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ANNEX 1

SENSITIVE*

ANNEX

to the

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

amending Delegated Regulation (EU) 2021/2139 establishing additional technical screening criteria for determining the conditions under which certain economic activities qualify as contributing substantially to climate change mitigation or climate change adaptation and for determining whether those activities cause no significant harm to any of the other environmental objectives

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ANNEX I

Amendments to Annex I to Delegated Regulation (EU) 2021/2139

Annex I to Delegated Regulation (EU) 2021/2139 is amended as follows:

(1) Section 3.3. is replaced by the following [additions in **bold**]:

‘3.3. Manufacture of low carbon technologies for transport

Description of the activity

Manufacture, repair, maintenance, retrofitting, repurposing and upgrade of low carbon transport vehicles, rolling stock and vessels.

The economic activities in this category could be associated with several NACE codes, in particular C29.1, C30.1, C30.2, C30.9, C33.15, C33.17 in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.

An economic activity in this category is an enabling activity in accordance with Article 10(1), point (i), of Regulation (EU) 2020/852 where it complies with the technical screening criteria set out in this Section.

Technical screening criteria

Substantial contribution to the sustainable use and protection of water and marine resources

The economic activity manufactures, repairs, maintains, retrofits¹, repurposes or upgrades:

- (a) trains, passenger coaches and wagons that have zero direct (tailpipe) CO₂ emissions;
- (b) trains, passenger coaches and wagons that have zero direct tailpipe CO₂ emission when operated on a track with necessary infrastructure, and use a conventional engine where such infrastructure is not available (bimode);
- (c) urban, suburban and road passenger transport devices, where the direct (tailpipe) CO₂ emissions of the vehicles are zero;
- (d) until 31 December 2025, vehicles designated as categories M2 and M3² that have a type of bodywork classified as ‘CA’ (single-deck vehicle), ‘CB’ (double-deck vehicle), ‘CC’ (single-deck articulated vehicle) or ‘CD’ (double-deck articulated vehicle)³, and comply with the latest EURO VI standard, i.e. both with the requirements of Regulation (EC) No 595/2009 and, from the time of the entry into force of amendments to that Regulation, in those amending acts, even before they become applicable, and with the latest step of the Euro VI standard set out in Table 1 of Appendix 9 to Annex I to Regulation (EU) No 582/2011 where the provisions

¹ For points (j) to (m), the criteria related to retrofitting are covered in Sections 6.9 and 6.12 of this Annex.

² As referred to in Article 4(1), point (a), of Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.06.2018, p. 1).

³ As set out in point 3 of part C of Annex I to Regulation (EU) 2018/858.

governing that step have entered into force but have not yet become applicable for this type of vehicle⁴. Where such standard is not available, the direct CO₂ emissions of the vehicles are zero;

- (e) personal mobility devices with a propulsion that comes from the physical activity of the user, from a zero-emissions motor, or a mix of zero-emissions motor and physical activity;
- (f) vehicles of category M₁ and N₁ classified as light-duty vehicles⁵ with:
 - (i) until 31 December 2025: specific emissions of CO₂, as defined in Article 3(1), point (h), of Regulation (EU) 2019/631, lower than 50gCO₂/km (low- and zero-emission light-duty vehicles);
 - (ii) from 1 January 2026: specific emissions of CO₂, as defined in Article 3(1), point (h), of Regulation (EU) 2019/631, are zero;
- (g) vehicles of category L⁶ with tailpipe CO₂ emissions equal to 0g CO_{2e}/km calculated in accordance with the emission test laid down in Regulation (EU) 168/2013;
- (h) vehicles of categories N2 and N3, and N1 classified as heavy-duty vehicles, not dedicated to transporting fossil fuels with a technically permissible maximum laden mass not exceeding 7,5 tonnes that are 'zero-emission heavy-duty vehicles' as defined in Article 3, point (11), of Regulation (EU) 2019/1242;
- (i) vehicles of categories N2 and N3 not dedicated to transporting fossil fuels with a technically permissible maximum laden mass exceeding 7,5 tonnes that are 'zero-emission heavy-duty vehicles', as defined in Article 3, point (11), of Regulation (EU) 2019/1242 or 'low-emission heavy-duty vehicles' as defined in Article 3, point (12) of that Regulation;
- (j) inland passenger water transport vessels that:
 - (i) have zero direct (tailpipe) CO₂ emissions;
 - (ii) until 31 December 2025, are hybrid and dual fuel vessels using at least 50 % of their energy from zero direct (tailpipe) CO₂ emission fuels or plug-in power for their normal operation;
- (k) inland freight water transport vessels, not dedicated to transporting fossil fuels, that:
 - (i) have zero direct (tailpipe) CO₂ emissions;
 - (ii) until 31 December 2025, have direct (tailpipe) emissions of CO₂ per tonne kilometre (gCO₂/tkm), calculated (or estimated in case of new vessels) using the Energy Efficiency Operational Indicator⁷, 50 % lower than the average reference value for emissions of CO₂ defined for heavy duty vehicles (vehicle subgroup 5-LH) in accordance with Article 11 of Regulation (EU) 2019/1242;

⁴ Until 31/12/2022, the EURO VI, step E as set out in Regulation (EC) No 595/2009.

⁵ As defined in Article 4(1), points (a) and (b) of Regulation (EU) 2018/858).

⁶ As defined in Article 4 of Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles (OJ L 60, 2.3.2013, p. 52).

⁷ The Energy Efficiency Operational Indicator is defined as the ratio of mass of CO₂ emitted per unit of transport work. It is a representative value of the energy efficiency of the ship operation over a consistent period which represents the overall trading pattern of the vessel. Guidance on how to calculate this indicator is provided in the document MEPC.1/Circ. 684 from IMO.

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- (l) sea and coastal freight water transport vessels, vessels for port operations and auxiliary activities, that are not dedicated to transporting fossil fuels, that:
- (i) have zero direct (tailpipe) CO₂ emissions;
 - (ii) until 31 December 2025, are hybrid and dual fuel vessels that derive at least 25 % of their energy from zero direct (tailpipe) CO₂ emission fuels or plug-in power for their normal operation at sea and in ports;
 - (iii) until 31 December 2025, and only where it can be proved that the vessels are used exclusively for operating coastal and short sea services designed to enable modal shift of freight currently transported by land to sea, the vessels that have direct (tailpipe) CO₂ emissions, calculated using the International Maritime Organization (IMO) Energy Efficiency Design Index (EEDI)⁸, 50 % lower than the average reference CO₂ emissions value defined for heavy duty vehicles (vehicle subgroup 5-LH) in accordance with Article 11 of Regulation (EU) 2019/1242;
 - (iv) until 31 December 2025, the vessels have an attained Energy Efficiency Design Index (EEDI) value 10 % below the EEDI requirements applicable on 1 April 2022⁹ if the vessels are able to run on zero direct (tailpipe) CO₂ emission fuels or on fuels from renewable sources¹⁰;
 - (v) **from 1 January 2026, the vessels have an attained Energy Efficiency Design Index (EEDI) value at least 20% below the EEDI requirements applicable on 1 April 2022, if the vessels are able to run on zero direct (tailpipe) CO₂ emission fuels or on fuels from renewable sources¹¹, and have the ability to plug-in at berth;**
- (m) sea and coastal passenger water transport vessels, not dedicated to transporting fossil fuels, that:
- (i) have zero direct (tailpipe) CO₂ emissions;
 - (ii) until 31 December 2025, hybrid and dual fuel vessels derive at least 25 % of their energy from zero direct (tailpipe) CO₂ emission fuels or plug-in power for their normal operation at sea and in ports;
 - (iii) until 31 December 2025, the vessels have an attained Energy Efficiency Design Index (EEDI) value 10 % below the EEDI requirements applicable on 1 April 2022 if the vessels are able to run on zero direct (tailpipe) CO₂ emission fuels or on fuels from renewable sources¹²;
 - (iv) **from 1 January 2026, the vessels have an attained Energy Efficiency Design Index (EEDI) value at least 20% below the EEDI requirements applicable on 1 April 2022, and if the vessels are able to run on zero direct (tailpipe) CO₂ emission fuels or on fuels from renewable sources¹³ and have the ability to plug-in at berth.**
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⁸ Energy Efficiency Design Index (version of [adoption date]: <http://www.imo.org/fr/MediaCentre/HotTopics/GHG/Pages/EEDI.aspx>).

⁹ EEDI requirements applicable on 1 April 2022 as agreed by the Marine Environment Protection Committee of the International Maritime Organization on its seventy fourth session.

¹⁰ Fuels that meet the technical screening criteria specified in Sections 3.10 and 4.13 of this Annex.

¹¹ Fuels that meet the technical screening criteria specified in Sections 3.10 and 4.13 of this Annex.

¹² Fuels that meet the technical screening criteria specified in Sections 3.10 and 4.13 of this Annex.

¹³ Fuels that meet the technical screening criteria specified in Sections 3.10 and 4.13 of this Annex.

Do no significant harm ('DNSH')

(2) Climate change adaptation	The activity complies with the criteria set out in Appendix A to this Annex.
(3) Sustainable use and protection of water and marine resources	The activity complies with the criteria set out in Appendix B to this Annex.
(4) Transition to a circular economy	<p>The activity assesses the availability of and, where feasible, adopts techniques that support:</p> <ul style="list-style-type: none">(a) reuse and use of secondary raw materials and re-used components in products manufactured;(b) design for high durability, recyclability, easy disassembly and adaptability of products manufactured;(c) waste management that prioritises recycling over disposal, in the manufacturing process;(d) information on and traceability of substances of concern throughout the life cycle of the manufactured products.
(5) Pollution prevention and control	<p>The activity complies with the criteria set out in Appendix C to this Annex.</p> <p>Where applicable, vehicles do not contain lead, mercury, hexavalent chromium and cadmium, in accordance with Directive 2000/53/EC.</p>
(6) Protection and restoration of biodiversity and ecosystems	The activity complies with the criteria set out in Appendix D to this Annex.

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(2) Section 3.18. is added:

‘3.18. Manufacture of automotive and mobility components

Description of the activity

Manufacture, repair, maintenance, retrofitting, repurposing and upgrade of mobility components for zero-emission personal mobility devices and of automotive and mobility components, systems, separate technical units, parts and spare parts as defined in Regulation

(EU) 2018/858 of the European Parliament and of the Council¹⁴, type approved, designed, constructed and used only in vehicles and buses of category M1, M2, N1, N2 and L meeting the criteria set out in this Section and which are essential for delivering and improving the environmental performance of the vehicle.

The economic activities in this category are excluded from Sections 3.3, 3.6 and [*Placeholder for possible new activity on manufacturing of electrical equipment to be added*] of this Annex.

Where sections 3.2 and 3.4 of this Annex are applicable, the economic activities in this category are excluded from this Section.

The economic activities in this category could be associated with several NACE codes, in particular C22.1, C22.2, C26.1, C26.2, 26.3, 26.4, C28.14, C28.15, C29.2, C29.3, and C33.17 in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.

An economic activity in this category is an enabling activity in accordance with Article 10(1), point (i), of Regulation (EU) 2020/852 where it complies with the technical screening criteria set out in this Section.

Technical screening criteria

Substantial contribution to climate change mitigation

1. The economic activity manufactures, repairs, maintains, retrofits¹⁵, repurposes and upgrades components set out in this Section for the following vehicles:
 - (e) urban, suburban and road passenger transport devices, where the direct (tailpipe) CO₂ emissions of the vehicles are zero;
 - (f) vehicles designated as categories M2 and M3¹⁶ where the direct (tailpipe) CO₂ emissions of the vehicles are zero;
 - (g) vehicles of category M1 and N1 classified as light-duty vehicles¹⁷ where specific emissions of CO₂, as defined in Article 3(1), point (h), of Regulation (EU) 2019/631, are zero;
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¹⁴ Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.06.2018, p. 1).

¹⁵ For points (j) to (m), the criteria related to retrofiting are covered in Sections 6.9 and 6.12 of this Annex.

¹⁶ As referred to in Article 4(1), point (a), of Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC ([OJ L 151, 14.06.2018, p. 1](#)).

¹⁷ As defined in Article 4(1), points (a) and (b) of Regulation (EU) 2018/858).

- (h) vehicles of category L¹⁸ with tailpipe CO₂ emissions equal to 0 g CO₂e/km calculated in accordance with the emission test laid down in Regulation (EU) 168/2013 of the European Parliament and of the Council¹⁹;
- (i) vehicles of categories N2 and N3, and N1 classified as heavy-duty vehicles, not dedicated to transporting fossil fuels with a technically permissible maximum laden mass not exceeding 7,5 tonnes that are ‘zero-emission heavy-duty vehicles’ as defined in Article 3, point (11), of Regulation (EU) 2019/1242 of the European Parliament and of the Council²⁰.
2. The economic activity manufactures, repairs, maintains, retrofits²¹, repurposes and upgrades mobility components for personal mobility devices with a propulsion that comes from the physical activity of the user, from a zero-emissions motor, or a mix of zero-emissions motor and physical activity.

Do no significant harm (‘DNSH’)

(2) Climate change adaptation	The activity complies with the criteria set out in Appendix A to this Annex.
(3) Sustainable use and protection of water and marine resources	N/A
(4) Transition to a circular economy	<p>The activity assesses the availability of and, where feasible, adopts techniques that support:</p> <ul style="list-style-type: none"> (a) reuse and use of secondary raw materials and re-used components in products manufactured; (b) design for high durability, recyclability, easy disassembly and adaptability of products manufactured; (c) waste management that prioritises recycling over disposal, in the manufacturing process;

¹⁸ As defined in Article 4 of Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles ([OJ L 60, 2.3.2013, p. 52](#)).

¹⁹ Regulation (EU) No 168/2013 of the European Parliament and of the Council of 15 January 2013 on the approval and market surveillance of two- or three-wheel vehicles and quadricycles ([OJ L 60, 2.3.2013, p. 52](#)).

²⁰ Regulation (EU) 2019/1242 of the European Parliament and of the Council of 20 June 2019 setting CO₂ emission performance standards for new heavy-duty vehicles and amending Regulations (EC) No 595/2009 and (EU) 2018/956 of the European Parliament and of the Council and Council Directive 96/53/EC ([OJ L 198, 25.7.2019, p. 202](#)).

²¹ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32021R2139#ntr74-L_2021442EN.01001201-E0074

	(d) information on and traceability of substances of concern throughout the life cycle of the manufactured products.
(5) Pollution prevention and control	<p>The activity complies with the criteria set out in Appendix C to this Annex</p> <p>Where applicable, the components and parts do not contain lead, mercury, hexavalent chromium and cadmium, in accordance with Directive 2000/53/EC.</p>
(6) Protection and restoration of biodiversity and ecosystems	The activity complies with the criteria set out in Appendix D to this Annex.

2;

(3) Section 3.19. is added:

‘3.19. Manufacture of rail constituents

Description of the activity

Manufacture, installation, technical consulting, retrofitting, upgrade, repair, maintenance, and repurposing of products, equipment, systems, and software related to the following rail constituents detailed in Point 2 of Annex II of Directive (EU) 2016/797 on the interoperability of the rail system within the European Union:

These constituents and services are essential to the environmental performance, operation and functioning over the lifetime of rail rolling stock that comply with Section 3.3. of this Annex.

The economic activities in this category could be associated with several NACE codes, in particular, C30.1, C27.1, C27.9 in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.

The economic activities in this category are excluded from Sections 3.3. and 3.6. of this Annex.

An economic activity in this category is an enabling activity in accordance with Article 10(1), point (i), of Regulation (EU) 2020/852 where it complies with the technical screening criteria set out in this Section.

Technical screening criteria

Substantial contribution to climate change mitigation

The economic activity manufactures, installs, retrofits, repairs, maintains, upgrades or repurposes products, equipment, systems or software related to the following rail constituents

detailed in Point 2 of Annex II to Directive (EU) 2016/797 on the interoperability of the rail system within the European Union or provides related technical consulting services:

These constituents and services are essential to the environmental performance, operation and functioning over the lifetime of one or more of the technologies listed below:

- (a) trains, passenger coaches and wagons that have zero direct (tailpipe) CO₂ emissions that comply with Section 3.3. of Annex I to this Regulation
- (b) trains, passenger coaches and wagons that have zero direct tailpipe CO₂ emission when operated on a track with necessary infrastructure, and use a conventional engine where such infrastructure is not available (bimode) that comply with Section 3.3. of Annex I to this Regulation.

Do no significant harm ('DNSH')

(2) Climate change adaptation	The activity complies with the criteria set out in Appendix A to this Annex.
(3) Sustainable use and protection of water and marine resources	N/A
(4) Transition to a circular economy	<p>The activity assesses the availability of and, where feasible, adopts techniques that support:</p> <ul style="list-style-type: none">(a) reuse and use of secondary raw materials and re-used components in products manufactured;(b) design for high durability, recyclability, easy disassembly and adaptability of products manufactured;(c) waste management that prioritises recycling over disposal, in the manufacturing process;(d) information on and traceability of substances of concern throughout the life cycle of the manufactured products.
(5) Pollution prevention and control	<p>The activity complies with the criteria set out in Appendix C to this Annex.</p> <p>Where applicable, vehicles do not contain lead, mercury, hexavalent chromium and cadmium, in accordance with Directive 2000/53/EC.</p>
(6) Protection and restoration of biodiversity and ecosystems	The activity complies with the criteria set out in Appendix D to this Annex.

(4) Section 3.20. is added:

‘3.20. Manufacture, installation, and servicing of high, medium and low voltage electrical equipment for electrical transmission and distribution that result in or enable substantial contribution to climate change mitigation

Description of the activity

The economic activity develops, manufactures, installs, maintains or services electrical products, equipment, systems, software aimed at substantial GHG emission reductions in high, medium and low voltage electrical distribution systems through electrification, energy efficiency, integration of renewable energy or efficient power conversion.

The economic activity includes systems to integrate renewable sources of energy in the electric grid, increase grid automation, flexibility and stability, manage demand-side response, develop low carbon transport or heat, or deploy smart metering technologies for substantial improvement of energy efficiency.

The economic activity in this category does not include heat and power generating equipment and electrical appliances.

The economic activities in this category could be associated with several NACE codes, in particular C26.51, C27.1, C27.3, C27.9, C33.13, C33.14 and C33.2 in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.

An economic activity in this category is an enabling activity in accordance with Article 10(1), point (i), of Regulation (EU) 2020/852 where it complies with the technical screening criteria set out in this Section.

Technical screening criteria

Substantial contribution to climate change mitigation

1. The activity manufactures, installs, maintains or provides maintenance, repair and technical consulting services essential to the functioning over the lifetime of one or more of the following:

- (a) electric vehicle charging stations and supporting electric infrastructure for the electrification of transport that is installed primarily to enable electric vehicle charging.
Any activity included in Section 7.4. of Annex I to this Regulation is excluded from this point.
 - (b) transmission and distribution transformers that comply with the Tier 2 (1 July 2021) requirements set out in Annex I to Commission Regulation (EU) No 2019/1783²², and medium power transformers with highest voltage for equipment not exceeding
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²²

Commission Regulation (EU) 2019/1783 of 1 October 2019 amending Regulation (EU) No 548/2014 on implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to small, medium and large power transformers (OJ L 272, 25.10.2019, p. 107).

36 kV, with AA0 level requirements on no-load losses set out in standard EN 50708 series;

- (c) low voltage electrical products, equipment and systems that increase the controllability of the electricity system, are integrated in renewable energy systems and improve energy efficiency, that are:
 - (i) low voltage circuit breakers, switchgears, switchboards, panelboards or control centres that are connectable, automated or equipped with power or energy metering devices and that comply with IEC TR 63196 Low-Voltage Switchgear and Controlgear and their assemblies - Energy efficiency;
 - (ii) Home and Building Electronic Systems (HBES), as defined in EN IEC 63044 series, where the products and systems that are needed to measure, control and reduce energy consumption;
 - (iii) technologies that enable to increase the energy efficiency of low voltage installations, recognised under HD 60364-8-1: Low-voltage electrical installations – Part 8-1: Energy efficiency and HD 60364-8-2: Low-voltage electrical installations - Part 8-2: Prosumer's low-voltage electrical installations, including energy and power meters, external customer display, power compensation, phase compensation and filtering and efficient electric motor-driven systems;
- (d) high voltage switchgear and controlgear that increase the controllability of the electricity system, are integrated in renewable energy systems and improve energy efficiency.

The equipment referred to in this point complies with EN 62271-1 High-voltage switchgear and controlgear – Part 1: Common specifications for alternating current switchgear and controlgear and EN 62271-200 High-voltage switchgear and controlgear – Part 200: AC metal-enclosed switchgear and controlgear for rated voltages above 1 kV and up to and including 52 kV;

- (e) demand response and load shifting equipment, systems and services that increase the flexibility of the electricity system and support grid stability, that include:
 - (i) solutions to carry information to users for remotely acting on supply or consumption, including customer data hubs;
 - (ii) automated control centres for load management and their core components (switchboards, contactors, relays, circuit breakers, automatic transfer switches). Core components are installed as part of control centres;
 - (iii) where not included in Section 8.2. of this Annex, advanced software and analytics to maximise efficiency and automation of electricity networks or integration of decentralised energy resources, at the level of the electricity grid or an industry, that include:
 - advanced control rooms, automation of electrical substations, voltage control capabilities;
 - operation software enabling operators to simulate the operation of grids for the purpose of ensuring grid stability, managing Distributed Energy Resources or improving grid performance.

The software supports dynamic grid characteristics required for the transition towards renewable energy. It is capable of processing data from near-real

time grid measurements to observe how the power transmission, distribution and consumption really occur, and use this information to improve simulation studies and operation activities, including the avoidance of outages, back-outs, and wastes;

- (iv) where not included in Section 8.2. of this Annex, software supporting the design and planning of new grids or grid upgrades.

The software supports dynamic grid characteristics required for the transition towards renewable energy, for instance volatile power generation at distribution level (“prosumers”), changing of power flow directions, and the use of grid storage units;

- (v) meteorological sensors for forecasting renewable production;
- (vi) stand-alone or embedded connectable controllers and relays that enable an efficient use of electrical sources and loads amend;
- (vii) load-shedding and load-shifting equipment for load management and source-switching equipment, where the equipment is compliant with EN IEC 62962:2019 Particular requirements for load-shedding equipment;

- (f) where not included in Section 8.2. of this Annex, communication, software and control equipment, products, systems, and services for energy efficiency and integration of renewable energy:

- (i) equipment to allow for exchange of specifically renewable electricity between users;
- (ii) battery swapping technology or service, supporting the electrification of transport;
- (iii) microgrid management system;
- (iv) energy or power management systems, energy or power controls systems and SCADA systems for power management;
- (v) contactors, motor starters and motor controls that are connectable or automated and enable remote or automated control of electricity consumption and optimisation of load variation;
- (vi) variable speed drives, excluding soft starters, that enable energy efficiency in electrical motor applications, where the equipment is compliant with EN 61800-9-1 and EN 61800-9-2 Ecodesign for power drive systems, motor starters, power electronics and their driven applications;
- (vii) low-voltage electrical motors with an energy efficiency class (according to EN 60034-30: Efficiency classes for low-voltage motors) exceeding the requirements set by Commission Regulation 2019/1781²³, specifically:
 - single-phase motors with a rated output of 0,12 kW or higher and an efficiency class of IE3 or higher;

²³

Commission Regulation (EU) 2019/1781 of 1 October 2019 laying down ecodesign requirements for electric motors and variable speed drives pursuant to Directive 2009/125/EC of the European Parliament and of the Council, amending Regulation (EC) No 641/2009 with regard to ecodesign requirements for glandless standalone circulators and glandless circulators integrated in products and repealing Commission Regulation (EC) No 640/2009 (OJ L 272, 25.10.2019, p. 74).

- Ex eb increased safety motors with a rated output between 0,12 kW and 1 000 kW, with 2, 4, 6 or 8 poles and an efficiency class IE3 or higher;
- 3-phase motors with a rated output between 0,75 kW and 1000 kW, with 2, 4, 6 or 8 poles, which are not Ex eb increased safety motors and have (i) an efficiency class of IE5 for motors with 2,4 or 6 poles and a rated power between 75 kW and 200 kW, (ii) an efficiency class of IE 4 or higher for all other motors;
- 3-phase motors with a rated output between 0,12 kW and 0,75 kW, with 2, 4, 6 or 8 poles, which are not Ex eb increased safety motors and have an efficiency class of IE3 or higher;

(viii) medium- and high-voltage motors with a rated power above 1000 kW and an energy efficiency class IE 4 or higher according to draft standard IEC 60034-30-3.

3. The following elements are not compliant:

- (a) infrastructure dedicated to creating a direct connection or expanding an existing direct connection between a substation or network and a power production plant that is more greenhouse gas intensive than 100 gCO₂e/kWh measured on a life cycle basis. This exclusion only applies to equipment that is directly used to connect, or reinforce the connection to, a power production plant above 100g CO₂e/kWh;
- (b) products, equipment, systems and software that are installed in an infrastructure dedicated to the extraction, transport, distribution, storage, manufacturing or transformation of fossil fuels.

Equipment installed to expand, reinforce or maintain energy transmission and distribution networks referred in Section 4.9 to this Annex may be compliant.

4. For switchgears with insulating or breaking medium using, or whose functioning relies upon, gases with a Global Warming Potential:

- (a) below and equal to 145 kV and up to 50kA short circuit, equipment containing gas mixtures with a GWP above 10 are not compliant;
- (b) above 145 kV or more than 50kA short circuit, equipment containing gas mixtures with a GWP above 675 are not compliant;

For all power ranges, switchgears containing SF₆ are not compliant.

5. All products, equipment and systems comply with mandatory energy and material efficiency performance requirements defined in Directive 2009/125/EC. Manufacturers refer to the latest applicable performance requirements in the Union.

Do no significant harm ('DNSH')

(2) Climate change adaptation	The activity complies with the criteria set out in Appendix A to this Annex.
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(3) Sustainable use and protection of water and marine resources	The activity complies with the criteria set out in Appendix B to this Annex.
(4) Transition to a circular economy	<p>The activity assesses the availability of and, where feasible, adopts techniques that support:</p> <ul style="list-style-type: none"> (a) reuse and use of secondary raw materials and reused components in products manufactured; (b) design for high durability, recyclability, easy disassembly and adaptability of products manufactured; (c) waste management that prioritises recycling over disposal, in the manufacturing process; (d) information on and traceability of substances of concern throughout the life cycle of the manufactured products.
(5) Pollution prevention and control	The activity complies with the criteria set out in Appendix C to this Annex.
(6) Protection and restoration of biodiversity and ecosystems	The activity complies with the criteria set out in Appendix D to this Annex.

’;

(5) in Section 4.26., subsection Technical screening criteria, subsection Additional criteria pertaining to substantial contribution to climate change mitigation, point (3) is replaced by the following:

‘

(3) Sustainable use and protection of water and marine resources	<p>The activity complies with the criteria set out in Appendix B to this Annex.</p> <p>Environmental degradation risks related to preserving water quality and avoiding water stress are identified and addressed, in accordance with a water use and protection management plan, developed in consultation with stakeholders concerned.</p> <p>In order to limit thermal anomalies associated with the discharge of waste heat, operators of inland nuclear power plants utilising</p>
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	<p>once-through wet cooling by taking water from a river or a lake control:</p> <ul style="list-style-type: none"> (a) the maximum temperature of the recipient freshwater body after mixing, and (b) the maximum temperature difference between the discharged cooling water and the recipient freshwater body. <p>The temperature control is implemented in accordance with the individual licence conditions for the specific operations, where applicable, or threshold values in line with Union law.</p> <p>The activity complies with the Industry Foundation Classes (IFC) standards.</p> <p>Nuclear activities are operated in compliance with the requirements of Directive 2000/60/EC regarding water bodies used for the abstraction of drinking water and of Directive 2013/51/Euratom laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption.</p>
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(6) in Section 4.27., subsection Technical screening criteria, subsection Additional criteria pertaining to substantial contribution to climate change mitigation, point (3) is replaced by the following:

‘

(3) Sustainable use and protection of water and marine resources	<p>The activity complies with the criteria set out in Appendix B to this Annex.</p> <p>Environmental degradation risks related to preserving water quality and avoiding water stress are identified and addressed, in accordance with a water use and protection management plan, developed in consultation with stakeholders concerned.</p> <p>In order to limit thermal anomalies associated with the discharge of waste heat, operators of inland nuclear power plants utilising once-through wet cooling by taking water from a river or a lake control:</p> <ul style="list-style-type: none"> (a) the maximum temperature of the recipient freshwater body after mixing, and (b) the maximum temperature difference between the discharged cooling water and the recipient freshwater body.
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	<p>The temperature control is implemented in accordance with the individual licence conditions for the specific operations, where applicable, or threshold values in line with the Union law.</p> <p>The activity complies with the Industry Foundation Classes (IFC) standards.</p> <p>Nuclear activities are operated in compliance with the requirements of Directive 2000/60/EC regarding water bodies used for the abstraction of drinking water and of Directive 2013/51/Euratom laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption.</p>
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‘;

(7) in Section 4.28, subsection Technical screening criteria, subsection Additional criteria pertaining to substantial contribution to climate change mitigation, point (3) is replaced by the following:

‘

<p>(3) Sustainable use and protection of water and marine resources</p>	<p>The activity complies with the criteria set out in Appendix B to this Annex.</p> <p>Environmental degradation risks related to preserving water quality and avoiding water stress are identified and addressed, in accordance with a water use and protection management plan, developed in consultation with stakeholders concerned.</p> <p>In order to limit thermal anomalies associated with the discharge of waste heat, operators of inland nuclear power plants utilising once-through wet cooling by taking water from a river or a lake control:</p> <ul style="list-style-type: none"> (a) the maximum temperature of the recipient freshwater body after mixing, and (b) the maximum temperature difference between the discharged cooling water and the recipient freshwater body. <p>The temperature control is implemented in accordance with the individual licence conditions for the specific operations, where applicable, or threshold values in line with Union law.</p> <p>The activity complies with the Industry Foundation Classes (IFC) standards.</p> <p>Nuclear activities are operated in compliance with the requirements of Directive 2000/60/EC regarding water bodies used for the abstraction of drinking water and of Directive</p>
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	2013/51/Euratom laying down requirements for the protection of the health of the general public with regard to radioactive substances in water intended for human consumption.
--	--

’;
;

(8) in Section 4.4., subsection Technical screening criteria, subsection Do no significant harm (‘DNSH’), point (5) is replaced by the following:

‘

(3) Pollution prevention and control	Measures are in place to minimise toxicity of anti-fouling paint and biocides as laid down in Regulation (EU) No 528/2012.
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’;
;

(9) in Section 4.9., subsection Technical screening criteria, point 2, point c is replaced by the following:

‘c. installation of transmission and distribution transformers that comply with the Tier 2 (1 July 2021) requirements set out in Annex I to the Commission Regulation (EU) No 548/2014¹⁷⁸ and, for medium power transformers with highest voltage for equipment not exceeding 36 kV, with **AA0** level requirements on no-load losses set out in standard EN 50588-1¹⁷⁹.

¹⁷⁸ Commission Regulation (EU) No 548/2014 of 21 May 2014 on implementing Directive 2009/125/EC of the European Parliament and of the Council with regard to small, medium and large power transformers (OJ L 152, 22.5.2014, p. 1).

¹⁷⁹ CEI EN 50588-1 Medium power transformers 50 Hz, with highest voltage for equipment not exceeding 36 kV.

’;
;

(10) [https://euc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en-us&rs=fr-be&wopisrc=https://europeau.sharepoint.com/teams/GRP-FISMA-ENVTaxo4DA/_vti_bin/wopi.ashx/files/e84e9debc3e34f63847e71bb161e9c35&wdenableroaming=1&mssc=1&hid=eb710aa1-84d8-47ee-936a-069bf017759f.0&uih=teams&uiembed=1&wdlcid=en-us&jsapi=1&jsapiver=v2&corrid=94031d86-500c-4551-8ab5-4f2d403dd989&usid=94031d86-500c-4551-8ab5-4f2d403dd989&newsession=1&sftc=1&uihit=UnifiedUiHostTeams&muv=v1&accloop=1&sdr=6&scnd=1&sat=1&rat=1&sams=1&mtf=1&sfp=1&halh=1&hch=1&hnh=1&hsh=1&hwfh=1&hsth=1&sih=1&unh=1&onw=1&dchat=1&sc={\"pmo\": \"https://www.office.com\", \"pmshare\": true} &ctp=LeastProtected&rct=Normal&wdorigin=TEAMS-ELECTRON.teamsSdk.openFilePreview&wdhostclicktime=1676366536802&instantedit=1&wopicomplete=1&wdredirectionreason=Unified_SingleFlush#_ftnref1](https://euc-word-edit.officeapps.live.com/we/wordeditorframe.aspx?ui=en-us&rs=fr-be&wopisrc=https://europeau.sharepoint.com/teams/GRP-FISMA-ENVTaxo4DA/_vti_bin/wopi.ashx/files/e84e9debc3e34f63847e71bb161e9c35&wdenableroaming=1&mssc=1&hid=eb710aa1-84d8-47ee-936a-069bf017759f.0&uih=teams&uiembed=1&wdlcid=en-us&jsapi=1&jsapiver=v2&corrid=94031d86-500c-4551-8ab5-4f2d403dd989&usid=94031d86-500c-4551-8ab5-4f2d403dd989&newsession=1&sftc=1&uihit=UnifiedUiHostTeams&muv=v1&accloop=1&sdr=6&scnd=1&sat=1&rat=1&sams=1&mtf=1&sfp=1&halh=1&hch=1&hnh=1&hsh=1&hwfh=1&hsth=1&sih=1&unh=1&onw=1&dchat=1&sc={\)

Section 6.7. is replaced by the following (additions in **bold**):

‘6.7. Inland passenger water transport

Description of the activity

Purchase, financing, leasing, rental and operation of passenger vessels on inland waters, involving vessels that are not suitable for sea transport.

The economic activities in this category could be associated with NACE code H50.30 in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.

Where an economic activity in this category does not fulfil the substantial contribution criterion specified in point (a) of this Section, the activity is a transitional activity as referred to in Article 10(2) of Regulation (EU) 2020/852, provided it complies with the remaining technical screening criteria set out in this Section.

Technical screening criteria

Substantial contribution to climate change mitigation

The activity complies with one of the following criteria:

- (a) the vessels have zero direct (tailpipe) CO₂ emissions;
- (b) until 31 December 2025, hybrid and dual fuel vessels derive at least 50% of their energy from zero direct (tailpipe) CO₂ emission fuels or plug-in power for their normal operation;
- (c) **where technologically and economically not feasible to comply with the criterion in point (a), from 1 January 2026 onwards the yearly average greenhouse gas intensity of the energy used on-board by a ship during a reporting period²⁴ does not exceed the following limits:**
 - (i) 76.4 gCO₂e/MJ from 1 January 2026;
 - (ii) 61.1 gCO₂e/MJ from 1 January 2030;
 - (iii) 45.8gCO₂e/MJ from 1 January 2035;
 - (iv) 30.6 gCO₂e/MJ from 1 January 2040;
 - (v) 15.3 gCO₂e/MJ from 1 January 2045;
 - (vi) 0gCO₂e/MJ from 1 January 2050.

Do no significant harm (‘DNSH’)

(2) Climate change adaptation	The activity complies with the criteria set out in Appendix A to this Annex.
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The greenhouse gas intensity of the energy used on-board by a ship is verified by an independent third party and calculated as the amount of greenhouse gas emissions per unit of energy according to the methodology and default values specified by Regulation (EU) [...] on the use of renewable and low-carbon fuels in maritime transport (FuelEU Maritime).

(3) Sustainable use and protection of water and marine resources	The activity complies with the criteria set out in Appendix B to this Annex.
(4) Transition to a circular economy	Measures are in place to manage waste, both in the use phase and in the end-of-life of the vessel, in accordance with the waste hierarchy, including the control and management of hazardous materials on board of ships and ensuring their safe recycling. For battery-operated vessels, those measures include reuse and recycling of batteries and electronics, including critical raw materials therein.
(5) Pollution prevention and control	Engines in vessels comply with emission limits set out in Annex II to Regulation (EU) 2016/1628 (including vessels meeting those limits without type-approved solutions such as through after-treatment).
(6) Protection and restoration of biodiversity and ecosystems	N/A

’;

(11) Section 6.8. is replaced by the following (additions in **bold**):

‘6.8. Inland freight water transport

Description of the activity

Purchase, financing, leasing, rental and operation of freight vessels on inland waters, involving vessels that are not suitable for sea transport.

The economic activities in this category could be associated with several NACE code H50.4 in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.

Where an economic activity in this category does not fulfil the substantial contribution criterion specified in point (a) of this Section, the activity is a transitional activity as referred to in Article 10(2) of Regulation (EU) 2020/852, provided it complies with the remaining technical screening criteria set out in this Section.

Substantial contribution to climate change mitigation

1. The activity complies with one of the following criteria:

- (a) the vessels have zero direct (tailpipe) CO₂ emission;
- (b) where technologically and economically not feasible to comply with the criterion in point (a), until 31 December 2025, the vessels have direct (tailpipe) emissions of CO₂ per tonne kilometre (gCO₂/tkm), calculated (or estimated in case of new vessels) using the Energy Efficiency Operational Indicator²⁵, 50% lower than the average reference value for emissions of CO₂ defined for heavy duty vehicles (vehicle subgroup 5- LH) in accordance with Article 11 of Regulation 2019/1242;
- (c) **where technologically and economically not feasible to comply with the criterion in point (a), from 1 January 2026 onwards, the yearly average greenhouse gas intensity of the energy used on-board by a ship or a company's fleet during a reporting period²⁶ does not exceed the following limits:**
 - (i) **76.4 gCO₂e/MJ from 1 January 2026;**
 - (ii) **61.1 gCO₂e/MJ from 1 January 2030;**
 - (iii) **45.8gCO₂e/MJ from 1 January 2035;**
 - (iv) **30.6 gCO₂e/MJ from 1 January 2040;**
 - (v) **15.3 gCO₂e/MJ from 1 January 2045;**
 - (vi) **0gCO₂e/MJ from 1 January 2050.**

2. Vessels are not dedicated to the transport of fossil fuels.

Do no significant harm ('DNSH')

(2) Climate change adaptation	The activity complies with the criteria set out in Appendix A to this Annex.
(3) Sustainable use and protection of water and marine resources	The activity complies with the criteria set out in Appendix B to this Annex.

²⁵ The Energy Efficiency Operational Indicator is defined as the ratio of mass of CO₂ emitted per unit of transport work. It is a representative value of the energy efficiency of the ship operation over a consistent period which represents the overall trading pattern of the vessel. Guidance on how to calculate this indicator is provided in the document MEPC.1/Circ. 684 from IMO.

²⁶ The greenhouse gas intensity of the energy used on-board by a ship is verified by an independent third party and calculated as the amount of greenhouse gas emissions per unit of energy according to the methodology and default values specified by Regulation (EU) [...] on the use of renewable and low-carbon fuels in maritime transport (FuelEU Maritime).

(4) Transition to a circular economy	Measures are in place to manage waste, both in the use phase and in the end-of-life of the vessel, in accordance with the waste hierarchy, including the control and management of hazardous materials on board of ships and ensuring their safe recycling. For battery-operated vessels, those measures include reuse and recycling of batteries and electronics, including critical raw materials therein.
(5) Pollution prevention and control	Vessels comply with the emission limits set out in Annex II to Regulation (EU) 2016/1628 (including vessels meeting those limits without type-approved solutions such as through after-treatment).
(6) Protection and restoration of biodiversity and ecosystems	N/A

’;

(12) Section 6.9. is replaced by the following (additions in **bold**):

‘6.9. Retrofitting of inland water passenger and freight transport

Description of the activity

Retrofit and upgrade of vessels for transport of freight or passengers on inland waters, involving vessels that are not suitable for sea transport.

The economic activities in this category could be associated several NACE codes, in particular H50.4, H50.30 and C33.15 in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.

An economic activity in this category is a transitional activity as referred to in Article 10(2) of Regulation (EU) 2020/852 where it complies with the technical screening criteria set out in this Section.

Technical screening criteria

Substantial contribution to climate change mitigation

1. The retrofitting activity achieves one or more of the following:

- (a) reduces fuel consumption of the **inland passenger** vessel by at least **15%** expressed **per unit of energy per complete journey (full passenger cruise)**, as demonstrated by a comparative calculation for the representative navigation areas (including
-

representative load profiles **and docking**) in which the vessel is to operate or by means of the results of model tests or simulations;

- (b) **reduces fuel consumption of the inland freight vessel by at least 15 % expressed per unit of energy per tonne kilometer, as demonstrated by a comparative calculation for the representative navigation areas (including representative load profiles) in which the vessel is to operate or by means of the results of model tests or simulations;**

2. Vessels retrofitted or upgraded are not dedicated to transport of fossil fuels.

Do no significant harm ('DNSH')

(2) Climate change adaptation	The activity complies with the criteria set out in Appendix A to this Annex.
(3) Sustainable use and protection of water and marine resources	The activity complies with the criteria set out in Appendix B to this Annex.
(4) Transition to a circular economy	Measures are in place to manage waste, both in the use phase and in the end-of-life of the vessel, in accordance with the waste hierarchy, including the control and management of hazardous materials on board of ships and ensuring their safe recycling.
(5) Pollution prevention and control	Vessels comply with emission limits set out in Annex II to Regulation (EU) 2016/1628 (including vessels meeting those limits without type-approved solutions such as through after-treatment).
(6) Protection and restoration of biodiversity and ecosystems	N/A

(13) Section 6.10. is replaced by the following (additions in **bold**):

‘6.10. Sea and coastal freight water transport, vessels for port operations and auxiliary activities

Description of the activity

Purchase, financing, chartering (with or without crew) and operation of vessels designed and equipped for transport of freight or for the combined transport of freight and passengers on sea or coastal waters, whether scheduled or not. Purchase, financing, renting and operation of vessels required for port operations and auxiliary activities, such as tugboats, mooring vessels, pilot vessels, salvage vessels and ice-breakers.

The economic activities in this category could be associated with several NACE codes, in particular H50.2, H52.22 and N77.34 in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.

Where an economic activity in this category does not fulfil the substantial contribution criterion specified in point 1 (a) of this Section, the activity is a transitional activity as referred to in Article 10(2) of Regulation (EU) 2020/852, provided it complies with the remaining technical screening criteria set out in this Section.

Technical screening criteria

Substantial contribution to climate change mitigation

1. The activity complies with one or more of the following criteria:

- (a) the vessels have zero direct (tailpipe) CO₂ emissions;
 - (b) until 31 December 2025, hybrid and dual fuel vessels derive at least 25% of their energy from zero direct (tailpipe) CO₂ emission fuels or plug-in power for their normal operation at sea and in ports;
 - (c) where technologically and economically not feasible to comply with the criterion in point (a), until 31 December 2025, and only where it can be proved that the vessels are used exclusively for operating coastal and short sea services designed to enable modal shift of freight currently transported by land to sea, the vessels have direct (tailpipe) CO₂ emissions, calculated using the International Maritime Organization (IMO) Energy Efficiency Design Index (EEDI)²⁷, 50 % lower than the average reference CO₂ emissions value defined for heavy duty vehicles (vehicle subgroup 5-LH) in accordance with Article 11 of Regulation 2019/1242;
 - (d) where technologically and economically not feasible to comply with the criterion in point (a), until 31 December 2025, the vessels have an attained Energy Efficiency Design Index (EEDI) value 10 % below the EEDI requirements applicable on 1
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²⁷ Energy Efficiency Design Index (version of [adoption date]: <http://www.imo.org/fr/MediaCentre/HotTopics/GHG/Pages/EEDI.aspx>).

April 2022²⁸ if the vessels are able to run on zero direct (tailpipe) CO₂ emission fuels or on fuels from renewable sources²⁹;

- (e) **where technologically and economically not feasible to comply with the criterion in point (a), from 1 January 2026, the vessels have an attained Energy Efficiency Design Index (EEDI) value at least 20% below the EEDI requirements applicable on 1 April 2022, if the vessels are able to run on zero direct (tailpipe) CO₂ emission fuels or on fuels from renewable sources³⁰, and have the ability to plug-in at berth;**
- (f) **where technologically and economically not feasible to comply with the criterion in point (a), from 1 January 2026, in addition to an attained Energy Efficiency Existing Ship Index (EEXI) value at least 10% below the EEXI requirements applicable on 1 January 2023, the yearly average greenhouse gas intensity of the energy used on-board by a ship during a reporting period does not exceed the following limits:**
- (i) 76.4 gCO₂e/MJ from 1 January 2026;**
 - (ii) 61.1 gCO₂e/MJ from 1 January 2030;**
 - (iii) 45.8gCO₂e/MJ from 1 January 2035;**
 - (iv) 30.6 gCO₂e/MJ from 1 January 2040;**
 - (v) 15.3 gCO₂e/MJ from 1 January 2045.**

2. Vessels are not dedicated to the transport of fossil fuels.

Do no significant harm ('DNSH')

(2) Climate change adaptation	The activity complies with the criteria set out in Appendix A to this Annex.
(3) Sustainable use and protection of water and marine resources	The activity complies with the criteria set out in Appendix B to this Annex.
(4) Transition to a circular economy	Measures are in place to manage waste, both in the use phase and in the end-of-life of the vessel, in accordance with the waste hierarchy.

²⁸ EEDI requirements as agreed by the Marine Environment Protection Committee of the International Maritime Organization on its seventy-fifth session. Vessels that fall into the ship types set out in MARPOL Annex VI Regulation 2, but are not considered as new ship under that regulation may provide attained EEDI value calculated on a voluntary basis in line with MARPOL Annex VI Chapter 4 and have those calculations verified in line with MARPOL Annex VI, Chapter 2.

²⁹ Fuels that meet the technical screening criteria specified in sections 3.10 and 4.13 of this Annex

³⁰ Fuels that meet the technical screening criteria specified in Sections 3.10 and 4.13 of this Annex.

	<p>For battery-operated vessels, those measures include reuse and recycling of batteries and electronics, including critical raw materials therein.</p> <p>For existing ships above 500 gross tonnage and the new-built ones replacing them, the activity complies with the requirements of Regulation (EU) No 1257/2013 relating to the inventory of hazardous materials. The scrap ships are recycled in facilities included on the European List of ship recycling facilities as laid down in Commission Decision 2016/2323³¹.</p> <p>The activity complies with Directive (EU) 2019/883 as regards the protection of the marine environment against the negative effects from discharges of waste from ships.</p> <p>The ship is operated in accordance with Annex V to the International Convention for the Prevention of Pollution from Ships of 2 November 1973 (the IMO MARPOL Convention), in particular with a view to producing reduced quantities of waste and to reducing legal discharges, by managing its waste in a sustainable and environmentally sound manner.</p>
(5) Pollution prevention and control	<p>As regards the reduction of sulphur oxides emissions and particulate matters, vessels comply with Directive (EU) 2016/802, and with Regulation 14³² of Annex VI to the IMO MARPOL Convention. Sulphur in fuel content does not exceed 0,5 % in mass (the global sulphur limit) and 0,1 % in mass in emission control area (ECA) for sulphur oxides designated in the North and Baltic Seas as well as in the Mediterranean Sea (as of 2025) by the IMO³³.</p> <p>As regards nitrogen oxides (NOx) emissions, vessels comply with Regulation 13³⁴ of Annex VI to IMO MARPOL Convention. Tier II NOx requirement applies to ships constructed after 2011. Only while operating in NOx emission control areas established under IMO rules, ships constructed after 1 January 2016 comply with stricter engine requirements (Tier III) reducing NOx emissions³⁵.</p> <p>Discharges of black and grey water comply with Annex IV to the IMO MARPOL Convention.</p>

³¹ Commission Implementing Decision 2016/2323 establishing the European List of ship recycling facilities pursuant to Regulation (EU) No 1257/2013 of the European Parliament and of the Council on ship recycling (OJ L 345, 20.12.2016, p. 119).

³² (Version of [adoption date]: [http://www.imo.org/en/OurWork/Environment/PollutionPrevention/AirPollution/Pages/Sulphur-oxides-\(SOx\)-%E2%80%93Regulation-14.aspx](http://www.imo.org/en/OurWork/Environment/PollutionPrevention/AirPollution/Pages/Sulphur-oxides-(SOx)-%E2%80%93Regulation-14.aspx)).

³³ As regards the extension of the requirements applying in Emission Control Area to other Union seas, countries bordering the Mediterranean Sea are discussing the creation of relevant ECA under the legal framework of the Barcelona Convention.

³⁴ (Version of [adoption date]: [http://www.imo.org/en/OurWork/Environment/PollutionPrevention/AirPollution/Pages/Nitrogenoxides-\(NOx\)-Regulation-13.aspx](http://www.imo.org/en/OurWork/Environment/PollutionPrevention/AirPollution/Pages/Nitrogenoxides-(NOx)-Regulation-13.aspx)).

³⁵ In Union seas, the requirement is applicable as of 2021 in the Baltic and North Seas.

	Measures are in place to minimise toxicity of anti-fouling paint and biocides as laid down in Regulation (EU) No 528/2012., which implements in Union law the International Convention on the Control of Harmful Anti-fouling Systems on Ships adopted on 5 October 2001 ³⁶ .
(6) Protection and restoration of biodiversity and ecosystems	<p>Releases of ballast water containing non-indigenous species are prevented in line with the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM).</p> <p>Measures are in place to prevent the introduction of non-indigenous species by biofouling of hull and niche areas of ships taking into account the IMO Biofouling Guidelines³⁷.</p> <p>Noise and vibrations are limited by using noise reducing propellers, hull design or on-board machinery in line with the guidance given in the IMO Guidelines for the Reduction of Underwater Noise³⁸.</p> <p>In the Union, the activity does not hamper the achievement of good environmental status, as set out in Directive 2008/56/EC, requiring that the appropriate measures are taken to prevent or mitigate impacts in relation to that Directive's Descriptors 1 (biodiversity), 2 (non-indigenous species), 6 (seabed integrity), 8 (contaminants), 10 (marine litter), 11 (Noise/Energy) and as set out in Commission Decision (EU) 2017/848 in relation to the relevant criteria and methodological standards for those descriptors, as applicable.</p>

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(14) Section 6.11. is replaced by the following (additions in **bold**):

‘6.11. Sea and coastal passenger water transport

Description of the activity

Purchase, financing, chartering (with or without crew) and operation of vessels designed and equipped for performing passenger transport, on sea or coastal waters, whether scheduled or not. The economic activities in this category include operation of ferries, water taxis and excursions, cruise or sightseeing boats.

The activity could be associated with several NACE codes, in particular H50.10, N77.21 and N77.34 in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.

Where an economic activity in this category does not fulfil the substantial contribution criterion specified in point (a) of this Section, the activity is a transitional activity as referred

³⁶ International Convention on the Control of Harmful Anti-fouling Systems on Ships of 5 October 2001.

³⁷ IMO Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species, resolution MEPC.207(62).

³⁸ IMO Guidelines for the Reduction of Underwater Noise from Commercial Shipping to Address Adverse Impacts on Marine Life, (MEPC.1/Circ.833).

to in Article 10(2) of Regulation (EU) 2020/852, provided it complies with the remaining technical screening criteria set out in this Section.

Technical screening criteria

Substantial contribution to climate change mitigation

The activity complies with one or more of the following criteria:

- (a) the vessels have zero direct (tailpipe) CO₂ emissions;
- (b) where technologically and economically not feasible to comply with the criterion in point (a), until 31 December 2025, hybrid and dual fuel vessels derive at least 25% of their energy from zero direct (tailpipe) CO₂ emission fuels or plug-in power for their normal operation at sea and in ports;
- (c) where technologically and economically not feasible to comply with the criterion in point (a), until 31 December 2025, the vessels have an attained Energy Efficiency Design Index (EEDI)³⁹ value 10% below the EEDI requirements applicable on 1 April 2022⁴⁰, if the vessels are able to run on zero direct (tailpipe) emission fuels or on fuels from renewable sources⁴¹;
- (d) **where technologically and economically not feasible to comply with the criterion in point (a), from 1 January 2026, the vessels have an attained Energy Efficiency Design Index (EEDI) value at least 20% below the EEDI requirements applicable on 1 April 2022, if the vessels are able to run on zero direct (tailpipe) emission fuels or on fuels from renewable sources⁴², and have the ability to plug-in at berth;**
- (e) **where technologically and economically not feasible to comply with the criterion in point (a), from 1 January 2026, in addition to an attained Energy Efficiency Existing Ship Index (EEXI) value at least 10% below the EEXI requirements applicable on 1 January 2023, the yearly average greenhouse gas intensity of the energy used on-board by a ship during a reporting period⁴³ does not exceed the following limits:**
 - (i) **76.4 gCO₂e/MJ from 1 January 2026;**
 - (ii) **61.1 gCO₂e/MJ from 1 January 2030;**
 - (iii) **45.8gCO₂e/MJ from 1 January 2035;**
 - (iv) **30.6 gCO₂e/MJ from 1 January 2040;**

³⁹ Energy Efficiency Design Index (version of [adoption date]: <http://www.imo.org/fr/MediaCentre/HotTopics/GHG/Pages/EEDI.aspx>).

⁴⁰ EEDI requirements as agreed by the Marine Environment Protection Committee of the International Maritime Organization on its seventy-fifth session. Vessels that fall into the ship types set out in MARPOL Annex VI Regulation 2 but are not considered as new ship under that regulation may provide attained EEDI value calculated on a voluntary basis in line with MARPOL Annex VI Chapter 4 and have those calculations verified in line with MARPOL Annex VI Chapter 2.

⁴¹ Fuels that meet the technical screening criteria specified in sections 3.10 and 4.13 of this Annex.

⁴² Fuels that meet the technical screening criteria specified in Sections 3.10 and 4.13 of this Annex.

⁴³ The greenhouse gas intensity of the energy used on-board by a ship is verified by an independent third party and calculated as the amount of greenhouse gas emissions per unit of energy according to the methodology and default values specified by Regulation (EU) [...] on the use of renewable and low-carbon fuels in maritime transport (FuelEU Maritime).

(v) 15.3 gCO₂e/MJ from 1 January 2045.

Do no significant harm ('DNSH')

(2) Climate change adaptation	The activity complies with the criteria set out in Appendix A to this Annex.
(3) Sustainable use and protection of water and marine resources	The activity complies with the criteria set out in Appendix B to this Annex.
(4) Transition to a circular economy	<p>Measures are in place to manage waste, both in the use phase and in the end-of-life of the vessel, in accordance with the waste hierarchy.</p> <p>For battery-operated vessels, those measures include reuse and recycling of batteries and electronics, including critical raw materials therein.</p> <p>For existing ships above 500 gross tonnage and the new-built ones replacing them, the activity complies with the requirements of Regulation (EU) No 1257/2013 relating to the inventory of hazardous materials. The scrap ships are recycled in facilities included on the European List of ship recycling facilities as laid down in Implementing Decision 2016/2323.</p> <p>The activity complies with Directive (EU) 2019/883 as regards the protection of the marine environment against the negative effects from discharges of waste from ships.</p> <p>The ship is operated in accordance with Annex V to the IMO MARPOL Convention, in particular with a view to producing reduced quantities of waste and to reducing legal discharges, by managing its waste in a sustainable and environmentally sound manner.</p>
(5) Pollution prevention and control	<p>As regards the reduction of sulphur oxides emissions and particulate matters, vessels comply with Directive (EU) 2016/802, and with Regulation 14 of Annex VI to the IMO MARPOL Convention. Sulphur in fuel content does not exceed 0,50 % in mass (the global sulphur limit) and 0,10 % in mass in emission control area (ECA) designated in the North and Baltic Seas as well as in the Mediterranean Sea (as of 2025) by the IMO⁴⁴.</p> <p>As regards nitrogen oxides (NO_x) emissions, vessels comply with Regulation 13 of Annex VI to IMO MARPOL Convention. Tier II NO_x</p>

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As regards the extension of the requirements applying in Emission Control Area to other Union seas, countries bordering the Mediterranean Sea are discussing the creation of relevant ECA under the legal framework of the Barcelona Convention.

	<p>requirement applies to ships constructed after 2011. Only while operating in NOx emission control areas established under IMO rules, ships constructed after 1 January 2016 comply with stricter engine requirements (Tier III) reducing NOx emissions⁴⁵.</p> <p>Discharges of black and grey water comply with Annex IV to the IMO MARPOL Convention.</p> <p>Measures are in place to minimise toxicity of anti-fouling paint and biocides as laid down in Regulation (EU) No 528/2012, which implements in Union law the International Convention on the Control of Harmful Anti-fouling Systems on Ships adopted on 5 October 2001.</p>
(6) Protection and restoration of biodiversity and ecosystems	<p>Releases of ballast water containing non-indigenous species are prevented in line with the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM).</p> <p>Measures are in place to prevent the introduction of non-indigenous species by biofouling of hull and niche areas of ships taking into account the IMO Biofouling Guidelines⁴⁶.</p> <p>Noise and vibrations are limited by using noise reducing propellers, hull design or on-board machinery in line with the guidance given in the IMO Guidelines for the Reduction of Underwater Noise⁴⁷.</p> <p>In the Union, the activity does not hamper the achievement of good environmental status, as set out in Directive 2008/56/EC, requiring that the appropriate measures are taken to prevent or mitigate impacts in relation to that Directive's Descriptors 1 (biodiversity), 2 (non-indigenous species), 6 (seabed integrity), 8 (contaminants), 10 (marine litter), 11 (Noise/Energy) and as set out in Decision (EU) 2017/848 in relation to the relevant criteria and methodological standards for those descriptors, as applicable.</p>

;

(15) Section 6.12. is replaced by the following (additions in **bold**):

‘6.12. Retrofitting of sea and coastal freight and passenger water transport

Description of the activity

Retrofit and upgrade of vessels designed and equipped for the transport of freight or passengers on sea or coastal waters, and of vessels required for port operations and auxiliary activities, such as tugboats, mooring vessels, pilot vessels, salvage vessels and ice-breakers.

⁴⁵ In Union seas, the requirement is applicable as of 2021 in the Baltic and North Seas.

⁴⁶ IMO Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species resolution MEPC.207(62).

⁴⁷ IMO Guidelines for the Reduction of Underwater Noise from Commercial Shipping to Address Adverse Impacts on Marine Life, (MEPC.1/Circ.833).

The economic activities in this category could be associated with NACE codes H50.10, H50.2, H52.22, C33.15, N77.21 and N.77.34 in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.

An economic activity in this category is a transitional activity as referred to in Article 10(2) of Regulation (EU) 2020/852 where it complies with the technical screening criteria set out in this Section.

Technical screening criteria

Substantial contribution to climate change mitigation

1. The activity complies with one or more of the following criteria:

- (a) the retrofitting activity reduces fuel consumption of the vessel by at least **15%** expressed in grams of fuel per deadweight tons per nautical mile **for freight vessels, or per gross tonnage per nautical mile for passenger vessels**, as demonstrated by computational fluid dynamics (CFD), tank tests or similar engineering calculations;
- (b) **enables the vessels to attain Energy Efficiency Existing Ships Index (EEXI) value at least 10% below the EEXI requirements applicable on 1 January 2023 and if the vessels are able to run on zero direct (tailpipe) emission fuels or on fuels from renewable sources⁴⁸, and have the ability to plug-in at berth and are equipped with plug-in power technology;**

2. Vessels are not dedicated to the transport of fossil fuels.

Do no significant harm ('DNSH')

(2) Climate change adaptation	The activity complies with the criteria set out in Appendix A to this Annex.
(3) Sustainable use and protection of water and marine resources	The activity complies with the criteria set out in Appendix B to this Annex.
(4) Transition to a circular economy	<p>Measures are in place to manage waste, both in the use phase and in the end-of-life of the vessel, in accordance with the waste hierarchy.</p> <p>For battery-operated vessels, those measures include reuse and recycling of batteries and electronics, including critical raw materials therein.</p> <p>For existing ships above 500 gross tonnage and the new-built ones replacing them, the activity complies with the requirements of Regulation (EU) No 1257/2013 relating to the inventory of hazardous</p>

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Fuels that meet the technical screening criteria specified in Sections 3.10 and 4.13 of this Annex.

	<p>materials. The scrap ships are recycled in facilities included on the European List of ship recycling facilities as laid down in Commission Decision 2016/2323.</p> <p>The activity complies with Directive (EU) 2019/883 as regards the protection of the marine environment against the negative effects from discharges of waste from ships.</p> <p>The ship is operated in accordance with Annex V to the IMO MARPOL Convention, in particular with a view to producing reduced quantities of waste and to reducing legal discharges, by managing its waste in a sustainable and environmentally sound manner.</p>
(5) Pollution prevention and control	<p>As regards the reduction of sulphur oxides emissions and particulate matters, vessels comply with Directive (EU) 2016/802, and with Regulation 14 of Annex VI to the IMO MARPOL Convention. Sulphur in fuel content does not exceed 0,50 % in mass (the global sulphur limit) and 0,10 % in mass in emission control area (ECA) designated in the North and Baltic Seas for sulphur oxides designated in the North and Baltic Seas as well as in the Mediterranean Sea (as of 2025) by the IMO⁴⁹.</p> <p>As regards nitrogen oxides (NOx) emissions, vessels comply with Regulation 13 of Annex VI to IMO MARPOL Convention. Tier II NOx requirement applies to ships constructed after 2011. Only while operating in NOx emission control areas established under IMO rules, ships constructed after 1 January 2016 comply with stricter engine requirements (Tier III) reducing NOx emissions⁵⁰.</p> <p>Discharges of black and grey water comply with Annex IV to the IMO MARPOL Convention.</p> <p>Measures are in place to minimise toxicity of anti-fouling paint and biocides as laid down in Regulation (EU) No 528/2012, which implements in Union law the International Convention on the Control of Harmful Anti-fouling Systems on Ships adopted on 5 October 2001.</p>
(6) Protection and restoration of biodiversity and ecosystems	<p>Releases of ballast water containing non-indigenous species are prevented in line with the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM).</p> <p>Measures are in place to prevent the introduction of non-indigenous species by biofouling of hull and niche areas of ships taking into account the IMO Biofouling Guidelines⁵¹.</p>

⁴⁹ As regards the extension of the requirements applying in Emission Control Area to other Union seas, countries bordering the Mediterranean Sea are discussing the creation of relevant ECA under the legal framework of the Barcelona Convention.

⁵⁰ In Union seas, the requirement is applicable as of 2021 in the Baltic and North Seas.

⁵¹ IMO Guidelines for the control and management of ships' biofouling to minimize the transfer of invasive aquatic species resolution MEPC.207(62).

	<p>Noise and vibrations are limited by using noise reducing propellers, hull design or on-board machinery in line with the guidance given in the IMO Guidelines for the Reduction of Underwater Noise⁵².</p> <p>In the Union, the activity does not hamper the achievement of good environmental status, as set out in Directive 2008/56/EC, requiring that the appropriate measures are taken to prevent or mitigate impacts in relation to that Directive's Descriptors 1 (biodiversity), 2 (non-indigenous species), 6 (seabed integrity), 8 (contaminants), 10 (marine litter), 11 (Noise/Energy) and as set out in Decision (EU) 2017/848 in relation to the relevant criteria and methodological standards for those descriptors, as applicable.</p>
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(16) in Section 6.13., 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 F42.11, F42.12, **F42.13**, F43.21, **M71.12 and M71.20** in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.’;

(17) Section 6.14. is replaced by the following (additions in **bold**):

‘6.14. Infrastructure for rail transport

Description of the activity

Construction, modernisation, operation and maintenance of railways and subways as well as bridges and tunnels, stations, terminals, rail service facilities⁵³, safety and traffic management systems including the provision of architectural services, engineering services, drafting services, building inspection services and surveying and mapping services and the like as well as the performance of physical, chemical and other analytical testing of all types of materials and products.

Manufacture, installation, technical consulting, retrofitting, upgrade, repair, maintenance, repurposing of products, equipment, systems and software related to one of the following elements:

- (a) assembled railway track fixtures;**
- (b) electrification system, including overhead lines and the trackside electricity consumption measuring and charging system;**

⁵² IMO Guidelines for the Reduction of Underwater Noise from Commercial Shipping to Address Adverse Impacts on Marine Life, (MEPC.1/Circ.833).

⁵³ In accordance with Article 3, point (11), of Directive 34/2012/EU of the European Parliament and of the Council of 21 November 2012 establishing a single European railway area (OJ L 343, 14.12.2012, p. 32)

- (c) **electrical, mechanical and electromechanical signalling, safety and traffic control equipment;**
- (d) **digital tools for rail infrastructure, including in particular:**
 - (i) **trackside and on-board equipment required to ensure safety and to command and control movements of trains (ERTMS, ATO);**
 - (ii) **systems and equipment permitting coherent operation during both normal and degraded operation, including in particular digitalisation of train capacity management tools (TTR, TCR), digitalisation of infrastructure data, electronic train composition and train driving communication tools, digital train information (ETA), traffic planning and management.**

The economic activities in this category could be associated with several NACE codes, in particular **C25.99, C27.9, C30.20, F42.12, F42.13, M71.12, M71.20, F43.21, and H52.21** in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.

An economic activity in this category is an enabling activity as referred to in Article 10(1), point (i), of Regulation (EU) 2020/852 where it complies with the technical screening criteria set out in this Section.

Technical screening criteria

Substantial contribution to climate change mitigation

1. The activity complies with one of the following criteria:

- (a) the infrastructure (as defined in Annex II.2 to Directive (EU) 2016/797) is either :
 - (i) electrified trackside infrastructure and associated subsystems: infrastructure, energy, on-board control-command and signalling, and trackside control-command and signalling subsystems as defined in Annex II.2 to Directive (EU)2016/797;
 - (ii) new and existing trackside infrastructure and associated subsystems where there is a plan for electrification as regards line tracks, and, to the extent necessary for electric train operations, as regards sidings, or where the infrastructure will be fit for use by zero tailpipe CO2 emission trains within 10 years from the beginning of the activity: infrastructure, energy, on-board control-command and signalling, and trackside control-command and signalling subsystems as defined in Annex II.2 to Directive (EU)2016/797;
 - (iii) until 2030, existing trackside infrastructure and associated subsystems that are not part of the TEN-T network⁵⁴ and its indicative extensions to third countries, nor any nationally, supranationally or internationally defined network of major rail lines: infrastructure, energy, on-board control-command and signalling, and trackside control-command and signalling subsystems as defined in Annex II.2 to Directive (EU) 2016/797;

⁵⁴

In accordance with Regulation (EU) No 1315/2013 of the European Parliament and of the Council of 11 December 2013 on Union guidelines for the development of the trans-European transport network and repealing Decision No 661/2010/EU (OJ L 348, 20.12.2013, p. 1).

- (b) the infrastructure and installations are dedicated to transshipping freight between the modes: terminal infrastructure and superstructures for loading, unloading and transshipment of goods;
- (c) infrastructure and installations are dedicated to the transfer of passengers from rail to rail or from other modes to rail.

(d) **digital tools enable an increase in efficiency, capacity or energy saving.**

2. The infrastructure is not dedicated to the transport or storage of fossil fuels.

Do no significant harm ('DNSH')

(2) Climate change adaptation	The activity complies with the criteria set out in Appendix A to this Annex.
(3) Sustainable use and protection of water and marine resources	The activity complies with the criteria set out in Appendix B to this Annex.
(4) Transition to a circular economy	<p>At least 70% (by weight) of the non-hazardous construction and demolition waste (excluding naturally occurring material defined in category 17 05 04 in the European List of Waste established by Decision 2000/532/EC) generated on the construction site is prepared for reuse, recycling and other material recovery, including backfilling operations using waste to substitute other materials, in accordance with the waste hierarchy and the EU Construction and Demolition Waste Management Protocol⁵⁵. Operators limit waste generation in processes related construction and demolition, in accordance with the EU Construction and Demolition Waste Management Protocol and taking into account best available techniques and using selective demolition to enable removal and safe handling of hazardous substances and facilitate reuse and high-quality recycling by selective removal of materials, using available sorting systems for construction and demolition waste.</p> <p>For components, the activity assesses the availability of and, where feasible, adopts techniques that support:</p> <ul style="list-style-type: none"> (a) reuse and use of secondary raw materials and re-used components in products manufactured; (b) design for high durability, recyclability, easy disassembly and adaptability of products manufactured; (c) waste management that prioritises recycling over disposal, in the manufacturing process;

⁵⁵ EU Construction and Demolition Waste Protocol (version of [adoption date]: https://ec.europa.eu/growth/content/eu-construction-and-demolition-waste-protocol-0_en).

	(d) information on and traceability of substances of concern throughout the life cycle of the manufactured products.
(5) Pollution prevention and control	Where appropriate, given the sensitivity of the area affected, in particular in terms of the size of population affected, noise and vibrations from use of infrastructure are mitigated by introducing open trenches, wall barriers, or other measures and comply with Directive 2002/49/EC. Measures are taken to reduce noise, dust and pollutant emissions during construction or maintenance works.
(6) Protection and restoration of biodiversity and ecosystems	The activity complies with the criteria set out in Appendix D to this Annex.

’;

(18) in Section 6.15., 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 F42.11, F42.13, **M71.12 and M71.20** in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.’;

(19) Section 6.16. is replaced by the following (additions are in **bold**):

‘6.16. Infrastructure enabling low carbon water transport

Description of the activity

Construction, modernisation, operation and maintenance of infrastructure that is required for zero tailpipe CO₂ operation of vessels or the port’s own operations, as well as infrastructure dedicated to transshipment **and modal shift and service facilities, safety and traffic management systems.**

The economic activities in this category excludes dredging of waterways.

The economic activities in this category could be associated with several NACE codes, in particular F42.91, **M71.12 and M71.20** in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006. An economic activity in this category is an enabling activity as referred to in Article 10(1), point (i), of Regulation (EU) 2020/852 where it complies with the technical screening criteria set out in this Section.

Technical screening criteria

Substantial contribution to climate change mitigation

The activity complies with one or more of the following criteria:

- (a) the infrastructure is dedicated to the operation of vessels with zero direct (tailpipe) CO₂ emissions: electricity charging, hydrogen-based refuelling;
- (b) the infrastructure is dedicated to the provision of shore-side electrical power to vessels at berth;
- (c) the infrastructure is dedicated to the performance of the port's own operations with zero direct (tailpipe) CO₂ emissions;
- (d) the infrastructure and installations are dedicated to transshipping freight between the modes: terminal infrastructure and superstructures for loading, unloading and transshipment of goods.
- (e) **the modernisation of the existing infrastructure necessary to enable modal shift and fit for use by vessels with zero direct (tailpipe) CO₂ emissions and that has been subject to a verified climate mitigation proofing assessment in accordance with Commission Notice — Technical guidance on the climate proofing of infrastructure in the period 2021-2027 (2021/C 373/01).**

2. The infrastructure is not dedicated to the transport or storage of fossil fuels.

Do no significant harm ('DNSH')

(2) Climate change adaptation	The activity complies with the criteria set out in Appendix A to this Annex.
(3) Sustainable use and protection of water and marine resources	The activity complies with the provisions of Directive 2000/60/EC, in particular with all the requirements laid down in Article 4 of the Directive. In accordance with Article 4 of Directive 2000/60/EC and in particular paragraph 7 of that Article, prior to refurbishment/construction, an impact assessment of the project is carried out to assess all its potential impacts on the status of water bodies within the same river basin and on protected habitats and species directly dependent on water, considering in particular migration corridors, free-flowing rivers or ecosystems close to undisturbed conditions. The assessment is based on recent, comprehensive and accurate data, including monitoring data on biological quality elements that are specifically sensitive to hydromorphological alterations, and on the expected status of the water body as a result of the new activities, as compared to its current one. It assesses, in particular, the cumulated impacts of this new project with other existing or planned infrastructure in the river basin. On the basis of that impact assessment, it has been established that the project is conceived, by design and location

and by mitigation measures, so that it complies with one of the following requirements:

- (a) the project does not entail any deterioration nor compromises EN 231 EN the achievement of good status or potential of the specific water body it relates to,
- (b) where the project risks to deteriorate or compromise the achievement of good status/potential of the specific water body it relates to, such deterioration is not significant, and is justified by a detailed cost-benefit assessment demonstrating both of the following:
 - (i) the overriding reasons in the public interest or the fact that the benefits expected from the planned navigation infrastructure project in terms of benefits to climate change mitigation/adaptation outweigh the costs from deteriorating the status of water that are accruing to the environment and to society.
 - (ii) the fact that the overriding public interest or the benefits expected from the activity cannot, for reasons of technical feasibility or disproportionate cost, be achieved by alternative means that would lead to a better environmental outcome (such as nature-based solution, alternative location, rehabilitation/refurbishment to existing infrastructures, or use of technologies not disrupting river continuity).

All technically feasible and ecologically relevant mitigation measures are implemented to reduce adverse impacts on water as well as on protected habitats and species directly dependent on water.

Mitigation measures include, where relevant and depending on the ecosystems naturally present in the affected water bodies:

- (a) measures to ensure conditions as close as possible to undisturbed continuity, including measures to ensure longitudinal and lateral continuity, minimum ecological flow and sediment flow;
- (b) measures to protect or enhance morphological conditions and habitats for aquatic species;
- (c) measures to reduce adverse impacts of eutrophication.

The effectiveness of those measures is monitored in the context of the authorisation or permit setting out the conditions aimed at achieving good status or potential of the affected water body.

The project does not permanently compromise the achievement of good status/potential in any of the water bodies in the same river basin district.

	<p>In addition to the mitigation measures referred to above, and where relevant, compensatory measures are implemented to ensure that the project does not result in overall deterioration of status of water bodies EN 232 EN in the same river basin district. This is achieved by restoring (longitudinal or lateral) continuity within the same river basin district to an extent that compensates the disruption of continuity, which the planned navigation infrastructure project may cause. Compensation starts prior to the execution of the project.</p>
(4) Transition to a circular economy	<p>At least 70% (by weight) of the non-hazardous construction and demolition waste (excluding naturally occurring material defined in category 17 05 04 in the European List of Waste established by Decision 2000/532/EC) generated on the construction site is prepared for reuse, recycling and other material recovery, including backfilling operations using waste to substitute other materials, in accordance with the waste hierarchy and the EU Construction and Demolition Waste Management Protocol⁵⁶. Operators limit waste generation in processes related construction and demolition, in accordance with the EU Construction and Demolition Waste Management Protocol and taking into account best available techniques and using selective demolition to enable removal and safe handling of hazardous substances and facilitate reuse and high-quality recycling by selective removal of materials, using available sorting systems for construction and demolition waste.</p>
(5) Pollution prevention and control	<p>Measures are taken to reduce noise, vibration, dust and pollutant emissions during construction maintenance works.</p>
(6) Protection and restoration of biodiversity and ecosystems	<p>An Environmental Impact Assessment (EIA) or a screening⁵⁷ has been completed in accordance with Directive 2011/92/EU⁵⁸. Where an EIA has been carried out, the required mitigation and compensation measures for protecting the environment are implemented.</p> <p>The activity does not have significant effects on protected areas (UNESCO World Heritage sites, Key Biodiversity Areas, as well as other protected areas than Natura 2000 sites), and protected</p>

⁵⁶ EU Construction and Demolition Waste Protocol (version of [adoption date]: https://ec.europa.eu/growth/content/eu-construction-and-demolition-waste-protocol-0_en).

⁵⁷ The procedure through which the competent authority determines whether projects listed in Annex II to Directive 2011/92/EU is to be made subject to an environmental impact assessment (as referred to in Article 4(2) of that Directive).

⁵⁸ For activities 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.

	<p>species based on an assessment of its impact that takes into account the best available knowledge⁵⁹.</p> <ul style="list-style-type: none"> • In the EU, in relation with Natura 2000 sites: The activity does not have significant effects on Natura 2000 sites in view of their conservation objectives on the basis of an appropriate assessment carried out in accordance with Article 6.3 of the Habitats Directive. • In addition, in the EU, in any area: The activity is not detrimental to the recovery or maintenance of the populations of the species protected under the Habitats Directive and the Birds Directive at a favorable conservation status. The activity is also not detrimental to the recovery or maintenance of the habitat types concerned and protected under the Habitats Directive at a favorable conservation status. <p>The introduction of invasive alien species is prevented, or their spread is managed in accordance with Regulation (EU) No 1143/2014.</p>
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(20) the following Section 3.21. is added:

‘3.21. Manufacturing of aircraft

Description of the activity

Manufacture, repair, maintenance, overhaul, retrofitting, design, repurposing and upgrade of aircraft and aircraft parts and equipment⁶⁰.

The economic activities in this category could be associated with NACE code, in particular C30.3 in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.

Where an economic activity in this category does not fulfil the substantial contribution criterion specified in point (a) of this Section, the activity is a transitional activity as referred to in Article 10(2) of Regulation (EU) 2020/852, provided it complies with the remaining technical screening criteria set out in this Section.

⁵⁹

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

⁶⁰

The activity includes manufacturing of parts and equipment manufacturers and provision of related service as well as Maintenance, Repair and Overhaul (MRO) services providers to the extent that their activity can be linked to an eligible aircraft type and improves or maintains the level of efficiency of the aircraft.

Substantial contribution to climate change mitigation

The activity manufactures, repairs, maintains, overhauls, retrofits, designs, repurposes or upgrades one of the following:

- (a) the aircraft with zero direct (tailpipe) CO₂ emissions;
- (b) until 31 December 2027, the aircraft, other than produced for private or commercial business aviation, meeting the margins specified below and limited by the replacement ratio in order to ensure that the delivery does not increase the worldwide fleet number:
 - (i) having maximum take-off mass greater than 5.7t and less than or equal to 60t and a certified metric value of CO₂ emissions of at least minus 11% to the New Type limit of the International Civil Aviation Organisation (ICAO) standard⁶¹;
 - (ii) having a maximum take-off mass greater than 60t and less than or equal to 150t and a certified metric value of CO₂ emissions of at minus 2% less to the New Type limit of the ICAO standard;
 - (iii) having a maximum take-off mass greater than 150t and a certified metric value of CO₂ emissions of at least minus 1.5% to the New Type limit of the ICAO standard;

The share of taxonomy compliance of eligible aircraft shall be limited by the replacement ratio. The replacement ratio shall be calculated based on the proportion of aircraft permanently withdrawn from use to aircraft delivered at the global level averaged over the preceding ten years as evidenced by verified data available from independent data providers.

In the absence of a certificate on the metric values of CO₂ emissions confirming the required margin to the New Type limit of the ICAO standard, a declaration can be delivered by the aircraft manufacturer that the aircraft meets the required level of performance and margins of improvement with the condition that the aircraft is certified [within three years of the entry into application of this Regulation].

From 1 January 2028 to 31 December 2032, the aircraft meeting the technical screening criteria specified in point (b) of this Section that is certified to operate on 100% blend of sustainable aviation fuels.

Do no significant harm ('DNSH')

(2) Climate change adaptation	The activity complies with the criteria set out in Appendix A to this Annex.
(3) Sustainable use and protection of	N/A

⁶¹ Volume 3 (CO₂ emissions) of the environmental protection standard of the International Civil Aviation Organization (ICAO) contained in Annex 16 to the Chicago Convention, first edition.

water and marine resources	
(4) Transition to a circular economy	<p>The activity assesses the availability of and, where feasible, adopts techniques that support:</p> <ul style="list-style-type: none"> (a) reuse and use of secondary raw materials and re-used components in products manufactured; (b) design for high durability, recyclability, easy disassembly and adaptability of products manufactured; (c) waste management that prioritises recycling over disposal, in the manufacturing process; (d) information on and traceability of substances of concern throughout the life cycle of the manufactured products. <p>A waste management plan is in place and ensures maximal reuse or recycling at end of life in accordance with the waste hierarchy, including through contractual agreements with waste management partners, reflection in financial projections or official project documentation in order to also ensure that the decommissioning of an aircraft complies with applicable Union waste regulation principles.</p>
(5) Pollution prevention and control	<p>The activity complies with the criteria set out in Appendix C to this Annex.</p> <p>The aircraft complies with Article 9(2) of the Regulation (EU) 2018/1139 of the European Parliament and of the Council⁶².</p> <p>The aircraft referred to in points (b) and (c) of this Section complies with the following standards:</p> <ul style="list-style-type: none"> (a) amendment 13 of Volume I (noise), Chapter 14, of Annex 16 to the Chicago Convention with a cumulative margin of 5 EPNL dB; (b) amendment 10 of Volume II (engine emissions), Chapters 2 and 4, of Annex 16 to the Chicago Convention.
(6) Protection and restoration of biodiversity and ecosystems	N/A

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⁶² Regulation (EU) 2018/1139 of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (OJ L 212, 22.8.2018, p. 1).

(21) The following Sections 6.18., 6. 19., and 6.20. are added:

‘6.18. Leasing of aircraft

Description of the activity

Renting and leasing of aircraft and aircraft parts and equipment⁶³.

The economic activities in this category could be associated with NACE code, in particular N77.35 in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.

Where an economic activity in this category does not fulfil the substantial contribution criterion specified in point 1(a) of this Section, the activity is a transitional activity as referred to in Article 10(2) of Regulation (EU) 2020/852, provided it complies with the remaining technical screening criteria set out in this Section.

Technical screening criteria

Substantial contribution to climate change mitigation

The activity consists of renting or leasing of one of the following:

- (a) the aircraft with zero direct (tailpipe) CO₂ emissions;
 - (b) the aircraft delivered before [the entry into application of this Regulation], complying with the technical screening criteria referred to in point (b) or (c) in Section 3.21 [Manufacturing of aircraft] of this Annex;
 - (c) the aircraft delivered after [the entry into application of this Regulation] complying with the technical screening criteria referred to in points (b) or (c) in Section 3.21. [Manufacturing of aircraft] of this Annex, and with the commitment that another non-compliant aircraft in the fleet is either:
 - (i) permanently withdrawn from use within six months of delivery of the compliant aircraft. In this case, the replacement ratio should not apply; or
 - (ii) permanently withdrawn from the fleet within six months of delivery of the compliant aircraft. In this case, the share of taxonomy compliance of eligible aircraft should be limited by the replacement ratio (as defined in Section 3.21. of this Annex).
 - (d) The aircraft permanently withdrawn from use or the fleet should:
 - (i) be non-compliant with the margins defined in point (b) in Section 3.21. of this Annex;
 - (ii) have at least 80% of maximum take-off weight of the compliant aircraft;
 - (iii) have remained in the fleet within at least 12 months prior to its withdrawal; and
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⁶³ The activity includes leasing of parts and equipment to the extent that they can be linked to an eligible aircraft type and improves or maintains the level of efficiency of the aircraft.

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- (iv) have a proof of airworthiness dating back less than 6 months prior to the delivery of the compliant aircraft.
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Do no significant harm ('DNSH')

(2) Climate change adaptation	The activity complies with the criteria set out in Appendix A to this Annex.
(3) Sustainable use and protection of water and marine resources	N/A
(4) Transition to a circular economy	<p>The activity assesses the availability of and, where feasible, adopts techniques that support:</p> <ul style="list-style-type: none">(a) reuse and use of secondary raw materials and re-used components in products manufactured;(b) design for high durability, recyclability, easy disassembly and adaptability of products manufactured;(c) waste management that prioritises recycling over disposal, in the manufacturing process;(d) information on and traceability of substances of concern throughout the life cycle of the manufactured products; <p>A waste management plan is in place and ensures maximal reuse or recycling at end of life in accordance with the waste hierarchy, including through contractual agreements with waste management partners, reflection in financial projections or official project documentation in order to also ensure that the decommissioning of an aircraft complies with applicable Union waste regulation principles.</p>
(5) Pollution prevention and control	<p>The activity complies with the criteria set out in Appendix C to this Annex.</p> <p>The aircraft complies with the relevant requirements referred to in Article 9(2) of the Regulation (EU) 2018/1139.</p> <p>The aircraft referred to in point (b) to (c) of this Section complies with the following standards:</p> <ul style="list-style-type: none">(a) amendment 13 of Volume I (noise), Chapter 14, of Annex 16 to the Chicago Convention with a cumulative margin of 5 EPNL dB; for freighter aircraft Amendment 13 of Volume I (noise), Chapter 14, of Annex 16 to the Chicago Convention;

	(b) amendment 10 of Volume II (engine emissions), Chapters 2 and 4, of Annex 16 to the Chicago Convention;
(6) Protection and restoration of biodiversity and ecosystems	N/A

6.19. Passenger and freight air transport

Description of the activity

Purchase, financing and operation of aircraft including transport of passengers and goods.

The economic activity does not include leasing of aircraft referred to in Section 6.18 of this Annex.

The economic activities in this category could be associated with several NACE codes, in particular H51.1 and H51.21 in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.

Where an economic activity in this category does not fulfil the substantial contribution criterion specified in point 1 (a) of this section, the activity is a transitional activity as referred to in Article 10(2) of Regulation (EU) 2020/852, provided it complies with the remaining technical screening criteria set out in this section.

Technical screening criteria

Substantial contribution to climate change mitigation

The activity is performed using one of the following criteria:

- (a) the aircraft with zero direct (tailpipe) CO₂ emissions;
 - (b) until 31 December 2029, the aircraft acquired before [entry into application of the technical screening criteria], complying with the technical screening criteria specified in point (b) or (c) in Section 3.21 [Manufacturing of aircraft] of this Annex;
 - (c) until 31 December 2029, the aircraft acquired after [entry into application of the technical screening criteria], complying with the technical screening criteria specified in point (b) or (c) in Section 3.21. [Manufacturing of aircraft] of this Annex, and with the commitment that another non-compliant aircraft in the fleet is either:
 - (i) permanently withdrawn from use within 6 months of delivery of the compliant aircraft. In this case, the replacement ratio should not apply; or
 - (ii) permanently withdrawn from the fleet within 6 months of delivery of the compliant aircraft. In this case, the share of taxonomy compliance of eligible
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aircraft should be limited by the replacement ratio (as defined in Section 3.21 [Manufacturing of aircraft] of this Annex).

- (d) The aircraft permanently withdrawn from use or the fleet should:
- (i) be non-compliant with the margins defined in point (b) in Section 3.21. [Manufacturing of aircraft] of this Annex;
 - (ii) have at least 80% of maximum take-off weight of the compliant aircraft;
 - (iii) have remained in the fleet within at least 12 months prior to its withdrawal; and
 - (iv) have a proof of airworthiness dating back less than 6 months prior to the delivery of the compliant aircraft.
- (e) from 1 January 2030, the aircraft meeting technical screening criteria specified in points (b) or (c) above and operated with a minimum share of sustainable aviation fuels (SAF), corresponding to 10% in 2030 and increased by 2 percentage points annually thereafter.
- (f) the aircraft operated with a minimum share of sustainable aviation fuels (SAF), corresponding to 5% SAF in 2022, with the percentage of SAF increasing by 2 percentage points annually thereafter.

The SAF use requirement in points (d) and (e) is calculated with reference to the total aviation fuel used by the compliant aircraft and SAF used at the fleet level. Operators calculate compliance as the ratio of the quantity (expressed in tonnes) of SAF purchased at the fleet level divided by the total aviation fuel used by the compliant aircraft multiplied by 100. SAF are defined as in the ReFuelEU Aviation Regulation, including renewable fuels of non-biological origin and biofuels produced from the feedstock listed in Annex IX to Directive (EU) 2018/2001.

Do no significant harm ('DNSH')

(2) Climate change adaptation	The activity complies with the criteria set out in Appendix A to this Annex.
(3) Sustainable use and protection of water and marine resources	N/A
(4) Transition to a circular economy	<p>Measures are in place to prevent generation of waste in the use phase (maintenance, operation of air transport services with regards to catering waste) and to manage any remaining waste in accordance with the waste hierarchy.</p> <p>Measures are in place to manage and recycle waste in the end-of life of the fleet, including through decommissioning contractual agreements with aircraft recycling service providers, ensuring that measures are in place to segregate and treat components and materials in order to</p>

	maximise recycling and reuse in accordance with the waste hierarchy and airworthiness regulations.
(5) Pollution prevention and control	<p>The activity complies with the criteria set out in Appendix C to this Annex.</p> <p>The aircraft complies with the relevant requirements referred to in Article 9(2) of the Regulation (EU) 2018/1139.</p> <p>The aircraft compliant with the technical screening criteria in point (b) to (e) of this Section complies with the following standards:</p> <p>(a) amendment 13 of Volume I (noise), Chapter 14, of Annex 16 to the Chicago Convention with a cumulative margin of 5 EPNL dB; for freighter aircraft Amendment 13 of Volume I (noise), Chapter 14, of Annex 16 to the Chicago Convention;</p> <p>(b) amendment 10 of Volume II (engine emissions), Chapters 2 and 4, of Annex 16 to the Chicago Convention.</p>
(6) Protection and restoration of biodiversity and ecosystems	N/A

6.20. Air transportation ground handling operations

Description of the activity

Manufacture, repair, maintenance, overhaul, retrofitting, design, repurposing and upgrade, purchase, financing, renting, leasing and operation of equipment and service activities incidental to air transportation (ground handling), including ground services activities at airports and cargo handling, including loading and unloading of goods from aircraft.

The economic activity includes:

- (a) vehicles for aircraft marshalling and other services within the apron;
- (b) equipment for passenger boarding, including passenger shuttles, mobile steps;
- (c) equipment for baggage and freight handling including belt loaders, baggage tractors, airport pallet trucks lower deck loaders, conveyor belt loaders, main deck loaders;
- (d) equipment for catering including cool container dollies, excluding equipment with refrigeration units powered by an internal combustion engine;
- (e) maintenance equipment including maintenance stands and platforms;
- (f) pushback tugs;
- (g) de-icing equipment for aircraft and engine de-icing;
- (h) snow ploughs and other snow clearance and surface de-icing equipment;
- (i) non-autonomous taxiing.

The economic activities in this category could be associated with several NACE codes, in particular H52.2.3, H52.2.4, H49.3.9 in accordance with the statistical classification of economic activities established by Regulation (EC) No 1893/2006.

Technical screening criteria

Substantial contribution to climate change mitigation

Ground handling vehicles' direct (tailpipe) CO₂ emissions are zero.

The propulsion of all ground handling devices and equipment comes from a zero-emissions motor.

Do no significant harm ('DNSH')

(2) Climate change adaptation	The activity complies with the criteria set out in Appendix A to this Annex.
(3) Sustainable use and protection of water and marine resources	<p>The activity complies with the criteria set out in Appendix B to this Annex.</p> <p>With regard to de-icing activities, measures are in place to ensure the necessary discharge controls at airport level, to reduce the environmental impact on watercourses, including through use of more environmentally sustainable chemicals, glycol recovery and surface water treatment.</p>
(4) Transition to a circular economy	Measures are in place to manage waste, in accordance with the waste hierarchy, both in the use phase (maintenance) and the end-of-life of the fleet, including through reuse and recycling of batteries and electronics (in particular critical raw materials therein).
(5) Pollution prevention and control	The activity complies with the criteria set out in Appendix C to this Annex.
(6) Protection and restoration of biodiversity and ecosystems	N/A

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(22) in Section 7.1., subsection Technical screening criteria, subsection Do no significant harm ('DNSH'), point (5) is replaced by the following:

(5) Pollution prevention and control	<p>Building components and materials used in the construction comply with the criteria set out in Appendix C to this Annex.</p> <p>Building components and materials used in the construction that may come into contact with occupiers²⁸⁹ emit less than 0,06 mg of formaldehyde per m3 of test chamber air upon testing in accordance with the conditions specified in Annex XVII to Regulation (EC) No 1907/2006 and less than 0,001 mg of other categories 1A and 1B carcinogenic volatile organic compounds per m3 of test chamber air, upon testing in accordance with CEN/EN 16516²⁹⁰ or ISO 16000-3:2011²⁹¹ or other equivalent standardised test conditions and determination methods²⁹².</p> <p>Where the new construction is located on a potentially contaminated site (brownfield site), the site has been subject to an investigation for potential contaminants, for example using standard ISO 18400²⁹³.</p> <p>Measures are taken to reduce noise, dust and pollutant emissions during construction or maintenance works.</p>
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²⁸⁹ Applying to paints and varnishes, ceiling tiles, floor coverings, including associated adhesives and sealants, internal insulation and interior surface treatments, such as those to treat damp and mould.

²⁹⁰ CEN/TS 16516: 2013, Construction products - Assessment of release of dangerous substances - Determination of emissions into indoor air.

²⁹¹ ISO 16000-3:2011, Indoor air — Part 3: Determination of formaldehyde and other carbonyl compounds in indoor air and test chamber air — Active sampling method (version of 4.6.2021: <https://www.iso.org/standard/51812.html>).

²⁹² The emissions thresholds for carcinogenic volatile organic compounds relate to a 28-day test period.

²⁹³ ISO 18400 series on Soil quality — Sampling.

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(23) in Section 7.2., subsection Technical screening criteria, subsection Do no significant harm (‘DNSH’), point (5) is replaced by the following:

(5) Pollution prevention and control	<p>Building components and materials used in the construction complies with the criteria set out in Appendix C to this Annex.</p> <p>Building components and materials used in the building renovation that may come into contact with occupiers³⁰² emit less than 0,06 mg of formaldehyde per m3 of test chamber air upon testing in accordance with the conditions specified in Annex XVII to Regulation (EC) No 1907/2006 and less than 0,001 mg of other categories 1A and 1B carcinogenic volatile organic compounds per m3 of test chamber air,</p>
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	<p>upon testing in accordance with CEN/EN 16516 or ISO 16000-3:2011³⁰³ or other equivalent standardised test conditions and determination methods³⁰⁴.</p> <p>Measures are taken to reduce noise, dust and pollutant emissions during construction or maintenance works.</p>
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³⁰² Applying to paints and varnishes, ceiling tiles, floor coverings (including associated adhesives and sealants), internal insulation and interior surface treatments (such as to treat damp and mould).

³⁰³ ISO 16000-3:2011, Indoor air — Part 3: Determination of formaldehyde and other carbonyl compounds in indoor air and test chamber air — Active sampling method (version of 4.6.2021: <https://www.iso.org/standard/51812.html>).

³⁰⁴ The emissions thresholds for carcinogenic volatile organic compounds relate to a 28-day test period.

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(24) Appendix C is replaced by the following (additions in **bold**):

‘ The activity does not lead to the manufacture, placing on the market or use of:

- (a) 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 Council³²⁸, except in the case of substances present as an unintentional trace contaminant;
- (j) 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 Council³²⁹;
- (k) substances, whether on their own, in mixture or in articles, listed in Annexes I or II to Regulation (EC) No 1005/2009 of the European Parliament and of the Council³³⁰;
- (l) substances, whether on their own, in mixtures or in an articles, listed in Annex II to Directive 2011/65/EU of the European Parliament and of the Council³³¹, except where there is full compliance with Article 4(1) of that Directive;
- (m) substances, whether on their own, in mixtures or in an article, listed in Annex XVII to Regulation (EC) 1907/2006 of the European Parliament and of the Council³³², except where there is full compliance with the conditions specified in that Annex;
- (n) substances, whether on their own, in mixtures or in an article, meeting the criteria laid down in Article 57 of Regulation (EC) 1907/2006 and identified in accordance with Article 59(1) of that Regulation, **except if it is assessed and documented by the operators that no other suitable alternative substances or technologies are available on the market, and that they are used under controlled conditions**³³³.
- (o) **other substances, whether on their own, in mixtures or in an article, that meet the criteria of Regulation (EC) No 1272/2008 in one of the hazard classes or hazard categories mentioned in Article 57 of Regulation (EC) 1907/2006, except if it is assessed and documented by the operators that no other suitable alternative substances or technologies are available on the market, and that they are used under controlled conditions**³³⁴.

³²⁸ 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).

³²⁹ 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).

³³⁰ Regulation (EC) No 1005/2009 of the European Parliament and of the Council of 16 September 2009 on substances that deplete the ozone layer (OJ L 286, 31.10.2009, p. 1).

³³¹ 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).

³³² 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)

³³³ **Upon publication of the Commission's horizontal principles on essential use of chemicals, operators should assess and document that they comply with these principles.**

³³⁴ **Upon publication of the Commission's horizontal principles on essential use of chemicals, operators should assess and document that they comply with these principles.**

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