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ANNEX 4

ANNEX
to the

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

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

ANNEX IV

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

- (1) **In section 1.1.**, subsection ‘Description of the activity’, the fourth paragraph is replaced by the following:

‘The economic activities in this category have no dedicated NACE code but are partially covered under NACE code S91.4 as referred to in the statistical classification of economic activities established by Regulation (EC) No 1893/2006. The activities relate to Class 6 of the statistical classification of environmental protection activities (CEPA) established by Regulation (EU) No 691/2011 of the European Parliament and of the Council (*1).

(*1) Regulation (EU) No 691/2011 of the European Parliament and of the Council of 6 July 2011 on European environmental economic accounts (OJ L 192, 22.7.2011, p. 1).’;

- (2) **Section 2.1.** is amended as follows:

- (a) in subsection ‘Technical screening criteria’, subsection ‘Substantial contribution to protection and restoration of biodiversity and ecosystems’, point (3) is replaced by the following:

‘3. Sustainable Supply Chain and Environmental Management System

3.1. The establishment has a fair share of products in line with market best practices (such as food and beverages, wood, including furniture, paper, board and plastic products) certified according to environmental standards (*1). The establishment commits to a continuous improvement of the share of the products certified by an independent third party.

3.2. For accommodation establishments with over 50 employees, the activity complies with one of the following criteria:

- (a) the establishment has an environmental management system (EMS) requiring third party certification, such as the EU Eco-Management and Audit Scheme (*2) (EMAS), or equivalent, aligned with best environmental management practice and benchmark performances such as the EMAS Reference Document for the Tourism Sector (*3) or equivalent national or international standard;

- (b) the establishment was awarded with an EU Ecolabel for tourist accommodation or an equivalent voluntary label meeting equivalent requirements (*4).

(*1) Such as the EU Ecolabel for tourist accommodation, in accordance with Commission Decision (EU) 2017/175 of 25 January 2017 on establishing EU Ecolabel criteria for tourist accommodation (notified under document C(2017) 299) (OJ L 28, 2.2.2017, p. 9), EU organic-certification for foods and drinks in accordance with Regulation (EU) 2018/848 of the European Parliament and of the Council of 30 May 2018 on organic production and labelling of organic products and repealing Council Regulation (EC) No 834/2007 (OJ L 150, 14.6.2018, p. 1), the FSC label for wood and paper products (version of [adoption date]: <https://fsc.org/en>) or the Rainforest Alliance for certain commodities (version of [adoption date]: <https://www.rainforest-alliance.org/for-business/2020-certification-program/>).

(*2) In accordance with Regulation (EC) No 1221/2009.

(*3) Commission Decision (EU) 2016/611 of 15 April 2016 on the reference document on best environmental management practice, sector environmental performance indicators and benchmarks of excellence for the tourism sector under Regulation (EC) No 1221/2009 on the

voluntary participation by organisations in a Community eco-management and audit scheme (EMAS) (notified under document C(2016) 2137) (OJ L 104, 20.4.2016, p. 27).

(*4) In particular, requirements include: following a multi-criteria approach; criteria are developed through an independent science-based process, are publicly available and go beyond what is required by legislation; that the label is based on impartial control procedure through third party verification.’;

(b) in subsection ‘Technical screening criteria’, subsection ‘Do no significant harm (‘DNSH’), point (1) is replaced by the following:

‘For buildings built before 31 December 2020, the building has at least an Energy Performance Certificate (EPC) class D. As an alternative, the building is within the top 50 % of the national or regional building stock expressed as operational Primary Energy Demand (PED) and demonstrated by adequate evidence, which at least compares the performance of the relevant asset to the performance of the national or regional stock built before 31 December 2020 and at least distinguishes between residential and non-residential buildings.

The Primary Energy Demand (PED) setting out the energy performance of the building resulting from the construction does not exceed the threshold set for the nearly zero-energy building (NZEB) and zero-emission buildings (ZEB) requirements from when those requirements apply in national regulation implementing Directive (EU) 2024/1275. The energy performance is certified using an as built Energy Performance Certificate (EPC)

The activity does not involve the degradation of land with high carbon stock (*¹) nor the degradation of marine environment with high carbon stock.

(*1) ‘Land with high-carbon stock’ means wetlands, including peatland, and continuously forested areas within the meaning of Article 29(4)(a), (b) and (c) of Directive (EU) 2018/2001’;

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

‘Chemical products for cleaning, dishwashing, sanitising, laundry and other special cleaners (such as swimming pool backwashing) comply with the criteria set out in Appendix C to this Annex.

The activity is in line with Directive (EU) 2015/2193 of the European Parliament and of the Council (*¹).

Noise, plastic, light and chemical pollution are minimised.

(*1) Directive (EU) 2015/2193 of the European Parliament and of the Council of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants (OJ L 313, 28.11.2015, p. 1).’;

(3) 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.’;

(4) 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 (*1) 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/EC (*2).

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 (*3), 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).’

(*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.’;

(5) Appendix C is replaced by the following:

‘Appendix C

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

(1) Appendix C Generic criteria for DNSH to pollution prevention and control regarding use and presence of chemicals is replaced as follows:

‘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, 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.

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, except where the exemptions set out in Articles 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, 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 of 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 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 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 1-6, 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).

(*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).

(*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.

(*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).’.