

PARLIAMENT OF THE CZECH REPUBLIC
Chamber of Deputies
Committee on Environment

Resolution No. 53

10th session on 23th June 2022

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, COM(2022) 156 final, 8064/22

Proposal for a Regulation of the European Parliament and of the Council on reporting of environmental data from industrial installations and establishing an Industrial Emissions Portal Proposal for a Regulation on the internal markets for renewable and natural gases and for hydrogen (recast), COM(2022) 157 final, 8121/22

Conclusions of the Resolution:

Committee on Environment

1. **takes note of** 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, COM(2022) 156 final, 8064/22 and the Proposal for a Regulation of the European Parliament and of the Council on reporting of environmental data from industrial installations and establishing an Industrial Emissions Portal Proposal for a Regulation on the internal markets for renewable and natural gases and for hydrogen (recast), COM(2022) 157 final, 8121/22;
2. **supports** the position of the Government of the Czech Republic, which generally accepts the draft of the Directive, but has fundamental reservations to certain provisions;
3. **recognises** that energy and industry in the Czech Republic will have to invest in reducing the environmental impacts of the facility operations;
4. **states** that the draft directive extends disproportionately beyond the initial intention to regulate large industrial resources;
5. **came to the conclusion** that the proposal for a Directive of the European Parliament and of the Council on industrial emissions does not comply with the principles of subsidiarity and proportionality, pursuant Art. 5 Par. 3 of the Treaty on European Union, and therefore **adopts a reasoned opinion** pursuant Article 6 of Protocol No 2 on the application of the principles of subsidiarity and proportionality annexed to the Treaties, for the following reasons:

- European Commission did not present an impact assessment on individual Member States, thus failed to allow national parliaments to fully assess all the implications of the proposal, as well as in terms of compliance with the principle of subsidiarity;
 - the Directive proposes to unify at EU level the process for evaluating measured continuous emissions measurements, but has not demonstrated the true added value of the chosen way of acting at EU level;
 - the Directive requires the use of the strictest values within the emission levels interval associated with the best available techniques (BAT-AEL) defined in the BAT Conclusions when setting the emission limits of individual installations. This does not allow the situation of a particular establishment to be assessed by a responsible authority, which contravenes the principles of proportionality and subsidiarity;
 - the Directive calls for the assessment of material efficiency and overall environmental performance of the supply chain over the life cycle to be added to the general operator requirements. This requirement does not comply with the principle of proportionality because its benefits are not properly justified or explained and this is a major administrative increase linked to the operation of the facility with marginal theoretical environmental benefits;
 - the Directive, which does not comply with the principle of proportionality, calls for other environmental parameters (so-called "environmental parameters") to be enforced (BAT-AEPLs) referred to in the BAT Conclusions (outside emission limits for BAT-AELs) without the possibility of derogation. Because the requirements are often contradictory in their consequences and the strictest values are always required, it will no longer be possible to design a device that complies with all requirements;
6. **nominates** the Chairperson of the Committee on Environment to submit this resolution via the Speaker of the Chamber of Deputies to the Government, to the Speaker of the Senate, to the President of the European Parliament, to the Chairman of the Council of the EU and to the Chairperson of the European Commission pursuant to the Rules of Procedure of the Chamber of Deputies of the Parliament of the Czech Republic.