



Brussels, **XXX**
[...] (2026) **XXX** draft

ANNEX 1

ANNEX

to the

COMMISSION DELEGATED REGULATION (EU) .../...

**amending Delegated Regulation (EU) 2023/2486 as regards enhancing the usability of
the technical screening criteria**

ANNEX I

Annex I to Delegated Regulation (EU) 2023/2486 is amended as follows:

(1) **Section 1.1., ‘Manufacture, installation and associated services for leakage control technologies enabling leakage reduction and prevention in water supply systems’,** is amended as follows:

(a) in subsection ‘Description of the activity’, the first paragraph is replaced by the following:

‘The economic activity manufactures, installs, or provides associated services for leakage control technologies that enable leakage reduction and prevention in water supply systems (WSSs). Associated services, including training, operational support and data management, can also include activities performed by the end-user that are integral to the operation or delivery of the overall service.’;

(b) in subsection ‘Technical screening criteria’, subsection ‘Substantial contribution to the sustainable use and protection of water and marine resources’, point (2) is replaced by the following:

‘2. Environmental degradation risks related to preserving water quality and avoiding water stress are identified and addressed to contribute to achieving good water status and good ecological potential as defined in Article 2, points (22) and (23), of Regulation (EU) 2020/852 of all affected water bodies, in accordance with a river basin management plan, developed by the relevant authorities in accordance with Directive 2000/60/EC (*1).

(*1) For activities in third countries, in accordance with applicable national law or international standards which pursue equivalent objectives of good water status and good ecological potential, through equivalent procedural and substantive rules, i.e. a water use and protection management plan developed in consultation with relevant stakeholders which ensures that 1) the impact of the activities on the identified status or ecological potential of potentially affected water body or bodies is assessed and 2) deterioration or prevention of good status/ecological potential is avoided.’;

(c) in subsection ‘Technical screening criteria’, subsection ‘Do no significant harm (‘DNSH’), point (4) is replaced by the following:

(4) Transition to a circular economy	The activity assesses the availability of and, where feasible, adopts techniques that support: (a) use of secondary raw materials, and re-used or remanufactured components in products and assets placed on the market (*1); (b) design for durability (*2), recyclability, easy disassembly, adaptability and modularity of products and assets placed on the market (*3); (c) waste avoidance in the manufacturing process and, where waste arises, management that prioritises recycling over disposal, in the manufacturing process (*4);
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	(d) information on and traceability of substances of concern throughout the lifecycle of the manufactured products.
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(*1) This may be demonstrated with reference to bills of materials, supplier declarations, or lifecycle assessments.

(*2) ‘Durability’ means the ability of a product to maintain over time its function and performance under specified conditions of use, maintenance and repair, as defined in Article 2(22) of Regulation (EU) 2024/1781.

(*3) This may be demonstrated with reference to product design files, material passports, or conformity declarations.

(*4) This may be documented via a waste management plan.’;

(2) **Section 2.1., ‘Water supply’**, is amended as follows:

(a) the title of Section 2.1. is replaced by the following:

‘2.1. Construction, extension, operation, and renewal of water collection, treatment and supply systems.’;

(b) in subsection ‘Description of the activity’, the second and third paragraphs are replaced by the following:

‘The economic activity includes abstraction of the water resource, necessary treatment to make the quality of water compliant with the applicable legislation and its distribution to consumers through piped systems.

The economic activity does neither cover the manufacturing of equipment for the supply of water nor the abstraction of water resources for irrigation purposes or the desalination of marine or brackish water.’;

(c) subsection ‘Technical screening criteria’, subsection ‘Substantial contribution to the sustainable use and protection of water and marine resources’ is amended as follows:

(i) in point (1), point (c) is replaced by the following:

‘(c) the water supply systems include metering at the point of supply to the domestic distribution system (*¹), where water is delivered to a contractual delivery point of the consumers’ own drinking water distribution system. Alternatively, a plan with goals and timelines for implementing metering at the point of supply to the domestic distribution system is submitted by the water supplier and approved by the competent authorities.

(*¹) ‘Domestic distribution system’ is defined in Article 3 point 2 of Directive (EU) 2020/2184 as the ‘pipework, fittings and appliances which are installed between the taps that are normally used for water intended for human consumption in both public and private premises and the distribution network, but only if they are not the responsibility of the water supplier, in its capacity as a water supplier, under the relevant national law’.’;

(ii) in point (2), point (c) is replaced by the following:

‘2.2. Construction, extension, renewal, and operation of waste water collection and treatment;

- (b) in subsection ‘Description of the activity’, the first paragraphs are replaced by the following:

‘Construction, extension, renewal and operation of centralised urban waste water infrastructure including treatment plants, collecting systems (sewer networks), storm water management structures, connections to the waste water infrastructure, decentralised wastewater treatment facilities, including individual and other appropriate systems, and discharge structures for treated effluent. The activity may include innovative and advanced treatments, including the removal of micropollutants.’;

- (c) in subsection ‘Technical screening criteria’, subsection ‘Substantial contribution to the sustainable use and protection of water and marine resources’, points (1) and (2) are replaced by the following:

‘1. The waste water treatment system does not result in a deterioration of the good status and good ecological potential of any of the affected water bodies and it contributes significantly to the achievement of good status and potential of the affected water bodies, in accordance with Directive 2000/60/EC (*¹) and with a river basin management plan developed by the relevant authorities unless otherwise provided for in Article 15(4) of Directive (EU) 2024/3019 of the European Parliament and of the Council (*²).

The waste water treatment system fulfils the discharge requirements set up by the competent local authorities. The waste water treatment system also contributes to achieve or maintain the good environmental status of marine waters in accordance with Directive 2008/56/EC, where applicable.

2. The waste water treatment system has a collecting system and the provision of secondary treatment. The waste water treatment system complies with the relevant, size-specific requirements for discharges from urban waste water treatment plants:

(a) until 31 July 2027, the requirements set out in Directive 91/271/EEC, in particular Articles 3 to 8 and Article 13 of that Directive and Annex I to that Directive.

(b) as of 1 August 2027, the requirements set out in Directive (EU) 2024/3019 (*²), in particular Articles 3 to 8 and 16 of that Directive and Annex I to that Directive.

(*¹) For activities in third countries, in accordance with applicable national law or international standards which pursue equivalent objectives of good water status and good ecological potential, through equivalent procedural and substantive rules, i.e. a water use and protection management plan developed in consultation with relevant stakeholders which ensures that 1) the impact of the activities on the identified status or ecological potential of potentially affected water body or bodies is assessed and 2) deterioration or prevention of good status/ecological potential is avoided.

(*2) Directive (EU) 2024/3019 of the European Parliament and of the Council of 27 November 2024 concerning urban wastewater treatment (recast), OJ L, 2024/3019, 12.12.2024, ELI: <http://data.europa.eu/eli/dir/2024/3019/oj>.

(*3) Directive 91/271/EEC, as amended by the acts listed in Part A of Annex VII to Directive (EU) 2024/3019, is repealed with effect from 1 August 2027.’;

- (d) in subsection ‘Technical screening criteria’, subsection ‘Do no significant harm (‘DNSH’)’ is amended as follows:
 - (i) point (1) is replaced by the following:

(1) Climate change mitigation	<p>An assessment of the direct GHG emissions from the centralised waste water system, including collection (sewer network) and treatment, has been performed. The results are disclosed to investors and clients on demand (*1). As of [PO: please put the date of application of this DA], the assessment includes the assessment of GHG emissions, including at least CO₂, N₂O, CH₄, emitted from urban wastewater treatment plants, in accordance with the methodologies established by the Commission Implementing Acts adopted pursuant to Article 21 of Directive (EU) 2024/3019.</p> <p>For anaerobic digestion of sewage sludge, a monitoring plan is in place for methane leakage at the facility.</p>
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(*1) For example, in line with IPCC guidelines for national GHG inventories for waste water treatment, version of [adoption date] available at https://www.ipcc-nggip.iges.or.jp/public/2019rf/pdf/5_Volume5/19R_V5_6_Ch06_Wastewater.pdf.’;

- (ii) point (5) is replaced by the following:

(5) Pollution prevention and control	<p>Discharges to receiving waters meet either the requirements laid down in Directive 91/271/EEC until 31 July 2027, and in Directive (EU) 2024/3019 as of 1 August 2027, or the requirements laid down in national law stating maximum permissible pollutant levels from discharges to receiving waters.</p> <p>Appropriate measures as referred to in Article 5 of, and Annex V to, Directive (EU) 2024/3019 have</p>
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	<p>been implemented to avoid and mitigate harmful effects of storm water overflows from the waste water collection system, which may include nature-based solutions, separate storm water collection systems, retention tanks and treatment of the first flush.</p> <p>Sewage sludge is used in accordance with either Council Directive 86/278/EEC (*¹), or national law relating to the spreading of sludge on the soil or any other application of sludge on and in the soil.</p>
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(*1) Council Directive 86/278/EEC of 12 June 1986 on the protection of the environment, and in particular of the soil, when sewage sludge is used in agriculture (OJ L 181, 4.7.1986, p. 6, ELI: <http://data.europa.eu/eli/dir/1986/278/oj>).’;

(4) in Section 2.3., ‘**Sustainable urban drainage systems (SUDS)**’, subsection ‘Technical screening criteria’, subsection ‘Substantial contribution to the sustainable use and protection of water and marine resources’, point (a) is replaced by the following:

‘(a) the construction and operation of the sustainable urban drainage system is integrated in the urban drainage and waste water treatment system, as demonstrated by means of a flood risk management plan or of other relevant urban planning tools (*¹). The activity contributes substantially to achieving the good status and good ecological potential of bodies of surface water and groundwater or to preventing the deterioration of bodies of water that already have good status and good potential, and is carried out to ensure compliance with Directive 2000/60/EC (*²), Directive 2008/56/EC, and Directive (EU) 2024/3019;

(*1) Such as an integrated urban wastewater management plan or a river basin management plan developed by the relevant authorities.

(*2) For activities in third countries, in accordance with applicable national law or international standards which pursue equivalent objectives of good water status and good ecological potential, through equivalent procedural and substantive rules, i.e. a water use and protection management plan, developed in consultation with relevant stakeholders which ensures that:

- (1) the impact of the activities on the identified status or ecological potential of potentially affected water body or bodies is assessed;
- (2) deterioration or prevention of good status/ecological potential is avoided.’;

(5) **Section 3.1. ‘Nature-based solutions for flood and drought risk prevention and protection’**, is amended as follows:

(a) in the subsection ‘Technical screening criteria’, subsection ‘Substantial contribution to the sustainable use and protection of water and marine resources’, point 2 is replaced by the following:

- ‘2. Environmental degradation risks related to preserving water quality and avoiding water stress and preventing deterioration of the status of

the affected water bodies are identified and addressed to achieve good water status and good ecological potential as defined in Article 2, points (22) and (23), of Regulation (EU) 2020/852, in accordance with Directive 2000/60/EC and the river basin management plan developed by the relevant authorities in accordance with that Directive (*1).

Environmental degradation risks related to preserving marine environment are identified and addressed with the aim of achieving or maintaining good environmental status as defined in point 5 of Article 3 of Directive 2008/56/EC.

(*1) For activities in third countries, in accordance with applicable national law or international standards which pursue equivalent objectives of good water status and good ecological potential, through equivalent procedural and substantive rules, i.e. a water use and protection management plan, developed in consultation with relevant stakeholders which ensures that 1) the impact of the activities on the identified status or ecological potential of potentially affected water body or bodies is assessed and 2) deterioration or prevention of good status/ecological potential is avoided.;

(b) in the subsection ‘Technical screening criteria’, subsection ‘Do no significant harm (‘DNSH’), point (6), point (a) is deleted;

(6) **Section 4.1., ‘Provision of IT/OT data-driven solutions for leakage reduction’,** is amended as follows:

(a) in subsection ‘Description of the activity’, the second paragraph is replaced by the following:

‘The economic activities in this category could be associated with several NACE codes, in particular E36, F42.99 and K62 in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.’;

(b) in the subsection ‘Technical screening criteria’, subsection ‘Do no significant harm (‘DNSH’), point (5) is replaced by the following:

<p>(5) Pollution prevention and control</p>	<p>The equipment used meets the requirements laid down in Directive 2009/125/EC of the European Parliament and of the Council (*1) for servers and data storage products.</p> <p>The electric and electronic equipment used does not contain the restricted substances above the concentration values listed in Annex II to Directive 2011/65/EU of the European Parliament and of the Council *2.</p>
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(*1) Directive 2009/125/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for the setting of ecodesign requirements for energy-related products (recast) (OJ L 285, 31.10.2009, p. 10, ELI: <http://data.europa.eu/eli/dir/2009/125/oj>).

(*2) Directive 2011/65/EU of the European Parliament and of the Council of 8 June 2011 on the restriction of the use of certain hazardous substances in electrical and electronic equipment. (OJ L 174, 1.7.2011, p. 88, ELI: <http://data.europa.eu/eli/dir/2011/65/oj>).’;

(7) in Appendix A, ‘**Generic criteria for DNSH to climate change adaptation**’, Subsection ‘**I. Criteria**’ is replaced by the following:

‘I. Criteria

1. Screening

The activity was screened to identify whether any of the climate-related hazards from the list in Section II of this Appendix may significantly impact the performance of the economic activity during its expected lifetime^(*1).

2. Climate Risk Assessment

Only where the screening referred to in point 1 revealed a potential significant impact of those hazards on the activity, the climate risk for the relevant hazards was assessed to confirm or dismiss the significance of the risk on the activity, taking into account the scale and lifetime of the activity, and the severity and likelihood of the risk materialising.

The climate risk was assessed by using climatic weather data from observation or reanalysis and climate projections^(*2) across the existing range of future scenarios^(*3) consistent with the expected lifetime of the activity^(*4). If the expected lifespan of the activity is equal to or less than 10 years, climate projections are only used where available and actionable.

3. Adaptation Plan

Possible adaptation solutions to the identified significant risks were assessed and explained in an adaptation plan, taking into consideration the availability of solutions and technologies and their costs and benefits.

To the best knowledge available, selected adaptation solutions do not increase the foreseeable risks of an adverse climate impact on other people, nature and assets or hamper adaptation elsewhere, are not inconsistent with local, sectoral, regional or national adaptation strategies and plans, and consider the use of nature-based solutions^(*5) or blue or green infrastructure^(*6) to the extent possible.

4. Implementation

For new activities and existing activities using newly-built physical assets, the selected adaptation solutions are integrated at the time of design and construction and implemented at the start of operations^(*7).

(*1) For example using relevant tools of EU origin, such as the Climate Hazard Screening tool co-developed by EIB and ECMWF under the Copernicus programme. [Available as of October 2026]

(*2) The observations, reanalysis and climate projections stem from an authoritative source or data provider, including National Meteorological and Hydrological Services, National Climate Services or the European Centre for Medium-Range Weather Forecasts (ECMWF).

(*3) Future scenarios include Intergovernmental Panel on Climate Change representative concentration pathways RCP2.6, RCP4.5, RCP6.0 and RCP8.5. and, where available, reference trajectories recommended or required by the relevant authorities.

(*4) The methodology interpreting the data is to be based on best practices and available guidance, including those stemming from Union or national guidance or scientific peer-reviewed publications.

(*5) Nature-based solutions are defined as ‘solutions that are inspired and supported by nature, which are cost-effective, simultaneously provide environmental, social and economic benefits and help build resilience. Such solutions bring more, and more diverse, nature and natural features and processes into cities, landscapes and seascapes, through locally adapted, resource-efficient and systemic interventions’. (version of 4.6.2021: <https://ec.europa.eu/research/environment/index.cfm?pg=nbs>).

(*6) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 6 May 2013: Green Infrastructure (GI) — Enhancing Europe’s Natural Capital (COM/2013/0249 final).

(*7) A financial institution that has screened an activity and then signs a financing contract with the economic operator of that activity, may consider the financing provided under that contract as aligned with the DNSH to adaptation criteria if the signed contract includes a legally binding contractual condition for the operator to meet the DNSH to adaptation criteria set out in this appendix before the operator starts a financed economic activity.’;

(8) Appendix C, ‘**Generic criteria for DNSH to pollution prevention and control regarding use and presence of chemicals**’, is replaced by the following:

‘Appendix C

Generic criteria for DNSH to pollution prevention and control regarding use and presence of chemicals

1. The activity does not consist in the manufacture, placing on the market or use of substances, whether on their own, in mixtures or in articles, listed in Annexes I or II to Regulation (EU) 2019/1021 of the European Parliament and of the Council (*¹), except where the exemptions set out in Article 4(1), (2) and (3) of that Regulation apply and in accordance with the conditions specified in Annexes I or II to that Regulation.
2. The activity does not consist in the manufacture, placing on the market or use of mercury and mercury compounds, their mixtures and mercury-added products as defined in Article 2 of Regulation (EU) 2017/852 of the European Parliament and of the Council (*²), except where the exemptions set out in Article 5(2), (8) and (10) of that Regulation apply.
3. The activity does not consist in the production, placing on the market, any subsequent supply or making available to another person within the Union for payment or free of charge, or use of substances, whether on their own, in mixtures, or in products and equipment, listed in Annexes I or II to Regulation (EU) 2024/590 of the European Parliament and of the Council (*³), except for the following:
 - (a) substances listed in Annex I to that Regulation under the conditions of exemptions that apply under that Regulation;
 - (b) substances listed in Annex II to that Regulation for the type of uses permitted for substances listed in Annex I to that Regulation;
 - (c) substances listed in Annex II to that Regulation that are used in fire extinguishers on aircraft or in fire protection systems on aircraft;

4. The activity does not consist in the use in electric and electronic equipment of substances listed in Annex II to Directive 2011/65/EU, except where there is full compliance with the applications listed in Annexes III and IV to that Directive;
5. The activity does not consist in the manufacture, placing on the market or use of substances, for which Annex XVII to Regulation (EC) No 1907/2006 of the European Parliament and of the Council (*4) contains a restriction, except where there is full compliance with the conditions specified in that Annex.
6. The activity does not consist in placing on the market for a use, or in the use itself of substances that are included in Annex XIV to Regulation (EC) No 1907/2006, except where:
 - (a) Article 2 of that Regulation exempts the use of the substance from the application of provisions of set out in Title VII of that Regulation;
 - (b) the use of the substance is in line with the general provisions of Article 56 of that Regulation.
7. The activity does not consist in the manufacture, placing on the market or use of substances, whether on their own or in mixtures or in an article in a concentration above 0,1 % weight by weight, that were identified in accordance with Article 59(1) of Regulation (EC) No 1907/2006 for a period of at least 18 months and are not covered by paragraph 6, except if it is assessed and documented by the operator that they are manufactured or respectively used under the controlled conditions that are prescribed in the EU chemicals legislation acquis that is applicable to the use of the substances and that ensures that measures are in place to minimise exposures and emissions as far as practically possible.

The operator assesses and implements practicable possibilities that are proportionate to the operator's size and complexity, at the design stage of products, to avoid or minimise the use of SVHCs.
8. For the purposes of the criteria set out in points 1 to 6, the temporary mobilisation, as an unavoidable consequence of the activity, of naturally occurring substances, including trace elements present in raw materials, soil or water, is not considered pollution caused by the activity, provided that such mobilisation does not result in releases exceeding natural background levels and that the substances are managed and returned in accordance with applicable Union legislation and the relevant best available techniques. The same applies to the equivalent temporary mobilisation of substances present in secondary raw materials, provided that such mobilisation does not result in releases exceeding maximum levels set in Union legislation.

(*1) Regulation (EU) 2019/1021 of the European Parliament and of the Council of 20 June 2019 on persistent organic pollutants (OJ L 169, 25.6.2019, p. 45, ELI: <http://data.europa.eu/eli/reg/2019/1021/oj>).

(*2) Regulation (EU) 2017/852 of the European Parliament and of the Council of 17 May 2017 on mercury and repealing Regulation (EC) No 1102/2008 (OJ L 137, 24.5.2017, p. 1, ELI: <http://data.europa.eu/eli/reg/2017/852/oj>).

(*3) Regulation (EU) 2024/590 of the European Parliament and of the Council of 7 February 2024 on substances that deplete the ozone layer and repealing Regulation (EC) No 1005/2009 (OJ L, 2024/590, 20.2.2024, ELI: <http://data.europa.eu/eli/reg/2024/590/oj>).

(*4) Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC. (OJ L 396, 30.12.2006, p. 1, ELI: <http://data.europa.eu/eli/reg/2006/1907/oj>).';

(9) Appendix D is replaced by the following:

‘Appendix D

Generic criteria for DNSH to protection and restoration of biodiversity and ecosystems

1. For activities or projects listed in Annex I to Directive 2011/92/EU of the European Parliament and of the Council (*¹), an Environmental Impact Assessment (EIA) has been carried out. For activities or projects listed in Annex II to Directive 2011/92/EU, a screening has been carried out and where that screening concludes that an EIA is necessary for the activity, an EIA has been carried out (*²). Where an EIA has been carried out, the required mitigation and compensation measures for protecting the environment have been implemented (*³).
2. For sites/operations likely to have a significant negative impact on biodiversity-sensitive areas (including the Natura 2000 network of protected areas in the Union, or UNESCO World Heritage sites and Key Biodiversity Areas, as well as Critical Habitats and nationally conserved or protected areas in third countries), an assessment, where required (*⁴), has been conducted and based on its conclusions the necessary mitigation measures (*⁵) have been implemented. Activities that require compensatory measures to offset significant negative impacts on habitats or species identified in the assessment (*⁶) do not comply with Appendix D (*⁷).

(*¹) Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (OJ L 26, 28.1.2012, p. 1, ELI: <http://data.europa.eu/eli/dir/2011/92/oj>).

(*²) For activities or projects in third countries, in accordance with equivalent applicable national law or international standards requiring the completion of an EIA or screening, for example, IFC Performance Standard 1: Assessment and Management of Environmental and Social Risks.

(*³) Where an activity or project listed in Annex I or II to Directive 2011/92/EU was initiated before that Directive became applicable (including where an activity was initiated prior to the accession to the European Union of the Member State in which the activity or project takes place), the operator demonstrates that the activity or project was authorised in accordance with the applicable national laws and regulations in force at that time. Where such an activity or project is changed or extended after the Directive became applicable, a screening or an EIA is conducted covering the overall effects of the initial activity or project and its changes or

extensions. To determine whether the change or extension of the activity or project requires a screening or EIA, the following Commission notice can be used: Commission notice regarding application of the Environmental Impact Assessment Directive (Directive 2011/92/EU of the European Parliament and of the Council, as amended by Directive 2014/52/EU) to changes and extension of projects - Annex I.24 and Annex II.13(a), including main concepts and principles related to these 2021/C 486/01, C/2021/8560 (OJ C 486, 3.12.2021, p. 1).

(*4) In the Union in accordance with Directives 2009/147/EC and 92/43/EEC. For activities located in third countries, in accordance with equivalent applicable national law or international standards that aim at the conservation of natural habitats, wild fauna and wild flora and that require to carry out:

(1) a screening procedure to determine whether, for a given activity, an assessment of the possible impacts on critical habitats and threatened species is needed;

(2) such an assessment where the screening determines that it is needed, for example IFC Performance Standard 6: Biodiversity Conservation and Sustainable Management of Living Natural Resources.

(*5) Mitigation measures are introduced to avoid the significant negative impacts identified by the appropriate assessment or reduce them to a level where they will no longer adversely affect the integrity of the site. Those measures have been identified to ensure that the project, plan or activity will not have any significant negative effects on the conservation objectives of the protected area.

(*6) In accordance with Directives 2009/147/EC and 92/43/EEC.

(*7) Compensatory measures offset significant deterioration that could not be avoided by mitigation measures and are therefore not compliant with the do-no-significant-harm principle. More information in relation to mitigation and compensatory measures can be found in the guidance document “Managing Natura 2000 sites - The provisions of Article 6 of the ‘Habitats’ Directive 92/43/EEC”.