Council of the European Union

Brussels, 25 November 2025
(OR. en)

15800/25

LIMITE

SIMPL 190
ANTICI 189
INDEF 160
MAP 136
CSC 613
ENV 1262
COMPET 1221
ENT 260
MI 943
CHIMIE 139
CODEC 1897
EDA

Interinstitutional Files:
2025/0172 (COD)
2025/0176 (COD)
2025/0177 (COD)

PUBLIC

NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Omnibus V (Defence Readiness) Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulations (EC) No 1907/2006, (EC) No 1272/2008, (EU) No 528/2012, (EU) 2019/1021 and (EU) 2021/697 as regards defence readiness and facilitating defence investments and conditions for defence industry Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directives 2009/43/EC and 2009/81/EC, as regards the simplification of intra-EU transfers of defence-related products and the simplification of security and defence procurement Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the acceleration of permit-granting for defence readiness projects - Mandate for negotiations with the European Parliament

I. BACKGROUND

1. The Commission adopted its fifth Omnibus package focusing on Defence Readiness on 17 June 2025. It comprises simplification proposals in defence-specific as well as non-defence-specific legislation and programmes and a proposal for a new regulation on permit granting. The package includes proposals for two regulations and one directive as well as drafts of delegated regulations aiming to facilitate defence investments and conditions for the defence industry and to simplify security and defence procurement.

2. In the proposal for a Regulation of the European Parliament and of the Council on the acceleration of permit-granting for defence readiness projects[1], the Commission proposes to introduce a **fast-track system for defence-related infrastructure projects** and sets timelines for permitting procedures. The Commission also proposes to create a Single point of contact – a designated national interface in each Member State, which would be responsible for facilitating and coordinating the permit-granting process for defence readiness projects.

3. In the proposal for a Directive of the European Parliament and of the Council amending Directives 2009/43/EC and 2009/81/EC, as regards the simplification of **intra-EU transfers of defence-related products and the simplification of security and defence procurement**[2], the Commission proposes to ease authorisation processes for transfers between Member States and streamline defence procurement procedures.

4. In the proposal for a Regulation of the European Parliament and of the Council amending Regulations (EC) No 1907/2006, (EC) No 1272/2008, (EU) No 528/2012, (EU) 2019/1021 and (EU) 2021/697 **as regards defence readiness and facilitating defence investments and conditions for defence industry**, the Commission firstly proposes to clarify provisions on environmental and chemicals legislation[3] regarding exemptions available for use of chemical substances for defence readiness purposes. Secondly, the Commission proposes to amend the Regulation (EU) 2021/697 establishing European Defence Fund (EDF) to improve the strategic utility, agility, and interoperability of EDF-funded projects.

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[1] ST 10518/25
[2] ST 10527 25
[3] Regulation (EU) No 1907/2006 (REACH), Regulation (EU) No 1272/2008 on classification, labelling and packaging of chemical substances (CLP), Regulation (EU) No 528/2012 on Biocidal Products, Regulation (EU) No 2019/1021 on Persistent Organic Pollutants.

II. STATE OF PLAY

5. The 'Omnibus V' package was allocated to the Antici Group (Simplification) (AGS), a dedicated group set up on 21 February 2025 to work on simplification omnibus proposals.

6. Giving the current geopolitical situation, the Danish Presidency has been treating the file with utmost priority and has been advancing a thorough examination of the proposals in the Antici Group (Simplification) with speed. Since the initial presentation in June, the AGS held 15 thematic discussions.

7. On 21 November 2025, the Permanent Representatives Committee was invited to examine a Presidency proposal for a mandate for negotiations with the European Parliament. While there was large support for the majority of the compromise package, a proposal by two delegations for an amendment to provisions regarding tacit approval to permit applications for defence readiness projects required further reflections.

III. KEY COMPROMISE ELEMENTS

8. Further to the compromise elements set out in document 15356/25, the Presidency has proceeded to the following additional changes, which were supported at the meeting of the Permanent Representatives Committee on 21 November:

   a. Removal of eligibility conditions for the use of the negotiated procedures without prior publication as proposed in the Proposal for a Directive on intra-EU transfers of defence-related products and the simplification of security and defence procurement. As such, in Article 2 (10) (b), points (c) (iv) to (vii), in Article 2 (10) (c), points (d) (iii) to (vi) and the respective final sentences providing for possible exemptions from these points, as well as recital 18a, are removed from the text.;

   b. Removal of the new general transfer licence for transfers by certified suppliers as proposed by the Commission in the Proposal for a Directive on intra-EU transfers of defence-related products and the simplification of security and defence procurement. As such, in Article 1(3)(a), point (i), Article 1 (5a) and recital 7 are removed from the text.

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IV. OPEN ISSUES

9. The remaining open issue concerns the proposal for a Regulation on the acceleration of permit-granting for defence readiness projects.

10. Several delegations expressed a wish to adjust the mechanism for tacit approval in a way that would enable derogation in duly justified cases where there is evidence of a serious risk to human health, the safety of workers, national security or the environment.

11. The Presidency has prepared a compromise proposal to take into account the concerns of those delegations. The proposed amendment would give Member States the opportunity to introduce in national law a derogation to the general rule of tacit approval in duly justified cases where substantiated evidence demonstrates the existence of a credible and grave risk to human health, the safety of workers, national security or the environment. The aim of the compromise proposal is to enable all Member States to effectively use the accelerated permit granting procedure for defence readiness projects and, at the same time, ensure that those Member States who wish or need to provide for the possibility not to apply tacit approval at national level have this opportunity under certain limited circumstances described above. The proposed amendments are included in recital 17c, final sentence, and a new paragraph 9 in Article 5.

V. CONCLUSION

12. The Permanent Representatives Committee is invited to discuss the Council's position regarding the above-described open issue, in order to agree on a mandate with regard to the proposals set out in the documents ST 15352/1/25 REV 1, ST 15355/1/25 REV 1 and ST 15353/25 COR2 and to invite the Presidency to conduct negotiations with the European Parliament on the basis of this mandate.

13. In accordance with the approach to legislative transparency endorsed by Coreper on 14 July 2023, and in full consistency with Regulation (EC) 1049/2001 and the Council's Rules of Procedure, the text of the mandate thus agreed will be made public unless the Permanent Representatives Committee objects.

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