and of its implementation with this article.</p> <p>b) t The operator reviews its EMS to ensure that it continues to be suitable, adequate and effective. [text moved]</p> <p>The first review and the first audit of the existing EMS shall take place at the latest 36 months after [OP please insert the date = the first day of the month following 18 months after the date of entry into force of this Directive].</p>
<i>Art. 15 (1)</i>	<p>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.</p> <p>With regard to indirect releases of polluting substances into water, the effect of a water treatment plant outside the installation may be taken into account when determining the emission limit values of the installation</p>	

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	<p>concerned, provided that an equivalent level of protection of the environment as a whole is guaranteed and provided this does not lead to higher levels of pollution in the environment. provided that the operator ensures that all of the following requirements are fulfilled:</p> <p>(a) the released polluting substances do not impede the operation of the waste water treatment plant;</p> <p>(b) the released polluting substances do not harm the health of the staff working in collecting systems and waste water treatment plants;</p> <p>(c) the waste water treatment plant is designed and equipped to abate the released polluting substances;</p> <p>(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.</p> <p>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.</p> <p>The operator shall provide an updated assessment in cases where the permit conditions should be changed to ensure that the requirements set out in the second subparagraph, points (a) to (d) are fulfilled.</p>	
<i>Art. 15 (2)</i>	<p>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 best available techniques, without prescribing the use of any technique or specific technology.</p>	
<i>Art. 15 (3)</i>	<p>3. The competent authority shall set emission limit values that ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques as laid down in the decisions on BAT conclusions referred to in Article 13(5) The competent</p>	<p>3. The competent authority shall set emission limit values that ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques as laid down in the decisions on BAT conclusions referred to in Article 13(5) The competent</p>

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	<p>authority shall set the strictest possible emission limit values that are consistent with the lowest emissions achievable by applying BAT in the installation, and that ensure that, under normal operating conditions, emissions do not exceed the emission levels associated with the best available techniques (BAT-AELs) as laid down in the decisions on BAT conclusions referred to in Article 13(5). The emission limit values shall be based on an assessment by the operator analysing the feasibility of meeting the strictest end of the BAT-AEL range and demonstrating the best performance the installation can achieve by applying BAT as described in BAT conclusions. The emission limit values shall be set through either of the following:</p> <p>(a) setting emission limit values that do not exceed the emission levels associated with the best available techniques. Those emission limit values shall be expressed for the same or shorter periods of time and under the same reference conditions as those emission levels associated with the best available techniques; or</p> <p>(b) setting different emission limit values than those referred to under point (a) in terms of values, periods of time and reference conditions.</p> <p>Where the emission limit values are set in accordance with point (b) is applied, 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.</p>	<p>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).</p> <p>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.</p> <p>The emission limit values shall be set through either of the following:</p> <p>(a) setting emission limit values that do not exceed the emission levels associated with the best available techniques. Those emission limit values shall be expressed for the same or shorter periods of time and under the same reference conditions as those emission levels associated with the best available techniques; or</p> <p>(b) setting different emission limit values than those referred to under point (a) in terms of values, periods of time and reference conditions.</p> <p>Where the emission limit values are set in accordance with point (b) is applied, 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.</p> <p>General binding rules referred to in Article 6 may be applied provided these rules taking into account best achievable performance while setting relevant emission limit values according to this article.</p> <p>If general binding rules are adopted, the strictest possible emission limit values achievable by applying BAT shall be set for categories of installations having similar characteristics that are relevant in determining the lowest emission levels achievable. The general binding rules shall</p>

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		be based on an assessment made by the Member State analysing the feasibility of meeting the strictest end of the BAT-AEL range and demonstrating the best performance that those categories of installations can achieve by applying BAT as described in BAT conclusions.
<i>Art. 15 (3a)</i>	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).	
<i>Art. 15 (4)</i>	<p>4. By way of derogation from paragraph 3, and without prejudice to Article 18, the competent authority may, in specific cases, set less strict emission limit values. Such a derogation may apply only where an assessment shows that the achievement of emission levels associated with the best available techniques as described in BAT conclusions would lead to disproportionately higher costs compared to the environmental benefits due to:</p> <p>(a) the geographical location or the local environmental conditions of the installation concerned; or</p> <p>(b) the technical characteristics of the installation concerned.</p> <p>The competent authority shall document in an annex to the permit conditions the reasons for the application of the first subparagraph including the result of the assessment and the justification for the conditions imposed.</p> <p>The 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.</p> <p>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</p>	

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	<p>environmental quality standards referred to in Article 18.</p> <p>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.</p> <p>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).</p> <p>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.</p> <p>On the basis of information provided by Member States in accordance with Article 72(1), in particular concerning the application of this paragraph, the Commission may, where necessary, assess and further clarify, through guidance, the criteria to be taken into account for the application of this paragraph.</p> <p>The competent authority shall re-assess the application of the first subparagraph as part of each reconsideration of the permit conditions pursuant to Article 21.</p>	
<p>Art. 15</p> <p>(3b) 4a</p>		<p>(4a) By way of derogation from paragraph 3a, the competent authority may, in specific cases, set less strict environmental performance limit values. Such a derogation may apply only where an assessment shows that that, the achievement of performance levels associated with the best available techniques as described in BAT conclusions would will lead to significant negative environmental impact, including cross media effects, or significant economical impact due to:</p>

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		<p>(a) the geographical location or the local environmental conditions of the installation concerned; or</p> <p>(b) the technical characteristics of the installation concerned,</p> <p>the achievement of performance levels associated with the best available techniques as described in BAT conclusions would lead to significantly negative environmental or economical impact- [see text above]</p> <p>The competent authority shall document in an annex to the permit conditions the reasons for the application of the first subparagraph including the result of the assessment and the justification for the conditions imposed.</p> <p>The competent authority shall in any case ensure that operating under less strict environmental performance limit values shall not cause any significant pollution environmental impact- and shall achieve a high level of protection of the environment as a whole is achieved.</p> <p>The Commission shall establish, by means of implementing acts, a standardised methodology for undertaking the assessment referred to in the first subparagraph. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 75(2).</p>
<i>Art. 15a (1)</i>	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.	
<i>Art. 15a (2)</i>	2. The Commission shall by [OP please insert date = the first day of the month following 24 months after the date of entry into force of this Directive] adopt an implementing act establishing the measuring method for assessing compliance with emission limit values set out in the permit with regard to emissions to air and water. This implementing act shall be adopted in accordance with the	

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	<p>examination procedure referred to in Article 75(2).</p> <p>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.</p>	
<i>Art. 15a (3)</i>	<p>3. Where an installation falling within the scope of this Chapter also falls within the scope of Chapter III or IV and compliance with emission limit values set in accordance with this Chapter is demonstrated pursuant to paragraph 1 of this Article, the installation shall be deemed to also comply with the emission limit values set pursuant to Chapter III or IV for the pollutants concerned.</p>	
<i>Art. 16 (3)</i>	<p>3. Where a derogation referred to in Article 15(4) has been granted, Member States shall ensure that the operator monitors the concentration of the pollutants concerned by the derogation which are present in the receiving environment. The results of the monitoring shall be transmitted to the competent authority. Where relevant, monitoring and measuring methods for each concerned pollutant set out in other relevant Union legislation shall be used for the purpose of the monitoring referred to in this paragraph.</p>	<p>3. Where When granting 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 provides an assessment of the impact of the derogation on the concentration of the pollutants concerned in the receiving environment.</p> <p>Where the derogation referred to in Article 15(4) would have a quantifiable or measurable effect on the environment, the competent authority shall ensure that an appropriate monitoring system is put in place and require the operator to monitor the concentration of the pollutants concerned in the receiving environment.</p> <p>The results of the monitoring shall be transmitted to the competent authority. Where relevant, monitoring and measuring methods for each concerned pollutant set out in other relevant Union legislation shall be used for the purpose of the monitoring referred to in this paragraph.</p>
<i>Art. 18</i>	<p>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, without prejudice to</p>	<p>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, without prejudice to</p>

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	<p>other measures which may be taken to comply with environmental quality standards with a view to reducing the specific contribution of the installation to the pollution occurring in the relevant area.</p> <p>Where stricter conditions have been included in the permit in accordance with the first paragraph, regular monitoring of the concentration of relevant pollutants in the receiving environment resulting from operations of the installations concerned shall be required from the operator, and the results of such monitoring shall be transmitted to the competent authority.</p> <p>Where monitoring and measurement methods for the concerned pollutants are set out in other relevant Union legislation, such methods shall be used for the purpose of the monitoring referred to in this paragraph.</p>	<p>other measures which may be taken to comply with environmental quality standards with a view to reducing the specific contribution of the installation to the pollution occurring in the relevant area.</p> <p>Where the stricter conditions included in the permit in accordance with the first paragraph, the competent authority shall assess the impact of the stricter conditions on the concentration of the pollutants concerned in the receiving environment.</p> <p>Where the stricter conditions included in the permit in accordance with the first paragraph have a quantifiable or measurable effect on the environment, the competent authority may require the operator to monitor the concentration of the pollutants concerned in the receiving environment.</p> <p>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</p> <p>The results of such monitoring shall be transmitted to the competent authority. Where monitoring and measurement methods for the concerned pollutants are set out in other relevant Union legislation, such methods shall be used for the purpose of the monitoring referred to in this paragraph.</p>
<i>Art. 21 (5)</i>	<p>5. The permit conditions shall be reconsidered and, where necessary, updated at least in the following cases:</p> <p>(a) the pollution caused by the installation is of such significance that the existing emission limit values of the permit need to be revised or new such values need to be included in the permit;</p> <p>(b) the operational safety requires other techniques to be used;</p> <p>(c) where it is necessary to comply with an new or revised environmental quality standard referred to in accordance with 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.</p>	

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<i>Art. 24 (1)</i>	<p>1. Member States shall ensure that the public concerned are given early and effective opportunities to participate in the following procedures:</p> <p>(a) the granting of a permit for new installations;</p> <p>(b) the granting of a permit for any substantial change;</p> <p>(c) the granting or updating of a permit for an installation where the application of Article 15(4) is proposed;</p> <p>(d) the updating of a permit or permit conditions for an installation in accordance with Article 21(5)(a) points (a), (b) and (c);</p> <p>(e) the updating of a permit in accordance with Article 21(3) or Article 21(4).</p> <p>The procedure set out in Annex IV shall apply to such participation.</p>	
<i>Art. 24 (2)</i>	<p>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:</p> <p>(a) the content of the decision, including a copy of the permit and any subsequent updates;</p> <p>(b) the reasons on which the decision is based;</p> <p>(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 they were taken into account in that decision;</p> <p>(d) the title of the BAT reference documents relevant to the installation or activity concerned;</p> <p>(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;</p> <p>(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.</p>	<p>2. When a decision on granting, reconsideration or updating of a permit has been taken after [OP please insert the date = the first day of 24 months following the date of entry into force of this Directive], 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:</p> <p>(a) systematic information:</p> <p>(i) (d) the title of the BAT reference documents relevant to the installation or activity concerned;</p> <p>(ii) the title of the BAT conclusions relevant to the installation or activity concerned;</p> <p>(iii) whether any derogation is granted in accordance with Article 15(4);</p> <p>(iv) the emission limit values and environmental performance limit values;</p> <p>(v) the provisions for the reconsideration and updating of the permit.</p> <p>(b) documents and information:</p> <p>(i) the summary of the decision with an overview of the main permit conditions</p>

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		<p>(ii) (a) the content of the decision, including a copy of the permit and any subsequent updates;</p> <p>(iii) (b) the reasons on which the decision is based;</p> <p>(iv) (e) 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 they were taken into account in that decision;</p> <p>(v) (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;</p> <p>(vi) (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.</p> <p>The Commission shall [OP please insert the date = the first day of 24 months following the date of entry into force of this Directive] adopt an implementing act to establish the format to be used for the information and documents referred to in this paragraph. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).</p> <p>The publication of the documents and information referred to in points (a)(iv) and (b)(i) shall only be required after the publication of that implementing act.</p>
<i>Art. 24 (3)</i>	<p>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, at least in relation to point (a) the following:</p> <p>(a) relevant information on the measures taken by the operator upon definitive cessation of activities in accordance with Article 22;</p> <p>(b) the results of emission monitoring as required under the permit conditions and held by the competent authority;</p>	<p>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, at least in relation to point (a) the following:</p> <p>(a) relevant information on the measures taken by the operator upon definitive cessation of activities in accordance with Article 22;</p> <p>(b) the results of emission monitoring as required under the permit conditions and held by the competent authority;</p>

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	(c) the results of the monitoring referred to in Article 16(3) and in Article 18, second subparagraph.	(c) the results of the monitoring referred to in Article 16(3) and in Article 18, second subparagraph.
<i>Art. 25 (1)</i>	<p>1. 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:</p> <p>(a) they have a sufficient interest;</p> <p>(b) they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition.</p> <p>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.</p> <p>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.</p>	<p>1. 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:</p> <p>(a) they have a sufficient interest;</p> <p>(b) they maintain the impairment of a right, where administrative procedural law of a Member State requires this as a precondition.</p> <p>Standing in the review procedure may shall not be conditional on the role that the concerned member of the public played during a participatory phase of the decision-making procedures under this Directive.</p> <p>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.</p>
<i>Art. 26 (1)</i>	<p>1. Where a Member State is aware that the operation of an installation is likely to may have significant negative effects on the environment of another Member State, or where a Member State which is likely to 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</p>	

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	<p>concerned, the competent authority shall proceed with the permitting procedure.</p> <p>Such information shall serve as a basis for any consultations necessary in the framework of the bilateral relations between the two Member States on a reciprocal and equivalent basis.</p>	
<i>Art. 26 (2)</i>	<p>2. Member States shall ensure that, in the cases referred to in paragraph 1, the application for a permit is also made available for comments to the public of the Member State which may be significantly affected and remains available for the same period of time as provided in the Member State where the application has been made.</p> <p>Within the framework of their bilateral relations, Member States shall ensure that in the cases referred to in paragraph 1, the applications are also made available for an appropriate period of time to the public of the Member State likely to be affected so that it will have the right to comment on them before the competent authority reaches its decision.</p>	
<i>Art. 27</i>	<p>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.</p>	
<i>Art. 27a (1)</i>	<p>1. The Commission shall establish and operate an innovation centre for industrial transformation and emissions (the 'centre' or 'INCITE').</p>	
<i>Art. 27a (2)</i>	<p>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).</p>	<p>2. The centre shall collect and analyse information on innovative techniques including emerging techniques contributing inter alia to minimisation of pollution, decarbonisation, resource efficiency, circular economy and techniques using less or safer chemicals, relevant to activities within the scope of this Directive, and characterise their level of development and their environmental performance. The Commission shall take into account the findings of the centre when preparing the work programme for the exchange of information referred to in Article 13(3), point</p>

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		(b), and when drawing up, reviewing and updating the BAT reference documents referred to in Article 13(1).
<i>Art. 27a (3)</i>	3. The centre shall be assisted by: (a) representatives of Member States; (b) relevant public institutions; (c) relevant research institutes; (d) research and technology organisations; (e) representatives of the industries concerned; (f) technology providers; (g) non-governmental organisations promoting environmental protection; (h) the Commission.	
<i>Art. 27a (4)</i>	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. The Commission shall adopt an implementing act setting out the detailed arrangements necessary for the establishment and functioning of the centre. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).	
<i>Art. 27b</i>	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, the competent authority may grant temporary derogations from the requirements set out in Article 15(2), (3) and (3a) and from the principles set out in Article 11, points (a) and (b), for the testing of emerging techniques for a total period of time not exceeding 24 months.
<i>Art. 27c</i>	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), the competent authority may set emission limit values and environmental performance limit values that ensure that, within 6 years of publication of a decision on BAT conclusions in accordance with Article 13(5) relating to the main activity of an installation, emissions shall not, under normal operating conditions, exceed emission levels or environmental performance levels associated with emerging techniques as laid down in the decisions on BAT conclusions

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<i>Art. 27d (1)</i>	<p>1. 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.</p> <p>Member States shall take the necessary measures to ensure that by 31 December 2031, the audit organisation organisation contracted by the operator as part of its environmental management system referred to in Article 14a(3a) assesses the conformity of the transformation plans referred to in the first subparagraph of paragraph 1 with the requirements set out in the implementing act referred to in paragraph 4.</p>	
<i>Art. 27d (2)</i>	<p>2. Member States shall require that, as part of the review of the permit conditions pursuant to Article 21(3) following the publication of decisions on BAT conclusions after 1 January 2030, the operator includes in its environmental management system referred to in Article 14a a transformation plan for each installation carrying out any activity listed in Annex I that is not referred to in paragraph 1. The transformation plan shall contain information on how the installation will transform itself during the 2030-2050 period in order to contribute to the emergence of a sustainable, clean, circular and climate-neutral economy by 2050, using the format referred to in paragraph 4.</p> <p>Member States shall take the necessary measures to ensure that the audit organisation organisation contracted by the operator as part of its environmental management system referred to in Article 14a(3a) assesses the conformity of the transformation plans referred to in the first subparagraph of paragraph 2 with the</p>	

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	requirements set out in the implementing act referred to in paragraph 4.	
<i>Art. 27d (3)</i>	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.	
<i>Art. 27d (4)</i>	4. The Commission shall by 30 June 2028, adopt an implementing act establishing the format for the transformation plans. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).	4. The Commission shall by 30 June 2028 31 December 2025 adopt an implementing act establishing the format for the transformation plans. This implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).
<i>Art. 70a</i>	This Chapter shall apply to the activities set out in Annex Ia which reach the capacity thresholds set out in that Annex.	
<i>Art. 70b</i>	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 may opt to provide that If two or more installations are located close to each other and if their operator is the same or if the installations are under the control of operators who are engaged in an economic or legal relationship, the installations concerned shall be considered as a single unit for the purpose of calculating the capacity threshold referred to in Article 70a.
<i>Art. 70c (1)</i>	1. Member States shall take the necessary measures to ensure that no installation falling within the scope of this Chapter is operated without a permit and that its operation complies with the operating rules referred to in Article 70i. Member States may include requirements for certain categories of installations falling within the scope of this Chapter in the general binding rules referred to in Article 6. Member States shall specify the procedure for granting a permit in respect of installations falling within the scope of this Chapter. Those procedures shall include at least the information listed in paragraph 2.	1. Member States shall take the necessary measures to ensure that no installation falling within the scope of this Chapter is operated without a permit or registration and that its operation complies with the operating rules referred to in Article 70i. Member States may include requirements for certain categories of installations falling within the scope of this Chapter in the general binding rules referred to in Article 6. Member States shall specify the procedure for granting a permit or for registration in respect of installations falling within the scope of this Chapter. Those procedures shall include at least the information listed in paragraph 2.
<i>Art. 70c (2)</i>	2. Applications for permits shall include at least a description of the following elements: (a) the installation and its activities (b) the animal type	2. Applications for permits or registrations shall include at least a description of the following elements: (a) the installation and its activities (b) the animal type

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	<p>(c) the capacity of the installation;</p> <p>(d) the sources of emissions from the installation;</p> <p>(e) the nature and quantities of foreseeable emissions from the installation into each medium.</p>	<p>(c) the capacity of the installation;</p> <p>(d) the sources of emissions from the installation;</p> <p>(e) the nature and quantities of foreseeable emissions from the installation into each medium.</p>
<i>Art. 70c (3)</i>	3. Applications shall also include a non-technical summary of the information referred to in paragraph 2.	
<i>Art. 70c (4)</i>	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 the registration .
<i>Art. 70d (1)</i>	<p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p> <p>The operator shall keep a record of, and process, all monitoring results, for a period of at least 65 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.</p>
<i>Art. 70d (2)</i>	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.	
<i>Art. 70d (3)</i>	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	

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	other relevant Union legislation and that it does not cause significant pollution of the environment.	
<i>Art. 70e (1)</i>	1. Member States shall ensure that suitable monitoring is carried out in accordance with the operating rules referred to in Article 70i.	
<i>Art. 70e (2)</i>	2. All monitoring results shall be recorded, processed and presented in such a way as to enable the competent authority to verify compliance with the operating conditions, emission limit values and environmental performance limit values which are included in the general binding rules referred to in Article 6 or in the permit.	
<i>Art. 70e (3)</i>	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.	
<i>Art. 70f (1)</i>	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.	
<i>Art. 70f (2)</i>	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.	
<i>Art. 70f (3)</i>	3. 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. 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,	

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	the operation of the installation shall be suspended by the competent authority until compliance is restored.	
<i>Art. 70g (1)</i>	<p>1. Member States shall ensure that the public concerned are given early and effective opportunities to participate in the following procedures:</p> <p>(a) preparation of general binding rules as referred to in Article 6 on permits for installations falling within the scope of this Chapter;</p> <p>(b) the granting of a permit for a new installation falling within the scope of this Chapter;</p> <p>(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.</p>	
<i>Art. 70g (2)</i>	<p>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:</p> <p>(a) the permit;</p> <p>(b) the results of the consultations held in accordance with paragraph 1;</p> <p>(c) the general binding rules referred to in Article 6 applicable to installations falling within the scope of this Chapter;</p> <p>(d) the reports of inspections of the installations falling within the scope of this Chapter.</p>	<p>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:</p> <p>(a) the permit or the registration;</p> <p>(b) the results of the consultations held in accordance with paragraph 1;</p> <p>(c) the general binding rules referred to in Article 6 applicable to installations falling within the scope of this Chapter;</p> <p>(d) the reports of inspections of the installations falling within the scope of this Chapter.</p>
<i>Art. 70h (1)</i>	<p>1. 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:</p> <p>(a) they have a sufficient interest;</p> <p>(b) they maintain the impairment of a right, where administrative procedural law of a</p>	

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	<p>Member State requires this as a precondition.</p> <p>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.</p> <p>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.</p>	
<i>Art. 70h (2)</i>	2. Member States shall determine at what stage the decisions, acts or omissions may be challenged.	
<i>Art. 70i (1)</i>	<p>1. 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:</p> <p>(a) emission limit values;</p> <p>(b) monitoring requirements;</p> <p>(c) land spreading practices;</p> <p>(d) pollution prevention and mitigation practices;</p> <p>(e) environmental performance limit values;</p> <p>(f) other measures consistent with Annex III.</p> <p>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.</p>	<p>1. 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:</p> <p>(a) emission limit values;</p> <p>(b) environmental performance limit values;</p> <p>(b) (c) monitoring requirements;</p> <p>(c) land spreading practices;</p> <p>(d) pollution prevention and mitigation practices;</p> <p>(e) environmental performance limit values;</p> <p>(f) (d) pollution prevention, mitigation practices and other measures consistent with Annex III such as nutritional management, feed preparation, housing, manure management (collection, storage, processing, land spreading) and storage of dead animals.</p> <p>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.</p>
<i>Art. 70i (1a)</i>		<p>1a. In order to draw up, review and, where necessary, update operating rules, the Commission shall organise an exchange of information between Member States, the sector concerned, non-governmental organisations promoting environmental protection and the Commission.</p>

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		<p>The exchange of information shall, in particular, address the following:</p> <p>(a) the performance of installations and techniques in terms of emissions, consumption and nature of raw materials, water consumption, use of energy and generation of waste;</p> <p>(b) the techniques used, associated monitoring, cross-media effects, economic and technical viability and developments therein;</p> <p>(c) best available techniques identified after considering the issues mentioned in points (a) and (b).</p>
<i>Art. 70i (2)</i>	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 adopt 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.]
<i>Art. 70i (3)</i>	3. Member States shall ensure that all the permit conditions for the installations concerned are in compliance with the operating rules referred to in paragraph 1 within 42 months of the entry into force of the delegated act establishing those rules.	3. Member States shall ensure that all the permit conditions for the installations concerned are in compliance with the operating rules referred to in paragraph 1 within 42 48 months of the entry into force of the [delegated act] establishing those rules.
<i>Art. 27</i>	<p>1. Member States shall, where appropriate, encourage the development and application of emerging techniques, in particular for those emerging techniques identified in BAT reference documents.</p> <p>2. The Commission shall establish guidance to assist Member States in encouraging the development and application of emerging techniques as referred to in paragraph 1.</p>	
<i>Art. 72.1</i>	<p>Reporting by Member States</p> <p>1. Member States shall ensure that information is made available to the Commission on the implementation of this Directive, on representative data on emissions and other forms of pollution, on emission limit values, on the application of best available techniques in accordance with Articles 14 and 15, in particular on the granting of exemptions in accordance with Article 15(4), and on progress made concerning the development and application of emerging techniques in accordance with Article</p>	<p>1. Member States shall ensure that information is made available to the Commission on the implementation of this Directive, on representative data on emissions and other forms of pollution, on emission limit values, environmental performance limit values, on the application of best available techniques in accordance with Articles 14 and 15, in particular on the granting of exemptions in accordance with Article 15(4) and 15 (4a), and on progress made concerning the development and application of emerging techniques and the transformation of industry in accordance with</p>

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	<p>27. Member States shall make the information available in an electronic format.</p> <p>2. The type, format and frequency of information to be made available pursuant to paragraph 1 shall be established in accordance with the regulatory procedure referred to in Article 75(2). This shall include the determination of the specific activities and pollutants for which data referred to in paragraph 1 shall be made available.</p> <p>3. For all combustion plants covered by Chapter III of this Directive, Member States shall, from 1 January 2016, establish an annual inventory of the sulphur dioxide, nitrogen oxides and dust emissions and energy input.</p> <p>Taking into account the aggregation rules set out in Article 29, the competent authority shall obtain the following data for each combustion plant:</p> <ol style="list-style-type: none"> the total rated thermal input (MW) of the combustion plant; the type of combustion plant: boiler, gas turbine, gas engine, diesel engine, other (specifying the type); the date of the start of operation of the combustion plant; d. the total annual emissions (tonnes per year) of sulphur dioxide, nitrogen oxides and dust (as total suspended particles); the number of operating hours of the combustion plant; f. the total annual amount of energy input, related to the net calorific value (TJ per year), broken down in terms of the following categories of fuel: coal, lignite, biomass, peat, other solid fuels (specifying the type), liquid fuels, natural gas, other gases (specifying the type). <p>The annual plant-by-plant data contained in these inventories shall be made available to the Commission upon request.</p> <p>A summary of the inventories shall be made available to the Commission every 3 years within 12 months from the end of the three-year period considered. This summary shall show separately the data for combustion plants within refineries.</p> <p>The Commission shall make available to the Member States and to the public a summary of the comparison and evaluation of those inventories in accordance with Directive</p>	<p>Articles 27, 27b-27d. Member States shall make the information available in an electronic format.</p>

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	<p>2003/4/EC within 24 months from the end of the three-year period considered.</p> <p>4. Member States shall, from 1 January 2016, report the following data annually to the Commission:</p> <p>a) for combustion plants to which Article 31 applies, the sulphur content of the indigenous solid fuel used and the rate of desulphurisation achieved, averaged over each month. For the first year where Article 31 is applied, the technical justification of the non-feasibility of complying with the emission limit values referred to in Article 30(2) and (3) shall also be reported; and</p> <p>(b) for combustion plants which do not operate more than 1 500 operating hours per year as a rolling average over a period of 5 years, the number of operating hours per year.</p>	
<i>Art. 73 (1)</i>	<p>1. 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. By 7 January 2016, and every 3 years thereafter, the Commission shall submit to the European Parliament and to the Council a report reviewing the implementation of this Directive on the basis of the information referred to in Article 72.</p> <p>That report shall include an assessment of the need for Union action through the establishment or updating of Union-wide minimum requirements for emission limit values and for rules on monitoring and compliance for activities within the scope of the BAT conclusions adopted during the previous five three-year period, on the basis of the following criteria:</p> <p>(a) the impact of the activities concerned on the environment as a whole and on human health; and</p> <p>(b) the state of implementation of best available techniques for the activities concerned.</p> <p>That assessment shall consider the opinion of the forum referred to in Article 13(4).</p> <p>Chapter III and Annex V of this Directive shall be considered to represent the Union-wide</p>	

	COM proposal	PRES proposal
	<p>minimum requirements in the case of large combustion plants.</p> <p>The report shall be accompanied by a legislative proposal where appropriate. Where the assessment referred to in the second subparagraph identifies such a need, the legislative proposal shall include provisions establishing or updating Union-wide minimum requirements for emission limit values and for rules on monitoring and compliance assessment for the activities concerned.</p>	
<i>Art. 74 (1)</i>	<p>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 and subject to the conditions laid down in Articles 77 and 78 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.</p>	
<i>Art. 74 (2)</i>	<p>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:</p> <p>(a) it has or is expected to have an impact on human health or the environment, in particular as a consequence of pollutant emissions and use of resources;</p> <p>(b) its environmental performance diverges within the Union;</p> <p>(c) it presents potential for improvement in terms of its environmental impact through the application of best available techniques or innovative techniques;</p> <p>(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.</p>	<p>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:</p> <p>(a) it has or is expected to have an impact on human health or the environment, in particular as a consequence of pollutant emissions and use of resources;</p> <p>(b) its environmental performance diverges within the Union;</p> <p>(c) it presents potential for improvement in terms of its environmental impact through the application of best available techniques or innovative techniques;</p> <p>(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.</p>
<i>Art. 74 (3)</i>	<p>3. The Commission shall carry out appropriate consultation with stakeholders</p>	

	COM proposal	PRES proposal
	<p>before adopting a delegated act in accordance with this Article.</p> <p>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.</p>	
<i>Art. 75 (1)</i>	1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	
<i>Art. 75 (2)</i>	<p>2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.</p> <p>The period laid down in Article 5(6) of Decision 1999/468/EC shall be set at 3 months.</p>	
<i>Art. 76 (1)</i>	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	
<i>Art. 76 (2)</i>	<p>2. The power to adopt delegated acts referred to in Articles 48(5), Article 70i and Article 74 shall be conferred on the Commission for a period of 5 years from ... [OP please insert the date = the first day of the month following the date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</p>	<p>2. The power to adopt delegated acts referred to in Article 48(5), [Article 70i] and Article 74 shall be conferred on the Commission for a period of 5 years from ... [OP please insert the date = the first day of the month following the date of entry into force of this Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.</p>
<i>Art. 76 (3)</i>	3. The delegation of power referred to in Articles 48(5), Article 70i and Article 74 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Articles 48(5) [Article 70i] and Article 74 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall

	COM proposal	PRES proposal
		not affect the validity of any delegated acts already in force.
<i>Art. 76 (4)</i>	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	
<i>Art. 76 (5)</i>	5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
<i>Art. 76 (6)</i>	6. A delegated act adopted pursuant to Articles 15(4) or 48(5) or Article 74 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.	6. A delegated act adopted pursuant to Articles 15(4) or 48(5) or Article 74 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.
<i>Art. 76 (1)</i>	1. The power to adopt the delegated acts referred to in Article 48(5) and Article 74 shall be conferred on the Commission for a period of 5 years from 6 January 2011. The Commission shall draw up a report in respect of the delegated power at the latest 6 months before the end of the five-year period. The delegation of power shall be automatically extended for periods of an identical duration, unless the European Parliament or the Council revokes it in accordance with Article 77.	
<i>Art. 76 (2)</i>	2. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	
<i>Art. 76 (3)</i>	3. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in Articles 77 and 78.	
<i>Art. 77</i>	1. The delegation of power referred to in Article 48(5) and Article 74 may be revoked	

	COM proposal	PRES proposal
	<p>at any time by the European Parliament or by the Council.</p> <p>2. The institution which has commenced an internal procedure for deciding whether to revoke a delegation of power shall endeavour to inform the other institution and the Commission within a reasonable time before the final decision is taken, indicating the delegated power which could be subject to revocation and possible reasons for a revocation.</p> <p>3. The decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect immediately or on a later date specified therein. It shall not affect the validity of the delegated acts already in force. It shall be published in the <i>Official Journal of the European Union</i>.</p>	
Art. 78	<p>1. The European Parliament or the Council may object to a delegated act within a period of 2 months from the date of notification.</p> <p>At the initiative of the European Parliament or the Council that period shall be extended by 2 months.</p> <p>2. If, on expiry of the period referred to in paragraph 1, neither the European Parliament nor the Council has objected to the delegated act, it shall be published in the <i>Official Journal of the European Union</i> and shall enter into force on the date stated therein.</p> <p>The delegated act may be published in the <i>Official Journal of the European Union</i> and enter into force before the expiry of that period if the European Parliament and the Council have both informed the Commission of their intention not to raise objections.</p> <p>3. If either the European Parliament or the Council objects to the delegated act within the period referred to in paragraph 1, it shall not enter into force. The institution which objects shall state the reasons for objecting to the delegated act.</p>	
Art. 79 (1)	<p>1. Without prejudice to the obligations of Member States under Directive 2008/99/EC of the European Parliament and of the Council of 19 November 2008 on the</p>	

	COM proposal	PRES proposal
	<p>protection of the environment through criminal law, Member States shall lay down rules on penalties applicable to violations of national provisions adopted pursuant to this Directive and shall take all measures necessary to ensure that they are applied. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall without delay notify the Commission of those rules and of those provisions, and shall notify without delay any subsequent amendment affecting them.</p>	
<i>Art. 79 (2)</i>	<p>2. The penalties referred to in paragraph 1 shall include fines proportionate to the turnover of the legal person or to the income of the natural person having committed the infringement. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for the violation of the economic benefits derived from that violation. The level of the fines shall be gradually increased for repeated infringements. In the case of a violation committed by a legal person, the maximum amount of such fines shall be at least 8 % of the operator's annual turnover in the Member State concerned.</p>	<p>2. The penalties referred to in paragraph 1 shall include fines proportionate to the turnover of the legal person or to the income of the natural person having committed the infringement. The level of the fines shall be calculated in such a way as to make sure that they effectively deprive the person responsible for the violation of the economic benefits derived from that violation. The level of the fines shall be gradually increased for repeated infringements. In the case of a violation committed by a legal person, the maximum amount of such fines shall be proportionate to at least 8 % of the operator's annual turnover in the Member State concerned., taking into account, inter alia, the specificities of small and medium-sized enterprises (SMEs).</p>
<i>Art. 79 (3)</i>	<p>3. Member States shall ensure that the penalties referred to in paragraph 1 give due regard to the following, as applicable:</p> <ul style="list-style-type: none"> (a) the nature, gravity, and extent of the violation; (b) the intentional or negligent character of the violation; (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. <p>Member States shall determine penalties applicable to infringements of the national provisions adopted pursuant to this Directive. The penalties thus provided for shall be effective, proportionate and dissuasive. Member States shall notify those</p>	

	COM proposal	PRES proposal
	provisions to the Commission by 7 January 2013 and shall notify it without delay of any subsequent amendment affecting them.	
<i>Art. 79a (1)</i>	1. Member States shall ensure that, where damage to human health has occurred as a result of a violation of national measures that were adopted pursuant to this Directive, the individuals affected have the right to claim and obtain compensation for that damage from the relevant natural or legal persons and, where appropriate, from the relevant competent authorities responsible for the violation.	
<i>Art. 79a (2)</i>	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.	
<i>Art. 79a (3)</i>	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.	
<i>Art. 79a (4)</i>	4. Where there is a claim for compensation in accordance with paragraph 1, supported by evidence from which a causality link may be presumed between the damage and the violation, Member States shall ensure that the onus is on the person responsible for the violation to prove that the violation did not cause or contribute to the damage.	4. Where there is a claim for compensation in accordance with paragraph 1, supported by evidence from which a causality link may be presumed between the damage and the violation, Member States shall ensure that the onus is on the person responsible for the violation to prove that the violation did not cause or contribute to the damage.
<i>Art. 79a (5)</i>	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	

	COM proposal	PRES proposal
	damage from a violation pursuant to paragraph 1.	

Transitional provisions

	COM proposal	PRES proposal
<i>Article 3</i>	<p>Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [OP please insert the date = the first day of the month following 18 months after the date of entry into force of this Directive]</p> <p>They shall forthwith communicate to the Commission the text of those provisions. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.</p>	<p>Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive]</p> <p>They shall forthwith communicate to the Commission the text of those provisions. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.</p>
<i>A</i>		<p>In relation to installations regulated by Chapter IV Article 42 shall apply from [OP please insert the date = the first day of the month following 24 + 18 months after the date of entry into force of this Directive]</p>
<i>B</i>		<p>In relation to installations carrying out activities referred to in Annex I Member States shall apply Article 14 (1 aa), Article 15(3a) and Article 15(4a) within 4 years of publication of decisions on BAT conclusion that have been published after [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive] relating to the main activity of an installation in accordance with Article 13(5).</p>
<i>C</i>		<p>In relation to installations carrying out activities referred to in Annex I (list of existing activities) which are covered by the directive before [OP please insert the date = the date of entry into force of this Directive] which and (i) are in operation and hold a permit before [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive], or (ii) of which the operators of which have submitted a complete application for a permit before that date, provided that those installations are put into operation no later than [OP please insert the date = the first day of the month following 12+24 months after the date of entry into force of this Directive]:</p>

	COM proposal	PRES proposal
		<p>- Article 9(2), 14 (1 a), 14 (1 b)–14 (1 h), 14 (2)–14 (7), Article 15(1), Article 15(3), Article 15(3a), Article 15(3b) Article 15(4), Article 15a and Article 16(3) shall apply within 4 years of publication of decisions on BAT conclusions in accordance with Article 13(5) relating to the main activity of an installation, shall apply when the permit is revised pursuant to Article 20 or Article 21(5), or from within 4 years of publication of decisions on BAT conclusions that have been published after [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive] in accordance with Article 13(5) relating to the main activity of an installation, whichever the sooner.</p>
<i>D</i>		<p>In relation to installations carrying out activities referred to in Annex I, point 2.3 aa, point 2.3 ab and 6.2 (only regarding finishing of textile fibres or textiles) which are in operation before [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive] Member States shall , with the exemption of Article 14 (1aa), Article 15(3a) and Article 15(4 a), apply the laws, regulations and administrative provisions adopted in accordance with this Directive within 4 years after [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive].</p>
<i>E</i>		<p>In relation to installations carrying out activities referred to in Annex I, point 1.4, 2.3 b, 2.3 ba, 2.7 and 3.6, (list of new activities which are not covered by the directive before [OP please insert the date = the date of entry into force of this Directive]) and which are operated before [OP please insert the date = the date of entry into force of this Directive] Member States shall apply the laws, regulations and administrative provisions adopted in accordance with this Directive within 4 years onwards after publication of decisions on BAT conclusions in accordance with Article 13(5) relating to the main activity of an installation.</p>
<i>F</i>		<p>Derogations granted by the competent authority in accordance with Article 15.4 before [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive]</p>

	COM proposal	PRES proposal
		shall remain valid until the competent authority re-assess whether the derogation is justified according to Article 15.4. The re-assessment shall be made 4 years from [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive] or as part of reconsideration of the permit conditions pursuant to Article 21, whichever the sooner.
G		Derogations for the testing and use of emerging techniques granted by the competent authority in accordance with Article 15.5 before [OP please insert the date = the first day of the month following 24 months after the date of entry into force of this Directive] shall remain valid until the end of the period specified in the decision. After the period specified, the technique shall be stopped or the activity shall achieve at least the emission levels associated with the best available techniques.

ANNEX I Categories of activities referred to in Article 10

	COM proposal	PRES proposal
1. <i>Energy industries</i>	1.4. Gasification, or liquefaction or pyrolysis of: (a) coal; (b) other fuels in installations with a total rated thermal input of 20 MW or more.	
		1.5 Electrolysis of water for production of hydrogen with electrical input of 20 MW or more with the electricity [stemming from renewable sources] [where the production capacity exceeds 5 tonnes per day]
2. <i>Production and processing of metals</i>	2.3. Processing of ferrous metals: (a) operation of hot-rolling mills with a capacity exceeding 20 tonnes of crude steel per hour; (aa) operation of cold-rolling mills with a capacity exceeding 10 tonnes of crude steel per hour; (ab) operation of wire drawing machines with a capacity exceeding 2 tonnes of crude steel per hour; (b) operation of smitheries with hammers the energy of which exceeds 20 50 kilojoule per hammer, where the calorific power used exceeds 20 MW; (ba) operation of smitheries with forging presses the force of which exceeds 10 mega-newton (MN) per press; (c) application of protective fused metal coats with an input exceeding 2 tonnes of crude steel per hour.	
	2.7. Manufacture of lithium-ion batteries (including assembling battery cells and battery packs), with a production capacity of 3,5 GWh or more per year.	2.7. Manufacture of [lithium-ion] batteries, other than exclusively assembling, (including assembling battery cells and battery packs), with a production capacity of [3,5 GWh/12 000 tons] or more per year.
3. <i>Mineral industry</i>	3.5. Manufacture of ceramic products by firing, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain with (a) a production capacity exceeding 75 tonnes per day; and/ or with (b) a kiln capacity exceeding 4 m3 and with a setting density per kiln exceeding 300 kg/m3.	
	3.6. Extraction and treatment (operations such as comminution, size control,	3.6. Extraction and treatment (operations such as comminution, size control,

	COM proposal	PRES proposal
	<p>beneficiation and upgrading) of the following non-energy minerals:</p> <p>(a) industrial minerals, including barite, bentonite, diatomite, feldspar, fluorspar, graphite, gypsum, kaolin, magnesite, perlite, potash, salt, sulphur and talc;</p> <p>(b) metalliferous ores, including bauxite, chromium, cobalt, copper, gold, iron, lead, lithium, manganese, nickel, palladium, platinum, tin, tungsten and zinc.</p>	<p>beneficiation and upgrading) of the following non-energy minerals and ores:</p> <p>(a) industrial minerals, including barite, bentonite, diatomite, feldspar, fluorspar, graphite, gypsum, kaolin, magnesite, perlite, potash, salt, sulphur and talc with a capacity exceeding [50] tonnes per day;</p> <p>(b) metalliferous ores, including bauxite, chromium, cobalt, copper, gold, iron, lead, lithium, manganese, nickel, palladium, platinum, tin, tungsten and zinc.</p>
4. Chemical industry		<p>4.2 Production of inorganic chemicals, such as:</p> <p>(a) gases, such as ammonia, chlorine or hydrogen chloride, fluorine or hydrogen fluoride, carbon oxides, sulphur compounds, nitrogen oxides, hydrogen except when produced by electrolysis of water, sulphur dioxide, carbonyl chloride;</p> <p>(b) acids, such as chromic acid, hydrofluoric acid, phosphoric acid, nitric acid, hydrochloric acid, sulphuric acid, oleum, sulphurous acids;</p> <p>(c) bases, such as ammonium hydroxide, potassium hydroxide, sodium hydroxide;</p> <p>(d) salts, such as ammonium chloride, potassium chlorate, potassium carbonate, sodium carbonate, perborate, silver nitrate;</p> <p>(e) non-metals, metal oxides or other inorganic compounds such as calcium carbide, silicon, silicon carbide.</p>
5. Waste management	<p>5.3. (a) Disposal of non-hazardous waste with a capacity exceeding 50 tonnes per day involving one or more of the following activities, and excluding activities covered by Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (39):</p> <p>(i) biological treatment (such as anaerobic digestion);</p> <p>(ii) physico-chemical treatment;</p> <p>(iii) pre-treatment of waste for incineration or co-incineration;</p> <p>(iv) treatment of slags and ashes;</p> <p>(v) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.</p> <p>(b) Recovery, or a mix of recovery and disposal, of non-hazardous waste with a</p>	

	COM proposal	PRES proposal
	<p>capacity exceeding 75 tonnes per day involving one or more of the following activities, and excluding activities covered by Directive 91/271/EEC:</p> <p>(i) biological treatment (such as anaerobic digestion);</p> <p>(ii) pre-treatment of waste for incineration or co-incineration;</p> <p>(iii) treatment of slags and ashes;</p> <p>(iv) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.</p> <p>When the only waste treatment activity carried out is anaerobic digestion, the capacity threshold for this activity shall be 100 tonnes per day.</p>	
6. Other activities	6.2. Pre-treatment (operations such as washing, bleaching, mercerisation), or dyeing or finishing of textile fibres or textiles where the treatment capacity exceeds 10 tonnes per day	
	6.5. Disposal or recycling of animal carcasses or animal by-products waste with a treatment capacity exceeding 10 tonnes per day	
	6.6. Intensive rearing of poultry or 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.	

ANNEX Ia Activities referred to in Article 70a

	COM proposal	PRES proposal
1.	Rearing of cattle, pigs or poultry in installations of 150 livestock units (LSU) or more.	Rearing of cattle, pigs or poultry in installations of [150] livestock units (LSU) or more.
2.	<p>Rearing of any mix of the following animals: cattle, pigs, poultry, in installations of 150 LSU or more.</p> <p>The approximate equivalent in LSU is based on the conversion rates established in Annex II to Commission Implementing Regulation (EU) No 808/2014*.</p>	<p>Rearing of any mix of the following animals: cattle, pigs, poultry, in installations of -[150] LSU or more.</p> <p>The approximate equivalent in LSU is based on the conversion rates established in Annex II to Commission Implementing Regulation (EU) No 2018/1091 808/2014*.</p>

ANNEX II Principles to be complied with when granting a derogation referred to in Article 15(4)

	COM proposal	PRES proposal
	Derogations provided in accordance with Article 15(4) shall respect the following principles:	
<i>1. Costs</i>	1.1. Costs referred to in Article 15(4) shall be the costs of complying with the emission levels or environmental performance levels associated with best available techniques and include both capital costs and operating costs. Wider social or economic costs shall not be included.	1.1. Costs referred to in Article 15(4) shall be the costs of complying with the emission levels or environmental performance levels associated with best available techniques and include both capital costs and operating costs. Wider social or economic costs shall not be included.
	1.2. 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 5(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.	
<i>2. Environmental benefits</i>	2.1. Environmental benefits referred to in Article 15(4) shall be environmental benefits of complying with the emission levels or environmental performance	2.1. Environmental benefits referred to in Article 15(4) shall be environmental benefits of complying with the emission levels or environmental performance

	COM proposal	PRES proposal
	levels associated with best available techniques.	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 10 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.	
<i>3. Disproportionality of costs compared to environmental benefits</i>	3.1. For the purpose of determining if there is a disproportionality, the costs of complying with the emission levels or environmental performance levels associated with best available techniques, and the benefits of such compliance, shall be compared.	3.1. For the purpose of determining if there is a disproportionality, the costs of complying with the emission levels or environmental performance levels associated with best available techniques, and the benefits of such compliance, shall be compared.
	3.2. The comparison mechanism shall include the following elements: (a) a method to address uncertainties in evaluating costs and environmental benefits; (b) a specification of the margin by which the costs should exceed the environmental benefits?.	