



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

ANNEX 3

**ANNEX**  
to the

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

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

### ANNEX III

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

- (1) Sections 1.1. and 1.2. are deleted;
- (2) in Section 2.1., subsection ‘Technical screening criteria’, the subsection ‘Substantial contribution to pollution prevention and control’, point (5) is replaced by the following:

‘5. During collection and transport, hazardous waste is packaged and labelled in accordance with the international or Union standards in force.’;

- (3) in Section 2.2., subsection ‘Technical screening criteria’, the subsection ‘Substantial contribution to pollution prevention and control’, point (4) is replaced by the following:

‘4. For the treatment of aqueous liquid waste, the biological treatability of the waste water resulting from the treatment of the water-based liquid waste in a biological waste water treatment plant is judged based on the following criterion:

Dissolved Organic Carbon DOC elimination of >70% in 7 days (>80% when adapted inoculum is used) in accordance with EN ISO 9888 (\*1) (Zahn Wellens), or other commonly accepted, equivalent industry standards and methodologies used to assess bio-elimination and related performances.

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(\*1) EN ISO 9888:1999 Water quality — Evaluation of ultimate aerobic biodegradability of organic compounds in aqueous medium — Static test (Zahn-Wellens method), version of [adoption date] available at: [https://standards.cencenelec.eu/ords/f?p=CEN:110:::::FSP\\_PROJECT,FSP\\_ORG\\_ID:11071,6211&cs=1B9578879D07CBB21D830D157775270AF.](https://standards.cencenelec.eu/ords/f?p=CEN:110:::::FSP_PROJECT,FSP_ORG_ID:11071,6211&cs=1B9578879D07CBB21D830D157775270AF.);

- (4) Section 2.3. is amended as follows:
  - (a) subsection ‘Description of the activity’ is amended as follows:
    - (1) in the third paragraph, point (d) is replaced by the following:

‘(d) implementation of other environmental protection and pollution prevention and control measures to comply with the conditions imposed in the environmental permit for the remediation project, or, in case of absence of a permit, by relevant national regulatory standards, including measures for safeguarding safety of operations on-site and health of workers, such as for fire control, flood protection, hazardous waste management.’;

- (2) the last paragraph is replaced by the following:

‘The economic activities in this category could be associated with several NACE codes, in particular E38.2, E38.32, E39 and F42.9 in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.’;

- (b) in subsection ‘Technical screening criteria’, the subsection ‘Substantial contribution to pollution prevention and control’ is amended as follows:

- (1) In point (1), point (a) is replaced by the following:

‘(a) the remediation activity is not undertaken by the operator (\*1) that caused the pollution or a producer of waste or a person acting on behalf of that operator or producer (\*2) in order to comply with the Directive 2004/35/CE of the European Parliament and of the Council (\*3) or, for activities located in third countries, with an equivalent national legislation or international

standards that apply the polluter-pays-principle to the remediation of environmental pollution caused by economic activities;

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(\*1) As defined in Article 2, point 6, of Directive 2004/35/CE.

(\*2) An independent undertaking with whom the operators or producers that caused the pollution signed an agreement to carry out the remediation activity is not considered a person acting on behalf of that operator, unless that undertaking represents the operator or enjoys specific powers delegated by it (this could for example be if the undertaking is a subsidiary of the operator or producer).

(\*3) Directive 2004/35/CE of the European Parliament and of the Council of 21 April 2004 on environmental liability with regard to the prevention and remedying of environmental damage (OJ L 143, 30.04.2004, p. 56).’;

(2) In point 2, point (a) is replaced by the following:

‘(a) the non-conforming or illegal landfill or dumpsite to be remediated has been closed and is not taking in further waste other than possibly inert or biostabilised waste to be used as landfill cover material (as far as allowed in the environmental permit for the remediation project or by relevant national regulatory standards);’;

(5) Section 2.4. is amended as follows:

(a) subsection ‘Description of the activity’ is amended as follows:

(1) in the first paragraph, points (a) and (b) are replaced by the following:

‘(a) decontamination or remediation of soils (\*<sup>1</sup>) and groundwater in the polluted area (\*<sup>2</sup>), either in situ or ex situ, in particular using physical, chemical or biological methods;

(b) decontamination or remediation of contaminated industrial plants or sites (\*<sup>3</sup>);

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(\*1) ‘Soil’ is defined in Article 3 point 21 of Directive 2010/75/EU as ‘the top layer of the Earth’s crust situated between the bedrock and the surface. The soil is composed of mineral particles, organic matter, water, air and living organisms.

(\*2) Building on the definition of pollution in Article 3 point 2 of Directive 2010/75/EU, ‘pollutants’ are substances, vibrations, heat or noise introduced directly or indirectly, as a result of human activity, into air, water or land which may be harmful to human health or the quality of the environment, result in damage to material property, or impair or interfere with amenities and other legitimate uses of the environment. The ‘polluted area’ is the area affected by pollution.

(\*3) A site refers to a specific geographical location where industrial activities have taken place, and as a result, contamination may have occurred. This may include land or soil contaminated with hazardous substances, groundwater or surface water contamination, areas surrounding industrial facilities where pollution has migrated, or abandoned or inactive industrial facilities. Industrial plants refer to the physical structures and equipment used for industrial processes, such as manufacturing facilities, refineries or power generation plants. Site-focused efforts to remediate or decontaminate address the surrounding environment, while industrial plant-focused efforts address the physical structures and equipment.’;

(2) in the first paragraph, point (e) is replaced by the following:

‘(e) material abatement of hazardous substances (\*<sup>1</sup>), mixtures or products, such as asbestos or lead-based paint;

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(\*1) In accordance with Article 3 of Regulation (EC) No 1272/2008 on classification, labelling and packaging of substances and mixtures, hazardous substances are those substances that fulfil the criteria relating to physical hazards, health hazards or environmental hazards, that are laid down in Parts 2 to 5 of Annex I to that Regulation.’;

(3) In the second paragraph, point (e) is replaced by the following:

‘(e) implementation of other environmental protection and pollution prevention and control measures to comply with the conditions imposed in the environmental permit for the remediation project or by relevant national regulatory standards, including measures for safeguarding safety of operations on-site and health of workers (such as for fire control, flood protection, hazardous waste management), protection of workers, site access control, management of invasive species before or during decontamination or remediation, reinforcement operations carried out prior to or during decontamination.’;

(4) the last paragraph is replaced by the following:

‘The economic activities in this category could be associated with several NACE codes, in particular C33.20, E39, F43.11, F43.12, N71.12, N71.20, N74.90, O81.30 in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.’;

(b) in subsection ‘Technical screening criteria’, the subsection ‘Substantial contribution to pollution prevention and control’ is amended as follows:

(1) point 1 is replaced by the following:

‘Remediation activities are not carried out by the operator (\*<sup>1</sup>) that caused the pollution or a person acting on behalf of that operator (\*<sup>2</sup>) in order to comply with the requirements of Directive 2004/35/CE or with other environmental or civil liability provisions based on the ‘polluter-pays’ principle according to national law.

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(\*1) As defined in Article 2, point 6, of, Directive 2004/35/CE.

(\*2) An independent undertaking with whom the operators that caused the pollution signed an agreement to carry out the remediation activity is not considered a person acting on behalf of that operator, unless that undertaking represents the operator or enjoys specific powers delegated by it (this could for example be if the undertaking is a subsidiary of the operator).’;

(2) in point (3), point (c) is replaced by the following:

‘(c) the remedial options are analysed in line with Annex II to Directive 2004/35/CE and the most suitable remedial measures are defined in a dedicated remediation plan, including monitoring requirements and plan or according to the relevant national legislation;’;

(c) in subsection ‘Technical screening criteria’, subsection ‘Do no significant harm ‘DNSH’ is amended as follows:

(1) in point (4), the following paragraph as is added:

‘Compliance with this criterion can be demonstrated through ex-ante commitments by the operator, reflected in financial projections, official project documentation, or contractual

agreements with its contractors. The relevant documentation is updated throughout the construction period.

(2) In point (6), point (a) is deleted.’;

(6) 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<sup>(\*1)</sup>.

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<sup>(\*2)</sup> across the existing range of future scenarios<sup>(\*3)</sup> consistent with the expected lifetime of the activity<sup>(\*4)</sup>. 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<sup>(\*5)</sup> or blue or green infrastructure<sup>(\*6)</sup> 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<sup>(\*7)</sup>.

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(\*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.’;

(7) Appendix B is replaced by the following:

## **‘Appendix B**

### ***Generic criteria for DNSH to sustainable use and protection of water and marine resources***

1. Environmental degradation risks related to preserving water quality and avoiding water stress are identified and addressed with the aim of contributing 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 Article 4 of Directive 2000/60/EC (\*<sup>1</sup>) and the water use and protection river basin management plan, developed by the relevant authorities in accordance with that Directive.

The activity is considered as having demonstrated compliance with the first subparagraph where it has obtained a development consent addressing the risk of environmental degradation following an Environmental Impact Assessment (EIA) conducted under Directive 2011/92/EU, which includes an assessment of the impact on water in accordance with Directive 2000/60/EC. Where an EIA is not required by Directive 2011/92/EU, a valid and up to date environmental permit covering water-related aspects has been issued by a competent authority demonstrating that the activity complies with the relevant requirements of Directive 2000/60/EC. In the absence of a permit, the operator may use alternative available evidence of compliance, such as registrations and notifications of the activity to competent authorities in accordance with national measures setting criteria to comply with the requirements laid down in Directive 2000/60/EU (\*<sup>2</sup>).

2. The activity does not hamper the achievement of good environmental status of marine waters or does not deteriorate marine waters that are already in good environmental status as defined in point 5 of Article 3 of Directive 2008/56/EC (\*<sup>3</sup>), taking into account the Decision (EU) 2017/848 in relation to the relevant criteria and methodological standards for those descriptors.

The activity is considered as having demonstrated compliance with the first subparagraph where it has obtained a development consent addressing the risk of environmental degradation following an Environmental Impact Assessment (EIA) conducted under Directive 2011/92/EU, which includes an assessment of the impact on marine waters taking into

account the requirements of Directive 2008/56/EC. Where an EIA is not required by Directive 2011/92/EU, the operator may use alternative available evidence of compliance, such as registrations and notifications of the activity to competent authorities, in accordance with national measures setting criteria to comply with the requirements laid down in Directive 2008/56/EC (\*4).’

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(\*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 or, where this is not possible, 3) justified by the lack of better environmental alternatives which are not disproportionately costly/technically unfeasible, and all practicable steps are taken to mitigate the adverse impact on the status of the body of water.

(\*2) For activities in third countries, compliance with applicable national law or international standards can be demonstrated through a valid and up to date permit. In the absence of a permit, the operator may use alternative available evidence of compliance, such as registrations and notifications of the activity to competent authorities.

(\*3) The definition laid down in point 5 of Article 3 of Directive 2008/56/EC provides in particular that good environmental status is to be determined on the basis of the qualitative descriptors laid down in Annex I to that Directive.

(\*4) For activities in third countries, compliance with applicable national law or international standards can be demonstrated through relevant available evidence of compliance, such as registrations and notifications of the activity to competent authorities.’;

(8) 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, pp. 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”.