

## Stellungnahme



### Umweltomnibus der EU-Kommission

Im Dezember 2025 hat die EU-Kommission im Rahmen eines Umweltomnibus Vorschläge präsentiert, wie das bestehende Umweltrecht in der EU vereinfacht werden kann. Im Folgenden nimmt der VDZ Stellung zu den vorgelegten Entwürfen – im Fokus stehen dabei die Richtlinie über Industrieemissionen (IED), die neue Verordnung zur Beschleunigung von Umweltprüfungen sowie die Verpackungsverordnung (PPWR).

### Grundsätzliches

Mit dem Clean Industrial Deal hat sich die EU-Kommission u.a. zum Ziel gesetzt Bürokratie abzubauen, nicht zuletzt um die Wettbewerbsfähigkeit europäischer Unternehmen zu stärken. Aus Sicht des VDZ würde dies voraussetzen, dass Richtlinien, Verordnungen oder delegierte Rechtsakte der letzten Jahre reduziert werden. Mit den verschiedenen Omnibuspaketen kam es bisher jedoch weitestgehend nur zu sehr vereinzelt Anpassungen bestehenden Rechts – vielfach wurden lediglich Fristen verschoben. Ein echter Bürokratieabbau sieht anders aus und muss deutlich beherzter bestehende Regelungen in Frage stellen.

Mit Blick auf die Zementindustrie muss es in den nächsten Jahren gelingen, die Dekarbonisierung der Industrie voranzubringen. Hierzu braucht es insbesondere ein schlankeres und pragmatischeres Genehmigungsrecht. Dabei geht es keinesfalls darum, Umweltstandards abzusenken, sondern ganz allgemein wieder einen pragmatischen Weg zur Anlagengenehmigung einzuschlagen und so industriellen Umwelt- und Klimaschutz zu ermöglichen. Das gegenwärtige Umweltrecht enthält eine Vielzahl von Vorgaben, die häufig zu doppelten Berichtspflichten und Prüfschritten ohne erkennbaren Mehrwert für die Umwelt führen. Der Umwelt-Omnibus sollte hier als echte Chance für einen dringend notwendigen Bürokratieabbau genutzt werden. Der Kommissionsentwurf vom vergangenen Dezember ist hierbei ein erster guter Ansatz, bleibt aber hinter den Möglichkeiten zurück.

### Richtlinie über Industrieemissionen (IED)

- **Gesamte BAT-Bandbreite für die Festlegung von Grenzwerten nutzen**  
Die IED sieht vor, dass Genehmigungsbehörden Emissionsgrenzwerte so streng wie möglich (ausgehend vom jeweils geltenden BVT-Merkblatt) festlegen. Dies ist eine Abkehr vom lang bewährten Prinzip, gemäß dem Stand der Technik den Einsatz verschiedener Technologien zu ermöglichen. Nicht umsonst gibt es die Bandbreite aus den BAT-Dokumenten – sie sollte auch künftig maßgeblich für die Festsetzung von

Grenzwerten sein; auch ohne aufwändige Ausnahmeregelungen.

Zudem führt die Festlegung strengstmöglicher Grenzwerte unter Berücksichtigung „medienübergreifender Auswirkungen“ sowie der „bestmöglichen Gesamtleistung der Anlage“ dazu, dass Emissionsgrenzwerte künftig für jede Anlage und in jedem Einzelfall im Genehmigungsverfahren individuell bestimmt werden müssen. Dadurch wird eine Vielzahl zusätzlicher Gutachten erforderlich, die die Verfahren verkomplizieren und in die Länge ziehen. Zudem ist völlig unklar, wie die „bestmögliche Gesamtleistung der Anlage“ bestimmt werden soll. Da die finale Entscheidung über jeden einzelnen Emissionsgrenzwert letztlich bei der zuständigen Genehmigungsbehörde oder dem jeweiligen EU-Mitgliedstaat liegen wird, steht zu befürchten, dass deutschland- und europaweit unterschiedliche Einschätzungen der komplexen Sachverhalte zu einer Wettbewerbsverzerrung und Standortnachteilen für einzelne Anlagen führen.

Current IED	Proposed amendment
<b>Art. 15 (3)</b>	<b>Art. 15 (3)</b>
<p>The competent authority shall set the strictest achievable emission limit values by applying BAT in the installation, considering the entire range of the emission levels associated with the best available techniques (“BAT-AELs”) to ensure that, under normal operating conditions, emissions do not exceed the BAT-AELs as laid down in the decisions on BAT conclusions referred to in Article 13(5). The emission limit values shall be based on an assessment by the operator of the entire BAT-AEL range, analysing the feasibility of meeting the strictest end of the BAT-AEL range and demonstrating the best overall performance that the installation can achieve by applying BAT as described in BAT conclusions, having regard to possible cross-media effects. The emission limit values shall be set through either of the following:</p> <p>(a) setting emission limit values expressed for the same or shorter periods of time and under the same reference conditions as the BAT-AELs; or</p> <p>(b) setting emission limit values different from those referred to in 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), the competent authority shall, at least annually, assess the results of emission monitoring in order to ensure that emissions under normal operating</p>	<p>The competent authority shall set <del>the strictest achievable</del> emission limit values by applying BAT in the installation, considering the entire range of the emission levels associated with the best available techniques (“BAT-AELs”) to ensure that, under normal operating conditions, emissions do not exceed the BAT-AELs as laid down in the decisions on BAT conclusions referred to in Article 13(5). <del>The emission limit values shall be based on an assessment by the operator of the entire BAT-AEL range, analysing the feasibility of meeting the strictest end of the BAT-AEL range and demonstrating the best overall performance that the installation can achieve by applying BAT as described in BAT conclusions, having regard to possible cross-media effects.</del> The emission limit values shall be set through either of the following:</p> <p>(a) setting emission limit values expressed for the same or shorter periods of time and under the same reference conditions as the BAT-AELs; or</p> <p>(b) setting emission limit values different from those referred to in point (a) in terms of values, periods of time and reference conditions - e.g. in freight-related terms.</p> <p>Where the emission limit values are set in accordance with point (b), the competent authority shall, at least annually, assess the results of emission monitoring in order to ensure that emissions under normal operating</p>

<p>conditions have not exceeded the BAT-AELs.</p> <p>General binding rules referred to in Article 6 may be applied while setting relevant emission limit values in accordance with this Article.</p> <p>If general binding rules are adopted, the strictest achievable emission limit values by applying BAT shall be set for categories of installations having similar characteristics that are relevant in determining the lowest emission levels achievable, considering the entire range of the BAT-AELs. The general binding rules shall be established by the Member State, based on the information in the BAT conclusions, analysing the feasibility of meeting the strictest end of the BAT-AEL range and demonstrating the best performance that those categories of installations can achieve by applying BAT as described in BAT conclusions.</p> <p>...</p>	<p>conditions have not exceeded the BAT-AELs.</p> <p>General binding rules referred to in Article 6 may be applied while setting relevant emission limit values in accordance with this Article.</p> <p><del>If general binding rules are adopted, the strictest achievable emission limit values by applying BAT shall be set for categories of installations having similar characteristics that are relevant in determining the lowest emission levels achievable, considering the entire range of the BAT-AELs. The general binding rules shall be established by the Member State, based on the information in the BAT conclusions, analysing the feasibility of meeting the strictest end of the BAT-AEL range and demonstrating the best performance that those categories of installations can achieve by applying BAT as described in BAT conclusions.</del></p>
<p><b>Art. 15 (5)</b></p>	<p><b>Art. 15 (5)</b></p>
<p>By way of derogation from paragraph 3, and without prejudice to Article 18, the competent authority may, in specific cases, set emission limit values higher than the BAT-AELs. Such a derogation may apply only where an assessment shows that the achievement of BAT-AELs 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 derogating from paragraph 3, and the result of the assessment referred to in the first subparagraph of this paragraph and the justification for the conditions imposed.</p>	<p>By way of derogation from paragraph 3, and without prejudice to Article 18, the competent authority may, in specific cases, set emission limit values higher than the BAT-AELs. Such a derogation may apply only where an assessment shows that the achievement of BAT-AELs 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 derogating from paragraph 3, and the result of the assessment referred to in the first subparagraph of this paragraph 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 granted in accordance with this paragraph shall respect the principles set out in Annex II. The competent authority shall ensure that the operator provides an assessment of the impact of the derogation on the concentration of the pollutants concerned in the receiving environment and in any case ensure that no significant pollution is caused and that a high level of protection of the environment as a whole is achieved. Derogations shall not be granted where they could put at risk compliance with environmental quality standards referred to in Article 18.</p> <p>The competent authority shall re-assess whether derogations granted in accordance with this paragraph are justified, every four years or as part of each reconsideration of the permit conditions pursuant to Article 21, where such reconsideration occurs earlier than four 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 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><del>Derogations granted in accordance with this paragraph shall respect the principles set out in Annex II.</del> The competent authority shall ensure that the operator provides an assessment of the impact of the derogation on the concentration of the pollutants concerned in the receiving environment and in any case ensure that no significant pollution is caused and that a high level of protection of the environment as a whole is achieved. <del>Derogations shall not be granted where they could put at risk compliance with environmental quality standards referred to in Article 18.</del></p> <p>The competent authority shall re-assess whether derogations granted in accordance with this paragraph are justified, every four years or as part of each reconsideration of the permit conditions pursuant to Article 21, where such reconsideration occurs earlier than four years after the derogation was granted.</p> <p><del>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).</del></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>
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- **Frachtenbezogene Grenzwerte für Carbon-Capture-Technologien ermöglichen**

Wie auch viele andere Industrien stehen die Zementhersteller vor der Aufgabe ihren Produktionsprozess weiter zu dekarbonisieren. Hierfür müssen neuartige Technologien zur weitergehenden CO<sub>2</sub>-Abscheidung eingeführt und erprobt werden – mit teilweise großem Einfluss auf die Abgasrandbedingungen und -zusammensetzung. Für solche Technologien existiert bisher kein „Stand der Technik“ und keine auf realen Anlagen basierenden Emissionswerte, die man als Orientierung für die Grenzwertfestsetzung heranziehen könnte. Insofern muss die konventionelle Grenzwertsetzung an dieser Stelle angepasst werden, um die Luftschadstoffemissionen bereits etablierter und neuer, innovativer Technologien und Brennstoffe (wie Wasserstoff) fair und transparent miteinander vergleichen zu können.

Für die Zementherstellung bietet sich hier die Anwendung frachtenbezogener Grenzwerte an (z.B. in g / t Zementklinker). Vorteilhaft an einer solchen Lösung ist, dass sie bereits heute in manchen Branchen und bei einzelnen Anwendungen eingesetzt wird, wenn über Konzentrationen kein sinnvoller Grenzwert gebildet werden kann. Dies gilt bspw. für elektrisch beheizte oder mit reinem Sauerstoff befeuerte Glasschmelzwannen. Auch die Technische Anleitung zur Reinhaltung der Luft (TA Luft) in Deutschland nennt für bestimmte Anlagenkonstellationen frachtenbezogene Grenzwerte.

Mit Art. 15 Abs. 3 lit. b IED bietet die Richtlinie im Ansatz eine Möglichkeit, von der konventionellen Grenzwertfestsetzung abzuweichen. Gleichwohl bedarf die Regelung eine Interpretation. Aus Sicht des VDZ wäre es daher hilfreich, wenn die Richtlinie die Anwendung frachtenbezogenen Grenzwerte sehr konkret ermöglichen würden.

<b>Current IED</b>	<b>Proposed amendment</b>
<b>Art. 15 (3)(b)</b>	<b>Art. 15 (3)(b)</b>
(b) setting emission limit values different from those referred to in point (a) in terms of values, periods of time and reference conditions.	(b) setting emission limit values different from those referred to in point (a) in terms of values, periods of time and reference conditions - e.g. in freight-related terms.
<b>Annex IV, PART 4, 2.1.</b>	<b>Annex IV, PART 4, 2.1.</b>
The emission limit values set out in points 2.2 and 2.3 apply as daily average values for total dust, HCl, HF, NO <sub>x</sub> , SO <sub>2</sub> and TOC (for continuous measurements), as average values over the sampling period of a minimum of 30 minutes and a maximum of 8 hours for heavy metals and as average values over the sampling period of a minimum of 6 hours and a maximum of 8 hours for dioxins and furans.  All values are standardised at 10 % oxygen.  Half-hourly average values shall only be needed in view of calculating the daily average values.	The emission limit values set out in points 2.2 and 2.3 apply as daily average values for total dust, HCl, HF, NO <sub>x</sub> , SO <sub>2</sub> and TOC (for continuous measurements), as average values over the sampling period of a minimum of 30 minutes and a maximum of 8 hours for heavy metals and as average values over the sampling period of a minimum of 6 hours and a maximum of 8 hours for dioxins and furans.  All values are standardised at 10 % oxygen.  Half-hourly average values shall only be needed in view of calculating the daily average values.  <b>In the case that the competent authority choses to set emission limit values according</b>

	to Art. 15 (3b) of this Directive, these limit values can be set as freight-related values, such as g / t product.”
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- **Neue Anforderungen an die Umwelleistung unnötig und nicht praxistauglich**

Aus unserer Sicht ist es nicht nachvollziehbar, warum die IED über die Begrenzung von Emissionen nun auch zusätzlich Verbräuche u.a. von Wasser und Ressourcen in den Blick nehmen soll. Wie sollen diese neuen zusätzlichen Grenzwerte formuliert und in ihrer Umweltrelevanz bewertet werden? Wie soll die Überwachung gestaltet werden und was passiert bei einer Überschreitung der Grenzwerte? Es ist schlichtweg nicht vorstellbar, wie Zielkonflikte zwischen Energieeinsatz, CO<sub>2</sub>-Emissionen, Wasserverbrauch sowie zwischen verschiedenen Schutzgütern aufgelöst werden sollen. Bereits heute sind Genehmigungsverfahren sehr komplex, so dass Unternehmen, Fachgutachterbüros und Genehmigungsbehörden teils am Limit sind. Der Schwerpunkt der IED sollte weiterhin auf der Begrenzung von Emissionen liegen. Deswegen sollten Umweltgrenzwerte aus der IED gestrichen werden.

Current IED	Proposed amendment
<b>Art. 3 (5a)</b>	<b>Art. 3 (5a)</b>
‘environmental performance limit value’ means a performance value included in a permit, expressed for specified conditions in terms of certain specific parameters;	<del>‘environmental performance limit value’ means a performance value included in a permit, expressed for specified conditions in terms of certain specific parameters;</del>
<b>Art. 15 (4)</b>	<b>Art. 15 (4)</b>
Without prejudice to Article 9(2), the competent authority shall set, for normal operating conditions, binding ranges for environmental performance that are not to be exceeded during one or more periods, as laid down in the decisions on BAT conclusions referred to in Article 13(5).	<del>Without prejudice to Article 9(2), the competent authority shall set, for normal operating conditions, binding ranges for environmental performance that are not to be exceeded during one or more periods, as laid down in the decisions on BAT conclusions referred to in Article 13(5).</del>
In addition, the competent authority shall:	<del>In addition, the competent authority shall:</del>
(a) set, for normal operating conditions, environmental performance limit values concerning water, having regard to possible cross-media effects, that are not to be exceeded during one or more periods, and which are not less strict than the binding ranges referred to in the first subparagraph;	<del>(a) set, for normal operating conditions, environmental performance limit values concerning water, having regard to possible cross-media effects, that are not to be exceeded during one or more periods, and which are not less strict than the binding ranges referred to in the first subparagraph;</del>
(b) set, for normal operating conditions, indicative environmental performance levels concerning waste and resources other than water, which are not less strict than the binding ranges referred to in the first subparagraph.	<del>(b) set, for normal operating conditions, indicative environmental performance levels concerning waste and resources other than water, which are not less strict than the binding ranges referred to in the first subparagraph.</del>

<p><b>Art. 15 (6)</b></p> <p>By way of derogation from paragraph 4, the competent authority may, in specific cases, set less strict binding ranges for environmental performance or environmental performance limit values. Such a derogation may apply only where an assessment shows that the achievement of performance levels associated with the best available techniques as described in BAT conclusions will lead to a significant negative environmental impact, including cross media effects, or a significant economic impact due to:</p> <p>(a) the geographical location or the local environmental conditions of the installation concerned; or</p> <p>(b) the technical characteristics of the installation concerned.</p> <p>The competent authority shall document in an annex to the permit conditions the reasons for derogating from paragraph 4 and the result of the assessment referred to in the first subparagraph of this paragraph and the justification for the conditions imposed.</p> <p>The competent authority shall ensure that operating under less strict binding ranges for environmental performance or environmental performance limit values does not cause any significant environmental impact, including depletion of water resources, and achieves a high level of protection of the environment as a whole.</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>	<p><b>Art. 15 (6)</b></p> <p><del>By way of derogation from paragraph 4, the competent authority may, in specific cases, set less strict binding ranges for environmental performance or environmental performance limit values. Such a derogation may apply only where an assessment shows that the achievement of performance levels associated with the best available techniques as described in BAT conclusions will lead to a significant negative environmental impact, including cross media effects, or a significant economic impact due to:</del></p> <p><del>(a) the geographical location or the local environmental conditions of the installation concerned; or</del></p> <p><del>(b) the technical characteristics of the installation concerned.</del></p> <p><del>The competent authority shall document in an annex to the permit conditions the reasons for derogating from paragraph 4 and the result of the assessment referred to in the first subparagraph of this paragraph and the justification for the conditions imposed.</del></p> <p><del>The competent authority shall ensure that operating under less strict binding ranges for environmental performance or environmental performance limit values does not cause any significant environmental impact, including depletion of water resources, and achieves a high level of protection of the environment as a whole.</del></p> <p><del>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).</del></p>
<p><b>Art. 15 (7)</b></p> <p>By way of derogation from paragraphs 3 and 4, and provided that no significant pollution is caused and all measures resulting in less pollution have been exhausted, the competent authority may set less strict emission</p>	<p><b>Art. (15) 7</b></p> <p>By way of derogation from paragraphs 3 <del>and</del> 4, and provided that no significant pollution is caused and all measures resulting in less pollution have been exhausted, the competent authority may set less strict emission</p>

<p>limit values or environmental performance limit values in the event of a crisis due to extraordinary circumstances beyond the control of the operator and Member States, leading to a severe disruption or shortage of:</p> <p>(a) energy supplies, provided that there is an overriding public interest in security of energy supply;</p> <p>(b) resources, materials or equipment essential for the operator to perform activities of public interest, in compliance with the applicable emission limit values or environmental performance limit values; or</p> <p>(c) essential resources, materials or equipment where the production output compensates for such shortage or disruption, for reasons of public health or public safety or for other imperative reasons of overriding public interest.</p> <p>The derogation shall not be granted for more than three months. If the reasons justifying the granting of a derogation persist, the derogation may be prolonged for a maximum period of three months.</p> <p>As soon as the supply conditions are restored or where there is an alternative to the energy supplies, resources, materials or equipment, the Member State shall ensure that the decision to set less strict emission limit values and environmental performance limit values ceases to have effect, and the installation shall comply with permit conditions set in accordance with paragraphs 3 and 4.</p> <p>The Member States shall take measures to ensure that emissions resulting from the derogation referred to in the first subparagraph are monitored.</p> <p>The competent authority shall make information on the derogation and the conditions imposed publicly available in accordance with Article 24(2).</p> <p>The Commission may, where necessary, assess and further clarify, through guidance,</p>	<p>limit values <del>or environmental performance limit values</del> in the event of a crisis due to extraordinary circumstances beyond the control of the operator and Member States, leading to a severe disruption or shortage of:</p> <p>(a) energy supplies, provided that there is an overriding public interest in security of energy supply;</p> <p>(b) resources, materials or equipment essential for the operator to perform activities of public interest, in compliance with the applicable emission limit values <del>or environmental performance limit values</del>; or</p> <p>(c) essential resources, materials or equipment where the production output compensates for such shortage or disruption, for reasons of public health or public safety or for other imperative reasons of overriding public interest.</p> <p>The derogation shall not be granted for more than three months. If the reasons justifying the granting of a derogation persist, the derogation may be prolonged for a maximum period of three months.</p> <p>As soon as the supply conditions are restored or where there is an alternative to the energy supplies, resources, materials or equipment, the Member State shall ensure that the decision to set less strict emission limit values <del>and environmental performance limit values</del> ceases to have effect, and the installation shall comply with permit conditions set in accordance with paragraphs 3 <del>and 4</del>.</p> <p>The Member States shall take measures to ensure that emissions resulting from the derogation referred to in the first subparagraph are monitored.</p> <p>The competent authority shall make information on the derogation and the conditions imposed publicly available in accordance with Article 24(2).</p> <p>The Commission may, where necessary, assess and further clarify, through guidance,</p>
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<p>the criteria to be taken into account for the application of this paragraph.</p> <p>Member States shall notify the Commission of any derogation granted under this paragraph, including the reasons justifying the granting of the derogation and the conditions imposed.</p> <p>The Commission shall assess whether the derogation granted is justified having due regard to the criteria set in this paragraph. If the Commission raises objections within 2 months of the notification by the Member State, the Member States shall without delay revise the derogation accordingly.</p>	<p>the criteria to be taken into account for the application of this paragraph.</p> <p>Member States shall notify the Commission of any derogation granted under this paragraph, including the reasons justifying the granting of the derogation and the conditions imposed.</p> <p><del>The Commission shall assess whether the derogation granted is justified having due regard to the criteria set in this paragraph. If the Commission raises objections within 2 months of the notification by the Member State, the Member States shall without delay revise the derogation accordingly.</del></p>
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- **Keine neuen Messverpflichtungen für Zementwerke beim An- und Abfahren der Öfen**

Die in Art. 48 Abs. 1 IED eingeführten Überwachungspflichten für Abfallmitverbrennungsanlagen im An- und Abfahrbetrieb sind für Drehofenanlagen der Zementindustrie unpraktikabel und letztlich unverhältnismäßig. Diese Änderungen stehen nicht im Einklang mit dem bereits veröffentlichten Referenzdokument für die besten verfügbaren Techniken (BREF/BVT) für den Zementsektor. Hier sind bereits strenge Bestimmungen zur Vermeidung von Emissionen und zur Begrenzung der PCDD/F-Emissionen aus den Rauchgasen der Ofenfeuerungsprozesse enthalten. Entsprechende Änderungen im Umgang mit diesen Verbindungen sollten ausschließlich im Rahmen des Sevilla Prozesses, im Lichte einer BVT-Aktualisierung vorgenommen werden. Im Übrigen regelt Kapitel IV der IED, das den Art. 48 Abs. 1 enthält, Vorgaben im Bereich der Abfallverbrennung und Abfallmitverbrennung. Abfallstämmige Brennstoffe werden allerdings gar nicht beim An- oder Abfahren der Öfen eingesetzt, weshalb diese Regelung für den Klinkerbrennprozess an dieser Stelle völlig an der Praxis vorbeigeht.

Current IED	Proposed amendment
<b>Art. 48 (1)</b>	<b>Art. 48 (1)</b>
<p>Member States shall ensure that monitoring of emissions is carried out in accordance with Parts 6 and 7 of Annex VI.</p> <p>Emissions to air from waste incineration and co-incineration plants shall also be monitored during other than normal operating conditions. Emissions during start-up and shutdown while no waste is being incinerated, including emissions of PCDD/F and dioxin-like PCBs, shall be estimated based on measurement campaigns, carried out at regular intervals, such as every three years, carried out during planned start-up or shutdown operations. Emissions of PCDD/F and</p>	<p>Member States shall ensure that monitoring of emissions is carried out in accordance with Parts 6 and 7 of Annex VI.</p> <p>Emissions to air from waste incineration <del>and co-incineration</del> plants shall also be monitored during other than normal operating conditions. Emissions during start-up and shutdown while no waste is being incinerated, including emissions of PCDD/F and dioxin-like PCBs, shall be estimated based on measurement campaigns, carried out at regular intervals, such as every three years, carried out during planned start-up or shutdown operations. Emissions of PCDD/F and</p>

dioxin-like PCBs shall as far as possible be prevented or minimised.	dioxin-like PCBs shall as far as possible be prevented or minimised.
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- **Vollständige Abschaffung der Regelungen zum Chemikalienverzeichnis**

Der Umwelt-Omnibus schlägt zwar eine Streichung des Chemikalienverzeichnisses als obligatorischen Bestandteil von Umweltmanagementsystemen (UMS) vor. Gleichwohl wird dies in Art. 14a Abs. 1 Satz 2 dadurch relativiert, in dem ein solches Verzeichnis im Rahmen des Sevilla-Prozesses Eingang in die jeweiligen BVT-Schlussfolgerungen und damit letztlich wieder in das UMS finden kann. Dieser Satz sollte daher gestrichen werden. Anderenfalls läuft die Vereinfachung an dieser Stelle für viele Sektoren ins Leere.

IED proposal within EU environmental omnibus	Proposed amendment
<b>Art. 14a (1)</b>	<b>Art. 14a (1)</b>
Where, in the same Member State, two or more installations are under the control of the same operator, or where two or more installations are under the control of different operators but belong to the same company which is formed in accordance with the legislation of a Member State, those installations may be covered by a single EMS. The EMS shall comply with relevant BAT conclusions that determine aspects to be covered in the EMS.	Where, in the same Member State, two or more installations are under the control of the same operator, or where two or more installations are under the control of different operators but belong to the same company which is formed in accordance with the legislation of a Member State, those installations may be covered by a single EMS. <del>The EMS shall comply with relevant BAT conclusions that determine aspects to be covered in the EMS.</del>

- **Abschaffung der Verweise auf „Benchmarks“ in BVT-Schlussfolgerungen**

Der Verweis auf „Benchmarks“, die in anlagenbezogenen BVT-Schlussfolgerungen geregelt werden, sollte gestrichen werden. Ziel der Vereinfachungen des Kommissionsvorschlags ist es, den strengen Anlagenbezug der bisherigen Regelung aufzugeben und ein echtes standortbezogenes oder konzernbezogenes UMS zu ermöglichen, wie es auch die ISO 14001 vorsieht (siehe auch die Neufassung des Art 14a Abs. 1 Satz 1 und Erwägungsgrund Nummer 7). Dies funktioniert jedoch nur dann wenn man das UMS nicht nach Benchmarks ausrichten muss, die in anlagenbezogenen BREFs enthalten sind.

IED proposal within EU environmental omnibus	Proposed amendment
<b>Art. 14a (2)(b)</b>	<b>Art. 14a (2)(b)</b>
(b) objectives and performance indicators in relation to significant environmental aspects, which shall take into account benchmarks set out in the relevant BAT conclusions;	(b) objectives and performance indicators in relation to significant environmental aspects, <del>which shall take into account benchmarks set out in the relevant BAT conclusions;</del>

- **Keine Veröffentlichung der UMS-Inhalte im Internet**

Von einer Veröffentlichung von Inhalten des UMS im Internet sollte abgesehen werden. Zum einen belastet es die Unternehmen mit zusätzlicher Bürokratie, die keinen messbaren Effekt auf den Umweltschutz hat. Zum anderen müssen sicherheitspolitische Aspekte mit Blick auf kritische Infrastruktur, aber auch auf Industrieanlagen, künftig mehr Beachtung geschenkt werden. Betriebliche Informationen sollten daher nicht ohne Weiteres permanent öffentlich zugänglich gemacht werden, um es Angreifern nicht zu erleichtern einen Schaden zu verursachen.

IED proposal within EU environmental omnibus	Proposed amendment
<b>Art. 14a (4)</b>	<b>Art. 14a (4)</b>
Member States shall ensure that the relevant information set out in the EMS and listed in paragraph 2 is made available on the internet, free of charge and without restricting access to registered users. 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), points (a) to (h) of Directive 2003/4/EC**.	<del>Member States shall ensure that the relevant information set out in the EMS and listed in paragraph 2 is made available on the internet, free of charge and without restricting access to registered users. 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), points (a) to (h) of Directive 2003/4/EC**.</del>

- **Vermutungsregelung für UMS-Compliance einführen**

Zudem sollte in Art. 14a eine Regelung aufgenommen werden, in der rechtlich bindend vermutet wird, dass ein Unternehmen, dass ein UMS nach der Norm ISO 14001 bzw. ein europäisches EMAS-System eingeführt hat, alle Anforderungen des Art 14a automatisch erfüllt. Dies ist eine einfache Möglichkeit, um den Unternehmen doppelte Nachweispflichten zu ersparen.

IED proposal within EU environmental omnibus	Proposed amendment
<b>Art. 14a</b>	<b>Art. 14a</b>
The operator shall prepare and implement the EMS in accordance with paragraphs 1, 2 and 3 of this Article by 1 July 2030 except for installations referred to in Article 82. The EMS shall be reviewed periodically to ensure that it continues to be suitable, adequate and effective.'	The operator shall prepare and implement the EMS in accordance with paragraphs 1, 2 and 3 of this Article by 1 July 2030 except for installations referred to in Article 82. The EMS shall be reviewed periodically to ensure that it continues to be suitable, adequate and effective.'
	If an EMS has been introduced in accordance with ISO 14001 or EMAS and the relevant certificates are available, the requirements of this article shall be deemed to have been met.

- **UMS nicht als Gegenstand einer Anlagengenehmigung regeln**

Art. 14 Abs. 1 lit. ba der IED sollte gestrichen werden. Über diese Regelung werden die Behörden der Mitgliedstaaten verpflichtet, in den Anlagengenehmigungen „angemessene Anforderungen zur Festlegung der Merkmale eines Umweltmanagementsystems gemäß Artikel 14a“ zu regeln. Dies ist eine zusätzliche und überflüssige bürokratische Anforderung, die den Behörden aber auch den Betreibern von Anlagen erheblichen Aufwand bereitet. Sie ist schon deswegen überflüssig, da die Mitgliedstaaten über Art. 11 fb) der IED verpflichtet sind die Betreiber zu verpflichten, dass sie ein UMS gemäß den Anforderungen des Art 14a einführen. Die Überwachung dieser Anforderung kann über die Umweltinspektionen nach Art. 23 der IED erfolgen.

Current IED	Proposed amendment
<b>Art. 14 (1ba)</b>	<b>Art. 14 (1ba)</b>
(ba) appropriate requirements laying down the characteristics of an environmental management system in accordance with Article 14a;	<del>(ba) appropriate requirements laying down the characteristics of an environmental management system in accordance with Article 14a;</del>

- **Veröffentlichung von konsolidierten Nebenbestimmungen streichen**

Art. 24 Absatz 2 Buchstabe a) sieht eine Veröffentlichung der Anlagengenehmigung vor „gegebenenfalls einschließlich konsolidierter Genehmigungsauflagen“. Diese Bestimmung sollte gestrichen werden. Sie ist unklar formuliert, führt zu erheblichem Bürokratieaufwand bei den Genehmigungsbehörden und Anlagenbetreibern und ist für den Umweltschutz belanglos. Man sollte es den Genehmigungsbehörden der Mitgliedstaaten überlassen selbst zu entscheiden, wann sie Genehmigungsauflagen konsolidieren.

Current IED	Proposed amendment
<b>Art. 24 (2a)</b>	<b>Art. 24 (2a)</b>
2. When a decision on granting or the reconsideration or updating of a permit has been taken, the competent authority shall make available to the public, including systematically via the internet, on a webpage which is easy to find, free of charge and without restricting access to registered users, in relation to points (a), (b) and (f), the following information:  (a) the content of the decision, including a copy of the permit and any subsequent updates, including consolidated permit conditions where relevant;	2. When a decision on granting or the reconsideration or updating of a permit has been taken, the competent authority shall make available to the public, including systematically via the internet, on a webpage which is easy to find, free of charge and without restricting access to registered users, in relation to points (a), (b) and (f), the following information:  (a) the content of the decision, including a copy of the permit and any subsequent updates, <del>including consolidated permit conditions where relevant;</del>

## Verordnung zur Beschleunigung von Umweltprüfungen

- **Grundsätzliches zur neuen Verordnung**

Die verschiedenen Vereinfachungsvorschläge sind im Grundsatz zwar zu begrüßen, allerdings ist fraglich, ob die vorgeschlagenen Regelungen in der Praxis tatsächlich helfen werden, um Verfahren zu beschleunigen. Zum Teil gibt es bereits im geltenden (deutschen) Recht vergleichbare Regelungen, zum Teil ist nicht klar, wie die Regelungen in der Praxis umgesetzt werden sollten. Im Übrigen sollten Vereinfachungen im Umwelt- und Genehmigungsrecht nicht dadurch erzwungen werden, dass neue Verordnungen, die wiederum gelesen und ausgelegt werden müssen, auf den Weg gebracht werden. Vielmehr sollte bestehendes Recht genutzt werden, um Vereinfachungen umzusetzen.

- **Doppelbelastung bei Umweltprüfungen für Betreiber von IED-Anlagen reduzieren**

Zementhersteller, die mit ihren Anlagen regelmäßig in den Anwendungsbereich der IED fallen, müssen im Genehmigungsverfahren bereits zahlreiche Gutachten beibringen, um den Effekt ihrer Wirtschaftstätigkeit auf die verschiedenen Schutzgüter zu beschreiben. Zur Reduzierung von Doppelbelastungen sollte für diese Sektoren von einer Umweltverträglichkeitsprüfung abgesehen werden. Wir schlagen vor, diese Änderung direkt in der EU-Richtlinie über die Umweltverträglichkeitsprüfung (2011/92/EU) vorzunehmen.

Darüber hinaus muss der Umfang von Umweltverträglichkeitsprüfungen kritisch hinterfragt und angepasst werden – insbesondere wenn es um Bestandsanlagen geht. Dies hat schon heute ein Ausmaß angenommen, das in vielen Verfahren vollkommen unverhältnismäßig ist. Letztlich werden viele Seiten mit teils abstrakten Informationen gefüllt, die weder für das Projekt noch für die Umwelt von praktischer Relevanz sind. Gleichwohl binden sie massive personelle Ressourcen.

Current Directive 2011/92/EU	Proposed amendment
Art. 4	Art. 4
<p>1. Subject to Article 2(4), projects listed in Annex I shall be made subject to an assessment in accordance with Articles 5 to 10.</p> <p>2. Subject to Article 2(4), for projects listed in Annex II, Member States shall determine whether the project shall be made subject to an assessment in accordance with Articles 5 to 10. Member States shall make that determination through:</p> <p>(a) a case-by-case examination;</p> <p>or</p> <p>(b) thresholds or criteria set by the Member State.</p> <p>Member States may decide to apply both procedures referred to in points (a) and (b).</p>	<p>1. Subject to Article 2(4), projects listed in Annex I shall be made subject to an assessment in accordance with Articles 5 to 10.</p> <p>2. Subject to Article 2(4), for projects listed in Annex II, Member States shall determine whether the project shall be made subject to an assessment in accordance with Articles 5 to 10. Member States shall make that determination through:</p> <p>(a) a case-by-case examination;</p> <p>or</p> <p>(b) thresholds or criteria set by the Member State.</p> <p>Member States may decide to apply both procedures referred to in points (a) and (b).</p>

	<p>3. For projects that are subject to an environmental impact assessment obligation under Articles 5 to 10 of this Directive and that are also industrial activities within the scope of Directive 2010/75/EU, the application documents that meet the requirements of Directive 2010/75/EU shall also be deemed sufficient to meet the requirements for an environmental assessment report pursuant to Article 5(1) of this Directive if an integrated permit procedure is carried out for the project in which, in addition to the requirements for integrated pollution prevention and control pursuant to Directive 2010/75/EU, the effects on the other factors referred to in Article 3 of this Directive are also examined, assessed and taken into account; in the cases referred to in sentence 1, the project developer must also submit a non-technical summary of the application documents.</p>
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- Regelungen zur Präklusion in Gerichtsverfahren nicht nur für Umweltprüfungen**  
 Die Regelung des Art. 6 der vorgeschlagenen Verordnung über die Beschleunigung von Umweltprüfungen ist zu begrüßen. Es stellt sich jedoch die Frage, warum die Regelung auf Umweltprüfungen beschränkt bleiben soll. Im Sinne einer Beschleunigung von Genehmigungsverfahren wäre es wichtig eine solche Regelungen auch in der IED zu berücksichtigen.

Current IED	Proposed amendment
<p><b>Art. 25 (1)</b>            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 shall not be conditional on the role that the member of</p>	<p><b>Art. 25 (1)</b>            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><del>Standing in the review procedure shall not be conditional on the role that the member of</del></p>

<p>the public concerned 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 remedies, including injunctive relief as appropriate.</p>	<p><del>the public concerned played during a participatory phase of the decision-making procedures under this Directive.</del></p> <p>Member States may preclude arguments from being raised before a court of law where they were not raised during the administrative stage, as long as the competent authority made available the necessary information in due time so that those arguments were known or could have been known and reviewed during the administrative stage leading to the authorisation of the project, without prejudice to the right of access to justice.</p> <p>The review procedure shall be fair, equitable, timely and not prohibitively expensive, and shall provide for adequate and effective remedies, including injunctive relief as appropriate.</p>
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- **Keine Veröffentlichung der Umweltprüfungen für die breite Öffentlichkeit**

In Artikel 10 Absätze 3 und 4 der vorgeschlagenen Verordnung über die Beschleunigung von Umweltprüfungen sollen weitgehende Verpflichtungen der Mitgliedstaaten geregelt werden, Gutachten und Daten, Entscheidungen und Umwelt-Monitoring-Resultate, die durch oder aufgrund von Umweltverträglichkeitsprüfungen erzeugt wurden, über ein Portal dauerhaft für die Öffentlichkeit online zu stellen. Eingeschränkt wird diese Pflicht nur durch den Schutz der „Betriebs- und Geschäftsgeheimnisse“ bzw. nationaler oder EU-weiter Datenschutzregelungen (Artikel 10 Abs. 3 Satz 1). Wir haben erhebliche Sorgen in Bezug auf diese ausufernde Veröffentlichungspflicht, auch wenn wir den Grundgedanken teilen, dass zeitaufwändige Datenerhebungen nicht doppelt erfolgen sollten.

In der heutigen politischen Situation bedarf es einer deutlich weiteren Regelung, die Informationen über verteidigungsrelevante Projekte (dies können nicht nur Infrastrukturprojekte, sondern auch Energie- und Industrieanlagen sein) und für KRITIS-Objekte, die unter die Regelungen der CER-Richtlinie zum Schutz kritischer Infrastrukturen fallen aus der Veröffentlichungspflicht ausnehmen. Da UVP-Berichte zudem im Regelfall durch externe Gutachter erstellt werden und ein erhebliches Knowhow enthalten, unterliegen diese Gutachten dem Urheberrechtsschutz und können daher üblicherweise nur durch den Auftraggeber und in einem bestimmten Genehmigungsverfahren verwendet werden. Eine generelle Verfügbarkeit/Verwendbarkeit solcher Berichte auch in anderen Vorhaben durch andere Vorhabenträger birgt daher erhebliche Rechtsunsicherheit und auch haftungsrechtliche Fragen.

Die Möglichkeit zur Einschränkung der Veröffentlichungspflicht muss daher auf folgende Gründe ausgeweitet werden: Informationen in Bezug auf kritische Infrastrukturen sowie mit Relevanz für Sicherheit und Verteidigung, Urheberrecht.

Current proposal	Proposed amendment
<b>Art. 10 (3) regulation on speeding-up environmental assessment</b>	<b>Art. 10 (3) regulation on speeding-up environmental assessment</b>
<p>From [OP: please insert the date = twelve months after the date of entry into force of this Regulation], Member States shall ensure that reports and data resulting from environmental assessments and screening procedures, related decisions and monitoring of environmental effects and procedures are made and remain publicly available in a digital format through a central online portal, in a manner that is compatible with the preservation of business secrets and Union or national data protection requirements. That portal shall be based on a digital geographic information system and shall include all available data on species observations and other environmental and geological data.</p>	<p>From [OP: please insert the date = twelve months after the date of entry into force of this Regulation], Member States shall ensure that reports and data resulting from environmental assessments and screening procedures, related decisions and monitoring of environmental effects and procedures are made <del>and remain publicly available</del> <b>by an authority subject to disclosure requirements upon request</b> in a digital format <del>through a central online portal</del>, in a manner that is compatible with the preservation of business secrets <b>or information with regard to critical infrastructure and defense-related projects</b> and Union or national <b>copyright</b> and data protection requirements. <del>That portal shall be based on a digital geographic information system and shall include all available data on species observations and other environmental and geological data.</del></p>
<b>Art. 10 (4) regulation on speeding-up environmental assessment</b>	<b>Art. 10 (4) regulation on speeding-up environmental assessment</b>
<p>From [OP: please insert the date = twenty-four months after the date of entry into force of this Regulation], Member States shall ensure that environmental assessment and screening procedures are fully digitalized and enable the re-use of data and documents held by public authorities at national level as well as the sharing of such data between Member States, developers and the public, in a seamless manner. Where appropriate, such procedures shall be interoperable with European Digital Identity Wallets and European Business Wallets. From that date, Member States shall also take the necessary measures to enhance the efficiency and effectiveness of their environmental assessment and screening procedures, including through the use of automated systems. These automated systems shall be aligned with relevant Union policies, respect data protection and privacy laws, and adhere to principles of transparency and accountability, including human decisional control.</p>	<p>From [OP: please insert the date = twenty-four months after the date of entry into force of this Regulation], Member States shall ensure that environmental assessment and screening procedures are fully digitalized and enable the re-use of data and documents held by public authorities at national level <del>as well as the sharing of such data between Member States, developers and the public, in a seamless manner.</del> Where appropriate, such procedures shall be interoperable with European Digital Identity Wallets and European Business Wallets. From that date, Member States shall also take the necessary measures to enhance the efficiency and effectiveness of their environmental assessment and screening procedures, including through the use of automated systems. These automated systems shall be aligned with relevant Union policies, respect data protection and privacy laws, and adhere to principles of transparency and accountability, including human decisional control.</p>

## Verpackungsverordnung (PPWR)

- Baustoffhersteller als Befüller nicht mit Verpackungserzeuger gleichsetzen**

Der Begriff des „Erzeugers“ gemäß PPWR ist in der praktischen Anwendung schwer greifbar und führt zu erheblichen Rechts- und Planungsunsicherheiten. Nach derzeitiger Lesart wird in den allermeisten Fällen dem Befüller von Verpackungen die volle Verantwortung für die technische Dokumentation, die Konformitätsbewertung sowie die Recyclingfähigkeit und Materialzusammensetzung der Verpackung übertragen. Für Hersteller von Produkten, die Verpackungen nicht selbst produzieren, ist die Bewertung der Konformität einer zugekauften Verpackung jedoch nicht möglich. Die Produkthersteller (Befüller) verfügen weder über Kenntnisse bezüglich der Zusammensetzung, noch über Prüfkapazitäten, um Anforderungen an Materialien, Inhaltsstoffnachweise oder Recyclingfähigkeit einer Verpackung nachzuprüfen. Sie haben auch keinen Einfluss auf die jeweiligen Produktionsprozesse für die Verpackungen. Die hierfür notwendigen Kompetenzen und Informationen liegen ausschließlich beim Produzenten der Verpackung.

Die unterzeichnenden Verbände fordern daher, dass die „Erzeuger“-Rolle beim Produzenten der Verpackung verbleibt, da ausschließlich dieser über die erforderliche Material- und Produktionskompetenz verfügt. Dies wird auch durch Erwägungsgrund 76 der PPWR bestätigt: „Weil der Erzeuger den Entwurfs- und Fertigungsprozess in allen Einzelheiten kennt, ist er am besten für die Durchführung der Konformitätsbewertung gemäß dieser Verordnung geeignet. Die Konformitätsbewertung gemäß dieser Verordnung sollte daher weiterhin ausschließlich dem Erzeuger obliegen.“

Current PPWR	Proposed amendment
<b>Art. 3 (1) No. 13</b>	<b>Art. 3 (1) No. 13</b>
<p>‘manufacturer’ means any natural or legal person that manufactures packaging or a packaged product; however:</p> <p>(a) subject to point (b), where a natural or legal person has packaging or a packaged product designed or manufactured under its own name or trademark, regardless of whether any other trademark is visible on the packaging or on the packaged product, ‘manufacturer’ means that natural or legal person;</p> <p>(b) where the natural or legal person that has the packaging or packaged product designed or manufactured under its own name or trademark falls within the definition of micro-enterprise set out in Recommendation 2003/361/EC as applicable on 11 February 2025, and the natural or legal person that supplies the packaging to the natural or legal person that has the packaging designed or</p>	<p>‘manufacturer’ means any natural or legal person <del>that manufactures</del> who produces packaging or a <del>packaged product</del> packaging materials and controls the manufacturing process; <del>however:</del></p> <p><del>(a) subject to point (b), where a natural or legal person has packaging or a packaged product designed or manufactured under its own name or trademark, regardless of whether any other trademark is visible on the packaging or on the packaged product, ‘manufacturer’ means that natural or legal person;</del></p> <p><del>(b) where the natural or legal person that has the packaging or packaged product designed or manufactured under its own name or trademark falls within the definition of micro-enterprise set out in Recommendation 2003/361/EC as applicable on 11 February 2025, and the natural or legal person that</del></p>

manufactured under its own name or trademark is located in the same Member State, 'manufacturer' means the natural or legal person that supplies the packaging;	<del>supplies the packaging to the natural or legal person that has the packaging designed or manufactured under its own name or trademark is located in the same Member State, 'manufacturer' means the natural or legal person that supplies the packaging;</del>
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Berlin, 24.02.2026