EUROPEAN
COMMISSION

Strasbourg, 5.4.2022
COM(2022) 156 final

ANNEXES 1 to 3

ANNEXES

to the

Proposal for a
DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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

{SEC(2022) 169 final} - {SWD(2022) 110 final} - {SWD(2022) 111 final} -
{SWD(2022) 112 final}

ANNEX I

Annex I to Directive 2010/75/EU is amended as follows:

(a) point 1.4 is replaced by the following:

'Gasification, liquefaction or pyrolysis of:

(a) coal;

(b) other fuels in installations with a total rated thermal input of 20 MW or more.';

(b) point 2.3 is replaced by the following:

'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 with a capacity exceeding 2 tonnes of crude steel per hour;

b) operation of smitheries with hammers the energy of which exceeds 20 kilojoule per hammer;

(bb) 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.';

(c) the following point 2.7 is inserted:

'2.7. Manufacture of lithium-ion batteries (including assembling battery cells and battery packs), with a production capacity of 3,5 GWh of more per year.';

(d) point 3.5 is replaced by the following:

'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; or

(b) a kiln capacity exceeding 4 m^3 and a setting density per kiln exceeding 300 kg/m^3.';

(e) the following point 3.6. is inserted:

‘3.6. Extraction and treatment (operations such as comminution, size control, beneficiation and upgrading) of the following non-energy minerals:

(a) industrial minerals, including barite, bentonite, diatomite, feldspar, fluorspar, graphite, gypsum, kaolin, magnesite, perlite, potash, salt, sulphur and talc;

(b) metalliferous ores, including bauxite, chromium, cobalt, copper, gold, iron, lead, lithium, manganese, nickel, palladium, platinum, tin, tungsten and zinc.’;

(g) point 5.3 is replaced by the following:

‘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 *:

(i) biological treatment (such as anaerobic digestion);

(ii) physico-chemical treatment;

(iii) pre-treatment of waste for incineration or co-incineration;

(iv) treatment of slags and ashes;

(v) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.

(b) Recovery, or a mix of recovery and disposal, of non-hazardous waste with a capacity exceeding 75 tonnes per day involving one or more of the following activities, and excluding activities covered by Directive 91/271/EEC:

(i) biological treatment (such as anaerobic digestion);

(ii) pre-treatment of waste for incineration or co-incineration;

(iii) treatment of slags and ashes;

(iv) treatment in shredders of metal waste, including waste electrical and electronic equipment and end-of-life vehicles and their components.

When the only waste treatment activity carried out is anaerobic digestion, the capacity threshold for this activity shall be 100 tonnes per day.

---

* Council Directive 91/271/EEC of 21 May 1991 concerning urban waste-water treatment (OJ L 135, 30.5.1991, p. 40).’;

(h) point 6.2 is replaced by the following:

‘6.2. Pre-treatment (operations such as washing, bleaching, mercerisation), dyeing or finishing of textile fibres or textiles where the treatment capacity exceeds 10 tonnes per day.’;

(i) point 6.5 is replaced by the following:

‘6.5. Disposal or recycling of animal carcases or animal by-products with a treatment capacity exceeding 10 tonnes per day.’.

(j) point 6.6 is deleted.

ANNEX II

‘ANNEX Ia

Activities referred to in Article 70a

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

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

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

---

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

ANNEX III

‘ANNEX II

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

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

1. Costs

1.1. Costs referred to in Article 15(4) shall be the costs of complying with the emission levels or environmental performance levels associated with best available techniques and include both capital costs and operating costs. Wider social or economic costs shall not be included.

1.2. The evaluation of the costs shall be quantitative, and supported by a qualitative assessment.

1.3. Costs taken into account in the evaluation shall:

(a) represent net value costs, after deduction of any financial benefits from applying best available techniques;

(b) include the cost of accessing financial capital required to finance the best available techniques;

(c) be calculated using a discount rate to take account of differences in monetary value over time.

1.4. The application for a derogation shall clearly identify the source of the costs and the methods used to calculate them, including the discount rate mentioned in point 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.

2. Environmental benefits

2.1. Environmental benefits referred to in Article 15(4) shall be environmental benefits of complying with the emission levels or environmental performance levels associated with best available techniques.

2.2. The evaluation of environmental benefits shall be quantitative (in monetary terms) and supported by a qualitative assessment. Established pollutant damage costs shall be used where available.

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

2.4. The application for a derogation shall clearly identify the source of the environmental benefits information and the methods used to calculate the environmental benefits, including the discount rate mentioned in point 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.

3. Disproportionality of costs compared to environmental benefits

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.'.