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NOTE

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	8103/26
Subject:	Proposal for a Regulation of the European Parliament and of the Council on speeding-up environmental assessments - Revised Presidency compromise text

With a view to the meeting of the Antici Group on Simplification on 1 June 2026, delegations will find attached the revised Presidency compromise text.

Changes compared to the previous Presidency compromise text, set out in document 8791/26, are indicated in **bold underline** / **bold strikethrough**. Other changes to the Commission proposal are indicated in underline / strikethrough.

ANNEX

PUBLIC

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on speeding-up environmental assessments

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

Having regard to the opinion of the Committee of the Regions[2],

Acting in accordance with the ordinary legislative procedure,

Whereas:

(1) The political guidelines for the European Commission's 2024-2029 term[3], sets out a plan for the Union's sustainable prosperity and competitiveness. Making business easier and deepening the Single Market are among the key priorities.

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1 OJ C , , p. .
2 OJ C , , p. .
3 Europe's Choice, Political Guidelines for the next European Commission 2024−2029, Ursula von der Leyen

(2) The Union has committed to the accelerated decarbonisation of its economy to achieve climate neutrality, namely net-zero emissions or emissions after the deduction of removals, by 2050. That objective is at the heart of the European Green Deal and is in line with the Union's commitment to global climate action under the Paris Agreement.

(3) At the same time, the findings of the 2024 Draghi report[4] indicate that lengthy and uncertain permit granting procedures are an obstacle for the roll-out of critical projects such as new power supply and grids. The Clean Industrial Deal Communication[5] indicates that it is to speed up permit granting procedures, in particular for the deployment of grids, energy storage and renewables projects, industrial access to energy and industrial decarbonisation projects as well as manufacturing of clean technologies. Faster permit granting procedures are necessary, amongst other, for Data centre projects, EuroHPC supercomputer facilities, AI factories, AI Gigafactories, semiconductor projects. Also, this is needed for projects supporting the digital transition, for those related to the decarbonisation of maritime and inland ports, airports and railways of trans-European transport network. Faster permitting is also necessary for projects which are critical to ensure food security in the Union.

(4) Affordable housing should be available to households that are not able, due to market outcomes and notably market failures, to access housing at affordable conditions. For this purpose, housing affordability should be measured on the basis of reliable indicators such as for example the housing cost overburden rate, a rent-to-income ratio, a mortgage payment to income ratio, a price to income ratio, or years of income to buy a home. Energy costs should be considered as part of the total housing costs, at least for buildings with a low energy performance.

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4 Draghi, M. (2024) The future of European competitiveness. Available at: The Draghi report on EU competitiveness

5 Communication from the Commission to the European Parliament, the Council, The EUROPEAN Economic and Social Committee and the Committee of the Regions of 26 February 2025, The Clean Industrial Deal: A joint roadmap for competitiveness and decarbonisation (COM(2025) 85 final).

(5) Procedures linked to environmental assessments should be accelerated and streamlined for plans, programmes and projects across all sectors of the economy by establishing a common acceleration framework for environmental assessments in order to boost EU's roll out of key technologies, reduce dependencies and strengthen competitiveness. This Regulation provides for such framework, while maintaining the same level of protection of human health and of the environment.

(6) Some sectors may, however, require yet faster environmental assessments. Therefore, in order to safeguard the coherence of the legal framework of environmental assessments, whilst allowing for the additional needs for acceleration in certain strategic sectors, a dedicated toolbox should be provided which applies where appropriate, with particular focus on decarbonisation, resource efficiency and resilience. This should apply where existing sectorial Union legislation, such as on critical raw materials[6], net zero industry[7], semiconductors[8] as well as maritime and inland ports, airports, railways, critical medicines infrastructure, which are part of trans-European transport network[9] and future sectorial Union legislation defines strategic sectors or categories of projects for the purpose of faster permitting.

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6 Regulation (EU) 2024/1252 of the European Parliament and of the Council of 11 April 2024 establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulation (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020 (OJ L 1252, 3.5.2024, p. 1, ELI: http://data.europa.eu/eli/reg/2024/1252/oj).

7 Regulation (EU) 2024/1735 of the European Parliament and of the Council of 13 June 2024 on establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724 (OJ L, 2024/1735, 28.6.2024, ELI: http://data.europa.eu/eli/reg/2024/1735/oj).

8 Regulation (EU) 2023/1781 of the European Parliament and of the Council of 13 September 2023 establishing a framework of measures for strengthening Europe's semiconductor ecosystem and amending Regulation (EU) 2021/694 (Chips Act), OJ L 229, 18.9.2023, ELI: http://data.europa.eu/eli/reg/2023/1781/oj.

9 Regulation (EU) 2024/1679 of the European Parliament and of the Council of 13 June 2024 on Union guidelines for the development of the trans-European transport network, amending Regulations (EU) 2021/1153 and (EU) No 913/2010 and repealing Regulation (EU) No 1315/2013, OJ L, 2024/1679, 28.6.2024, ELI: http://data.europa.eu/eli/reg/2024/1679/oj.

(7) Environmental assessments required under Union law are an integral part of the project authorisation and planning procedures and are essential safeguards to ensure that significant environmental effects are prevented or minimised, as well as to ensure transparency and effective public participation in decision making processes related to plans, programmes and projects likely to have significant effects on the environment.

(8) In line with the precautionary principle enshrined in the Treaty, environmental assessments provide systematically a high level of protection of the environment and contribute to the integration of environmental considerations into the preparation of plans, programs and projects with a view to reducing their environmental effects and making them more sustainable, thus contributing to sustainable development.

(9) The permit granting process covers all relevant consents and permits to build, expand, convert or operate a project, including relevant environmental assessments, as applicable to each specific project, and in particular as regards water, soil, air, ecosystems, habitats and biodiversity. Environmental assessments encompass ~~all~~ the relevant assessment procedures required under Union environmental law ~~and~~ such as applicability assessments under Directive 2000/60/EC, strategic environmental assessments under Directive 2001/42/EC, environmental impact assessments under Directive 2011/92/EU and appropriate assessments under Directive 92/43/EEC and under Directive 2009/147/EC. Environmental assessments provide decision-makers and the public with necessary information on the environmental effects of a given plan, programme or project issued or to be authorised by the competent authority.

(10) To ensure that environmental assessments, as part of the overall permit granting procedures, are faster, more effective and cost-efficient, measures with the potential to accelerate and streamline such assessments should be put in place while maintaining a high level of environmental protection as set out in Article 192(1) of the Treaty.

(11) In order to improve the effectiveness of the assessments, reduce administrative complexity and increase economic efficiency, where the obligation to carry out environmental assessments arises simultaneously from this Regulation and Directive 2000/60/EC[10], Directive 2001/42/EC[11], Directive 2009/147/EC[12] and Directive 2011/92/EU[13] of the European Parliament and of the Council, as well as from Council Directive 92/43/EEC[14], Member States should ensure that coordinated and/or joint procedures fulfilling the requirements of those Directives are provided. Where coordinated or joint procedures are set up, Member States should designate an authority responsible for performing the corresponding duties. Taking into account institutional structures and their specific organisational characteristics, Member States should have the possibility, where they deem it necessary, to designate more than one authority.

(12) Pursuant to Directive 2010/75/EU of the European Parliament and of the Council [15], in the case of a new installation or a substantial change where Article 4 of Directive 2011/92/EU applies, any relevant information obtained or conclusion taken pursuant to Directive 2011/92/EC should be examined and used for the purposes of granting a permit under Directive 2010/75/EU.

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10 Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (OJ L 327, 22.12.2000, p. 1, ELI: http://data.europa.eu/eli/dir/2000/60/oj).

11 Directive 2001/42/EC of the European Parliament and of the Council of 27 June 2001 on the assessment of the effects of certain plans and programmes on the environment (OJ L 197, 21.7.2001, p. 30, ELI: http://data.europa.eu/eli/dir/2001/42/oj).

12 Directive 2009/147/EC of the European Parliament and of the Council of 30 November 2009 on the conservation of wild birds (OJ L 20, 26.1.2010, p. 7, ELI: http://data.europa.eu/eli/dir/2009/147/oj).

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

14 Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (OJ L 206, 22.7.1992, p. 7, ELI: http://data.europa.eu/eli/dir/1992/43/oj).

15 Directive 2010/75/EU of the European Parliament and of the Council of 24 November 2010 on industrial and livestock rearing emissions (integrated pollution prevention and control) (Recast).

(13) This Regulation should not alter the criteria or conditions under which screening or environmental assessments are required under other Union environmental legislation, such as Directives 2000/60/EC, 2001/42/EC, 2009/147/EC and 2011/92/EU, and Directive 92/43/EEC. Rather, it should provide the necessary legal framework to combine and accelerate the procedures set out in those Directives.

(13a) Effects on the environment should be taken into account at the earliest possible stage in all the technical planning and decision-making processes for plans, programmes and projects. While Directives 92/43/EEC, 2001/42/EC, 2009/147/EC and 2011/92/EU provide for assessment of the effects on the environment, for the purposes of Article 4(7) of Directive 2000/60/EC the Court of Justice of the EU has interpreted the need for an assessment of impacts on water bodies[16].

(14) Data centre projects, construction of EuroHPC supercomputer facilities, AI factories, and giga factories under Regulation (EU) 2024/1732[17] and Regulation (EU) 2025/xxxx amending Regulation (EU) 2021/1173 on establishing the EuroHPC, semiconductor projects, affordable housing development projects, and projects on recharging points for electric vehicles fall within Annex II of Directive 2011/92/EU. Projects falling within that Annex are not subject to a mandatory environmental impact assessment. Instead, it is for Member States to determine whether those projects need to be subject to an environmental impact assessment because of their likely significant effects on the environment either case by case or through the establishment of thresholds or other criteria.

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16 C-461/13 and C-535/18.

17 Council Regulation (EU) 2024/1732 of 17 June 2024 amending Regulation (EU) 2021/1173 as regards a EuroHPC initiative for start-ups in order to boost European leadership in trustworthy artificial intelligence, OJ L, 2024/1732, 19.6.2024, ELI: http://data.europa.eu/eli/reg/2024/1732/oj.

(15) Member States should ~~establish~~ designate an environmental single point of contact for environmental assessments for a given project at least where the requirement to carry out an environmental assessments arises for that project from Directives 92/43/EEC, 2009/147/EC, 2011/92/EU and 2000/60/EC. Member States should be able, in light of their internal organisation, to choose whether to establish or designate their points of contact at local, regional or national level, or at any other relevant administrative level. Moreover, the relevant competent authorities should specify and make available to the environmental single point of contact the requirements and extent of information to be requested from the developer. The environmental single point of contact should, in its role of coordinator, facilitate the provision of information to the competent authorities. The single point of contact may act as a coordinating interface without prejudice to the competences of competent authorities under national law.

(16) In order to allow businesses and developers, including for cross-border projects, to directly enjoy the benefits of the internal market without incurring an unnecessary additional administrative burden, Regulation (EU) 2018/1724 of the European Parliament and of the Council[18], which established the Single Digital Gateway, provides for general rules for the online provision of information, procedures and assistance services relevant for the functioning of the internal market. Environmental ~~S~~single points of contact established or designated pursuant to that Regulation are included in the list of assistance and problem-solving services in Annex III to that Regulation. National, regional or local environmental single points of contact may therefore be listed on the Your Europe Portal. ~~For the purpose of this Regulation, Member States should be able to designate single points of contact that coincide with the single point of contact designated pursuant to Regulation (EU) 2018/1724.~~

[18] Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/1724/oj).

(17) In order to increase speed, effectiveness and cost-efficiency of environmental assessment procedures required under Union law, and to reduce administrative burden, environmental assessments should be combined to the furthest extent possible, taking into account the specific organisational characteristics of Member States. The fact that assessments are combined should not affect their content or quality. Combined assessments should be carried out in a manner that does not lead to a prolongation of the time limits set out in this Regulation. The combination of procedures should remain optional and be applied only where compatible with the objectives, scope and timing of the respective assessment procedures.

(18) Coordinating or joining the environmental assessment procedures applicable to a plan, programme or project aims to avoid overlaps and redundancy, while also taking full advantage of synergies, and to minimise the time needed for authorisation. Where such coordinated or joint procedures are carried out, in particular, under Directives 2001/42/EC and 2011/92/EU, Member States should ensure that the procedural steps of environmental assessments, including scoping, preparation of an environmental assessment report, carrying out consultations and issuing a reasoned conclusion on the environmental effects, are combined.

(19) Competent authorities and the environmental single point of contact should cooperate and coordinate with regard to the screening and environmental assessment procedures at national and Union level as appropriate. Such cooperation and coordination should aim at ensuring common priorities and understanding of the relationship between plans, programmes and projects and their impact on the environment; exchanging information for strategic and operational purposes, within the limits set out in applicable Union and national law; improving consultation between relevant authorities; exchanging best practices; as well as further developing digital tools in support of more efficient environmental assessments including in a transboundary context. The cooperation and coordination se mechanisms may take the form of specialised coordination bodies, memoranda of understanding between competent authorities, joint training activities, or other appropriate cooperation and coordination identified by the Member States.

PUBLIC

(20) With view to streamlining the decision-making process while ensuring effective and timely consultations of the public concerned and of the authorities likely to be concerned by the plan, programme and project by reason of their specific environmental responsibilities or local and regional competences, such consultations should be run in parallel. Member States should ensure that the consultations are conducted in the most effective way ~~to conduct these consultations~~. Member States should not expressly and generally require that the authorities likely to be concerned by the project by reason of their specific environmental responsibilities or local and regional competences are consulted before the public concerned. At the same time, Member States shall ensure that the public concerned is consulted on all the essential elements of a plan, programme or project, that would significantly impact the environment or human health.

(21) In order to avoid overlaps and redundancy, while also taking full advantage of synergies, minimising the time needed for authorisation and maximising efficiency in data collection, it is appropriate that the respective competent authorities of Member States make available to the developer within a reasonable time-frame and sufficiently early in the process, any available results of other relevant environmental assessments under Union or national legislation for the preparation of the environmental report for a given project, in particular with regard to the assessment of reasonable alternatives, where available.

(22) While the Court of Justice of the European Union has consistently held that the wording of Directive 2011/92/EU indicates that it has a wide scope and a broad purpose[19], it has also considered that that Directive must be interpreted as not requiring that any project likely to have a significant effect on the environment be made subject to the environmental impact assessment provided for in that directive, but only those referred to in Annexes I and II of that Directive[20]. In particular, the Court of Justice has held that certain <u>changes or</u> extensions to projects falling under Annexes I and II of that Directive, do not, as such, fall under the projects categories covered by those provisions[21]. <u>Changes or extensions to projects may include the repurposing of pipelines of industrial sites, the extension of their operation period or modifications to ensure decarbonisation.</u>

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19 C-72/95, C-435/97, C-227/01, C-486/04, C-2/07, C-142/07, C-205/08, C-275/09, C-404/09, C-560/08, C-300/13, C-156/07, C-329/17.

20 C-156/07, C-275/09<u>, 411/17</u>.

21 C-300/13.

(23) It is important that legal challenges be resolved without undue delay whilst preserving access to justice in environmental matters. Lengthy procedures generate greater litigation costs, increasing the financial burden of the parties to a legal dispute. They may also cause delays to projects and other economic activities that are ultimately confirmed to be lawful. Therefore, timely procedures are in the interest of all actors of society including both economic operators and applicants representing the interest of the environment in administrative and judicial proceedings.

(24) In order to ensure a high level of environmental protection, legal certainty and administrative efficiency, Member States should have the option within their respective national systems to require that all relevant arguments are raised during the administrative stage of the procedure leading to the authorisation of a project prior to any potential judicial review, thereby enabling competent authorities to address them during the decision-making to avoid excessive delays in the permit granting process, without prejudice to the right of access to justice. Any such preclusion should be applied only where information was genuinely accessible, provided in due time and where participation opportunities were effective, in accordance with the Aarhus Convention and Article 47 of the Charter of Fundamental Rights.

(25) Further to the 2017 Ministerial Declaration on eGovernment (Tallinn declaration) and the 2023 Declaration on Digital Rights and Principles for the Digital Decade, and line with the 2025 Commission Communication on implementation and simplification 'A simpler and faster Europe'[22], the Commission will further embed the 'digital by default' through the use of European Digital Identity Wallets and European Business Wallets and 'once-only' principles in partnership with national, regional and local authorities and the relevant Union agencies in order to lighten reporting burdens and compliance costs. Digital public services with a cross-border data exchange are governed by the Regulation (EU) 2024/903 of the European Parliament and of the Council[23], while the European Interoperability Framework (EIF)

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22 Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 11 February 2025, 'A simpler and faster Europe: Communication on implementation and simplification' (COM/2025/47 final).

23 Regulation (EU) 2024/903 of the European Parliament and of the Council of 13 March 2024 laying down measures for a high level of public sector interoperability across the Union (Interoperable Europe Act) (OJ L, 2024/903, 22.3.2024, ELI: http://data.europa.eu/eli/reg/2024/903/oj).

facilitates cross-border data exchange. Authorities falling within the scope of that Regulation are required to set up gradually a fully digitalised procedure for environmental assessments, including submission of application and online accessibility of information.

(26) In order to reduce costs for ~~project~~ developers in complying with their environmental obligations, Member States should be encouraged to bear the administrative ~~costs~~ charges and fees ~~(levies)~~ associated with the environmental assessments for a given project, in particular in the case of smaller developers. The costs for the preparation of environmental assessment reports should still be borne by the ~~project~~ developer. This possibility offered to Member States aims to facilitate the practical application of Union legislation by smaller developers and strengthen the competitiveness and sustainability of the Union economy.

(27) Such smaller developers may fall into different categories, such as small mid caps as defined in Commission Recommendation (EU) 2025/1099[24] , or small and medium-sized enterprises as defined in Commission Recommendation 361/2003/EC[25].

(28) In order to ensure that the tasks allocated to the authorities under this Regulation are performed at a sufficiently high quality Member States should ensure that the environmental single point of contact and all competent authorities responsible for any step along the screening and environmental assessments processes, including all procedural steps, have a sufficient number of qualified staff and sufficient financial, technical and technological resources necessary.

(29) While streamlining and simplifying procedures is crucial, it is equally important that the environmental standards, including those that are stemming from international law, are respected, including the obligations under the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, signed at Aarhus on 25 June 1998, and under the UNECE Convention on environmental impact assessment in a transboundary context, signed at Espoo on 25 February 1991 and its Protocol on Strategic Environmental Assessment, signed in Kyiv on 21 May 2003.

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[24] Commission Recommendation (EU) 2025/1099 of 21 May 2025 on the definition of small mid-cap enterprises (OJ L, 2025/1099).

[25] Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003).

(30) In order to provide developers and investors with the security and clarity needed to increase development of projects, Member States should ensure that the environmental assessment process related to such projects does not exceed ~~pre-set~~ the time-limits established by this Regulation. Clear timelines for decisions to be taken by the competent authorities throughout the environmental assessment process on the basis of a complete application should be introduced to accelerate the development of projects. The time taken to build the actual project should not be counted towards those timelines, except when it coincides with other administrative steps in the environmental assessment process. In exceptional cases related to the nature, complexity, location or size of the proposed project, Member States should be able to extend the timelines. Such exceptional cases could include unforeseen circumstances triggering the need to add to or complete environmental assessments related to the project.

(31) The first step of the environmental impact assessment pursuant to Directive 2011/92/EU, which consists of the preparation of an environmental impact assessment report, is often predominantly performed by the project developer. That step should therefore not be integrated in the timelines defined within this Regulation.

(32) Following the completion of consultations with the public concerned, local and regional authorities and other authorities likely to be concerned by reason of their specific environmental responsibilities as well as other Member States, where required, the completeness of the information provided by the developer of a project should be acknowledged by the competent authorities. Before such acknowledgement is issued, the competent authorities should be able to request additional information to enable it to take an informed decision on the environmental effects of the project. Following an acknowledgement, unless specific circumstances arise, the developer shall not be asked to submit new information.

(33) In order to simplify and harmonise exchanges between competent authorities and developers, such exchanges should be enabled through the use of the European Business Wallets established pursuant to [OP please add - Proposal for a Regulation on the establishment of European Business Wallets], as they provide a secure, standardised, and interoperable platform for developers to interact with competent authorities enabling an efficient and effective submission of required information more efficient and effective, while ensuring a high level of data protection, cybersecurity, and integrity of information.

PUBLIC

(34) The construction, operation, and decommissioning of projects can ~~**may**~~ lead to incidental ~~**the**~~ **and unintended** killing or disturbance of bird species protected under Directive 2009/147/EC and of other species protected under Directive 92/43/EEC. The extent of killing or disturbance ~~**such effects**~~ can ~~**may**~~ vary depending on the type of project and its design, ~~**and location of the project and on the ecological importance of the area concerned. In certain circumstances, such effects may constitute deliberate killing or disturbance within the meaning of Article 5 of Directive 2009/147/EC and Article 12(1) of Directive 92/43/EEC, as interpreted by the case-law of the Court of Justice of the European Union.**~~ the ecological importance of the area for the species and their presence in the area concerned. ~~However, appropriate mitigation measures and use of best available technologies should be included in such projects to prevent or reduce those adverse effects to insignificant levels.~~ **Where appropriate and proportionate mitigation measures are adopted, the best available techniques are taken into account, and such measures are designed to avoid significant adverse impacts on the population of the species concerned, such killing or disturbance should not be considered deliberate within the meaning of Article 5 of Directive 2009/147/EC.**

(35) ~~**This Regulation should not lower the level of species protection established under Directives 2009/147/EC and 92/43/EEC.**~~ Mitigation measures should be appropriate and proportionate, ensuring on the basis of the best available scientific data that any residual effects do not adversely affect the populations of the species concerned. The level of mitigation effort shall therefore correspond to the degree of risk and the vulnerability of the species, without exceeding what is necessary to achieve that objective. While the cost of mitigation should also be considered as part of the proportionality assessment, economic factors alone should not justify the omission of necessary measures, nor should they serve as grounds to reject effective mitigation. **Member States should ensure that the effectiveness of those measures is monitored and that additional measures are taken where necessary to avoid significant adverse impacts on the population of the species concerned.**

(**35a**) In order to ensure legal certainty while maintaining a high level of protection of species, it is therefore appropriate to amend Directive 2009/147/EC and Directive 92/43/EEC by introducing an additional ground for derogation within the framework of Article 9 of Directive 2009/147/EC and Article 16 of Directive 92/43/EEC for projects which may give rise to such effects. Appropriate and proportionate mitigation measures, taking into account the best available techniques, should be implemented, and it should be ensured that no

significant adverse impacts occur at the level of the populations of the species concerned. The effectiveness of such measures should be monitored and, where necessary, further measures should be taken.

PUBLIC

(36) When establishing whether projects may be covered under the provision on assessing overriding public interest under this Regulation, specific attention should be given to their strategic nature, whether they contribute to decarbonisation goals, resource efficiency and resilience as well as to what extent they are likely – or not – to cause significant effect on the environment. In the upcoming Circular Economy Act, projects which concern prevention, separate collection, re-use, preparing for re-use, and recycling of waste should also be defined as strategic, given their important contribution to circular economy. Also, in the upcoming Industrial Accelerator Act, projects related to decarbonisation of energy intensive industries as well as those located in industrial acceleration areas should also be defined as strategic given their importance to resilience and decarbonisation.

(37) Predictable, simpler and faster processes for environmental assessments as part of the overall national authorisation processes, are necessary to provide the investment security necessary for the effective development of projects, which may be particularly important in certain sectors of the economy at this juncture. Therefore, as part of the toolbox, sectorial Union legislation may also provide, in accordance with this Regulation, that plans, programmes and projects in certain sectors or categories should be regarded as urgent at national level and should therefore be given a priority status insofar as national law provides for such expediated procedures in all judicial and dispute resolution procedures relating to them, while ensuring respect for the rights to access to justice and defence, if and to the extent, national law provides for such expeditated procedures.

(38) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to identify strategic projects concerning construction and renovation of residential affordable or social buildings, as well as the necessary infrastructure that directly serves those buildings.

(39) Some provisions of this Regulation are not suitable to apply immediately following its entry into force. This is the case of provisions that require Member States to set up new processes such as the designation of environmental single points of contact or setting up central portals for environmental reports and data resulting from environmental assessments and screening procedures. Therefore, it is necessary that the application of those provisions is deferred to a later time than the entry into force of this Regulation.

(39a) In view of ensuring consistency of the legal framework for environmental assessments and avoid its further fragmentation, provisions on environmental assessments in certain existing sectoral Union legislation should be incorporated in this Regulation. Therefore, Regulations (EU) 2023/1781, (EU) 2024/1252 and (EU) 2024/1735 should be amended accordingly.

(40) Since the objectives of this Regulation cannot be sufficiently achieved by the Member States but can rather, by reason of the scale or effects of its measures, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope [and applicable law]

1. This Regulation ~~applies to~~ lays down rules for the organisation, coordination and conduct of environmental assessments and screening of plans, programmes and projects falling within the scope of Directives 2000/60/EC, 2001/42/EC, 2009/147/EC, 2011/92/EU and 92/43/EEC as implemented in national law.

2. This Regulation shall apply in conjunction with the Directives referred in paragraph 1 and shall complement and specify the procedural arrangements provided therein. Where this Regulation lays down specific procedural rules governing the same procedural matters as those provided for in the Directives, those rules shall govern the organisation and conduct of the environmental assessment and screening procedures.

3. **Except where expressly provided otherwise in this Regulation,** ~~T~~the application of this Regulation shall not affect the substantive obligations arising from those Directives **and**

Union legislation applicable to specific sectors, in particular as regards the level of environmental protection, the requirements for assessment, and the conditions for granting authorisation.

4. Where Union legislation applicable to specific sectors, including legislation aimed at accelerating the permitting of strategic or priority projects, contains rules on environmental assessment or screening, those rules shall apply in conjunction with this Regulation. In the event of overlap, those sector-specific rules shall prevail to the extent that they constitute more specific provisions governing the same procedural matters.

Article 2

Definitions

1. For the purposes of this Regulation, the definitions in Directives 92/43/EEC, 2000/60/EC, 2001/42/EC, ~~and~~ 2011/92/EU, ~~2001/42/EC,~~ and 2009/147/EC~~, and 2011/92/EU~~ shall apply, except where a term defined in those Directives is defined otherwise in this Regulation.

2. The following definitions shall also apply:

   (a) ‘reasoned conclusion’ means the opinion or decision of the competent authority finalizing its examination of the significant environmental effects of a project;

   (b) ‘scoping’ means the procedure to be carried out by the competent authority determining the scope and level of detail of the environmental information to be provided in the form of an environmental assessment report for the plan, programme or project;

   (c) ‘screening’ means the procedure to be carried out by the competent authority determining whether plans, programmes or projects are to be subject to an environmental assessment because of their likely significant effects on the environment.

   (d) ‘coordinated procedure’ means a procedure where a competent authority coordinates the various individual assessments of the environmental impact of a particular project, plan or programme, required by the relevant Directives.

PUBLIC

(e) ‘joint procedure’ means a procedure where a competent authority provides for a single assessment of the environmental impact of a particular project and, where relevant, plan or programme, required by the relevant Directives.

(f) ‘major works’ means physical interventions which, by their nature, scale or location, are likely to result in significant environmental effects different in character or magnitude from those of the originally authorised project.

(g) ‘modifications to ensure decarbonisation’ means alterations strictly necessary to reduce greenhouse gas emissions from existing installations, excluding extensions unrelated to emissions reduction.

PUBLIC

CHAPTER II

COMMON PROVISIONS ON STREAMLINING ENVIRONMENTAL ASSESSMENTS

Article 3

Environmental single point of contact

1. By [OP please insert – 6 months after the entry into force of this Regulation], Member States shall establish or designate environmental single points of contact, which may be digital, at the ~~relevant~~ appropriate administrative national, regional or local level for the environmental assessment~~s~~ of projects. Member States may also establish or designate environmental single points of contact for plans or programmes. ~~Each single point of contact shall be responsible for facilitating and coordinating all aspects of the environmental assessments under this Regulation, including for providing information on when an application is considered to be completed in accordance with Article 7 of this Regulation.~~ Each environmental single point of contact shall act as a coordination and communication interface and shall not affect the allocation of decision making powers under national law, unless Member States decide otherwise.

2. Where a single point of contact is required for an overall permit-granting process pursuant to other Union or national legislation, the environmental single point of contact referred to in paragraph 1 ~~shall~~ may be the same as the one established for that overall permit-granting procedure.

3. Member States shall provide tools to help developers identify the appropriate established or designated environmental single point of contact ~~point~~ on the online portal set up in accordance with Article 10.

4. The environmental single point of contact established or designated pursuant to paragraph 1 shall ~~be the sole~~ serve as the primary coordination point ~~of contact~~ for the developer for the environmental assessments under this Regulation. It shall coordinate and facilitate the submission of all relevant documents and information and shall notify the project ~~promoter~~ developers of the outcome of the ~~comprehensive decision~~ reasoned conclusion referred to in Article 2(2)(a).

Article 4

Streamlining of environmental assessment procedures

1. In the case of plans, programmes, or projects for which the obligation to carry out assessments of the effects on the environment or screening arises ~~simultaneously~~ from any two or more of the Directives referred to in Article 1(1), Member States shall ~~establish~~ enable, where appropriate and feasible, a coordinated or joint procedure fulfilling all the requirements of those Directives.

Mandatory scoping shall apply only where the applicable sectoral Directive already provides for scoping. For assessments under Directives that do not contain scoping provisions, scoping shall remain optional for the competent authority.

~~Under the coordinated procedure referred to in the first subparagraph, a competent authority shall coordinate the various individual assessments of the environmental impact of a particular plan, programme or project required by the relevant Directives.~~

~~Under the joint procedure referred to in the first subparagraph, a competent authority shall provide for a single assessment of the environmental impact of a particular plan, programme or project required by the relevant Directives.~~

PUBLIC

2. ~~Member States shall establish appropriate mechanisms for coordination and cooperation at strategic and project level among all their competent authorities involved in environmental assessments or screenings of plans, programmes or projects. Where a plan, programme or project is subject to a coordinated procedure for assessment under both Directives 2001/42/EC and 2011/92/EU, the procedural steps under those Directives shall be combined~~.

3. In the case of plans, programmes or projects for which the obligation to carry out assessments of the effects on the environment arises simultaneously from two or more of the Directives referred to in Article 1(1), Member States shall issue one single opinion on the scope and level of detail of the information to be included in the environmental assessment report.

4. Competent authorities ~~shall~~ may consult the public concerned by the environmental decision-making procedure relating to a plan, programme or project subject to an assessment in accordance with paragraph 1 at the same time as they consult the authorities likely to be concerned by that plan, programme or project by reason of their specific environmental responsibilities or local and regional competences referred to in Article 6(2) of Directive 2001/42/EC and Article 6(1) of Directive 2011/92/EU.

5. Member States shall ensure that the results of other relevant environmental assessments under Union or national legislation are made available to developers for their preparation of the environmental reports referred to in Article 5 of Directive 2011/92/EU within reasonable timelines, respecting the limitations with regard to commercial and industrial confidentiality, including intellectual property, data protection and the safeguarding of the public interest. ~~When preparing an environmental assessment report, the developer of a project shall be allowed to use data or information as old as five years, provided that the data into the report take into account the site-specific conservation objectives of Natura 2000 sites where relevant, more recent data is not available, and the environmental conditions in which the data were collected have not substantially changed in a way that is likely to influence the environmental impact assessment.~~

PUBLIC

~~Article 5~~

~~Changes to projects~~

~~1. Changes or extensions of projects, such as repurposing of pipelines or of industrial sites, and extension of their operation period and modifications to ensure decarbonisation, shall~~ may ~~only be subject to screening by the competent authorities in order to determine if they are likely to have significant effects on the environment~~ taking into account the relevant selection ~~criteria set out in Annex III of Directive 2011/92/EU~~. ~~Those changes or extensions shall be subject to an environmental assessment only where they involve major works~~ which are likely to have significant effects on the environment ~~that represent risks that are similar to or greater than, in terms of their effects on the environment, to those posed by the original project.~~

~~By derogation from Article 4(1) of Directive 2011/92/EU, changes or extensions of projects falling under Annex I, point 7(a), shall be exempt from the requirement to carry out an environmental impact assessment pursuant to Article 2(1) of that Directive.~~

~~2. For changes or extensions of projects which are likely to have significant effects on the environment in another Member State or where a Member State that is likely to be significantly affected so requests, the Member State in whose territory the project is intended to be carried out shall ensure that Article 7 of Directive 2011/92/EU is applied.~~

Article 6

Substantial preclusion

In the context of judicial proceedings relating to environmental assessments within the meaning of this Regulation, Member States may preclude arguments from being raised before a court of law where they were not raised during the administrative stage, as long as the competent authority made available the necessary information in due time so that those arguments were known or could have been known and reviewed during the administrative stage leading to the authorisation of the project, without prejudice to the right of access to justice.

Article 7

Duration of screenings and environmental assessments

1. Where a project falls within the scope of Directive 2011/92/EU Member States shall ensure that:

~~(a) for projects subject to screening, the competent authority~~ies carry out that ~~screening within a period of maximum 60 days from the date that the developer has submitted all information required; for changes or extensions of projects referred to in Article 5 of this Regulation, that timeline shall be a maximum of 45 days;~~

(b) for projects subject to an environmental assessment, the ~~**competent authority issues**~~ **project developer may request, before submitting the application,** an opinion **from the competent authority** on the scope and level of detail of the information to be included in an environmental assessment report within a period of maximum ~~**30**~~ **45** days from the date on which the developer has submitted its request for an opinion;

(c) the time ~~frames~~ limit for consulting the public concerned on the environmental report referred to point (b) is between 30 and 90 days;

(~~d~~) ~~within 30 days following the completion of the respective consultations under Articles 6 and 7 of Directive 2011/92/EU, the competent authority acknowledges the completeness of the information provided by the developer which is necessary to take an informed decision on the environmental effects of the project. This information shall include the necessary information gathered pursuant to Articles 5, 6 and 7 of Directive 2011/92/EU including, where relevant, specific assessments required under other Union legislation.~~

~~If, before the end of the 30 days period, the competent authority considers that it does not have all necessary information to make the informed decision, the developer shall submit that information within a reasonable timeframe. Following the acknowledgment of completeness referred to in this point, the developer shall not be asked to provide any new information unless duly justified~~.

(e) the competent authority issues a reasoned conclusion on the environmental assessment of the project within ~~**a maximum of**~~ 90 days **of receiving all necessary information pursuant to Articles 5, 6 and 7 of that Directive and after completing the consultations referred to in Articles 6 and 7 of that Directive** ~~**from the date the**~~

~~**application is declared complete by the competent authority** following the acknowledgement of completeness referred to in point (d).~~

(f) The time-limits shall be suspended when the commpetent authority requests additional information and shall resume upon receipt of the requested information.

(g) Where environmental information is incomplete or significant new information emerges during consultations, time limits shall be suspended until such information is provided.

Time-limits in accordance with this article shall only apply to projects initiated after the entry into force of this Regulation.

The ~~deadlines~~ time-limits set out in this paragraph shall also apply in case of joint or coordinated procedures where the assessment of the environmental effects of a project under Directive 2011/92/EU is combined with assessments under Directives 92/43/EEC, 2000/60/EC or 2009/147/EC.

In exceptional cases, where the nature, complexity, location or size of the proposed project so require, the competent authority may extend the ~~deadlines~~ time-limits set out in this paragraph by a period of maximum 30 days. In that event, the competent authority shall inform the developer in writing without delay of the reasons justifying the extension and of the date when the respective administrative act is expected.

2. Where a plan or programme falls within the scope of Directive 2001/42/EC, Member States shall ensure that:

(a) the competent authority~~ies~~ carries~~y~~ out the screening under Article 3(5) of that Directive and publish its results within a period of 90 days, counting from the start date of the relevant planning process and when the necessary information required under that Directive has been provided to them;

(b) the competent authority~~ies~~ issues a report on the scope and level of detail of the information ~~carry out the scoping~~ under Article 5(4 ~~3~~) of that Directive ~~and publish its results~~ within a period of ~~**40**~~ **60** days, counting from the date when the necessary information required under that Directive has been provided to them;

(c) the time-~~frames~~ limits for consulting the public concerned on the environmental report referred to in Article 5 of that Directive is between 30 and 60 days from the date of publication of the notice on public consultation;

(d) the competent authority~~ies~~ concludes and publishes the environmental report required under Article 5(1) of that Directive within ~~7~~ **12** months from the day when the necessary information required under that Directive has been provided to them, and the relevant consultations under that Directive have been completed.

The ~~deadlines~~ time-limits set out in this paragraph shall also apply in case of joint or coordinated procedures where the assessment of the environmental effects of a plan or programme as defined under Directive 2001/42/EC is combined with assessments under Directives 92/43/EEC, 2000/60/EC or 2009/147/EC.

In exceptional cases, where the nature, complexity, location or size of the proposed plan or programme so require, the competent authority may extend the timelines under the first subparagraph by further maximum 30 days. In that event, the competent authority shall inform the authority developing the plan or programme in writing without delay of the reasons justifying the extension and of the date when the respective administrative act is expected.

3. In cases where a plan, programme or project is subject to a joint or coordinated procedure for assessment under both Directive 2001/42/EC and Directive 2011/92/EU, the ~~deadlines~~ time-limits set out in paragraph 1 shall apply.

4. Where other Union legislation establishes shorter ~~timelines~~ time-limits than the ones set out in paragraphs 1 and 2 of this Article, those shorter ~~deadlines~~ time-limits shall apply.

Where other EU legislation establishes timelines for the overall permit granting process that are shorter than the combination of the timelines of the different steps of the environmental assessment procedure under paragraph 1 or 2 of this Article, the shorter timeline for the overall permit granting process applies.

5. The ~~deadlines~~ time-limits set out in this Article, with the exception of the ones set out in paragraph 1, point (c), and paragraph 2, point (c), shall be without prejudice to any shorter time limits set by Member States, to obligations arising from Union and international law, and to the rights of natural and legal persons to access administrative or judicial procedures to review the legality of the decisions, acts or failure to act of the competent authorities.

PUBLIC

~~*Article 8*~~

~~**Protected species**~~

~~**1. When the implementation of plans or when the construction, operation or decommissioning of projects result in the occasional killing or disturbance of birds protected under Directive 2009/147/EC or other species protected under Directive 92/43/EEC, such killing or disturbance of protected species shall not be considered to be deliberate within the meaning of Article 5 of Directive 2009/147/EC and Article 12(1) of Directive 92/43/EEC, provided that the plan or project has adopted appropriate and proportionate mitigation measures and considering the best available technologies to avoid such killing and to prevent disturbance.**~~

~~**2. When assessing whether those mitigation measures are appropriate and proportionate to comply with Article 5 of the Birds Directive and Article 12(1) of the Habitats Directive, the competent authority shall take into account whether they ensure that significant adverse impacts on the population of the species concerned is avoided, despite the possible existence of negative impacts on individual specimens of those species. Member States shall ensure that those measures are applied and their effectiveness is monitored and that, in the light of the information gathered, further measures are taken as required to ensure that there are no significant adverse impacts on the population of the species concerned.**~~

Article 9

Cross-border ~~E~~environmental assessment ~~of transboundary effects~~

1. Where a plan, programme or project falling within the scope of this Regulation requires decisions to be taken in two or more Member States, the relevant national competent authorities shall take all necessary steps for efficient and effective cooperation and communication among themselves. Member States shall endeavour to provide for joint procedures and ~~unique~~ to facilitate the coordination between the respective single environmental points of contact with regard to the assessment of the environmental effects of ~~the~~ cross-border plans~~,~~ programmes or projects ~~in cross-border situations~~. Upon request from the Member States concerned by a plan, programme or project, the Commission shall act as a

facilitator to support cooperation between concerned national competent authorities and facilitate agreement on joint procedure.

2. Paragraph 1 is without prejudice to more detailed procedures, including cross-border joint procedures, provided for in other Union legislation regarding cooperation between authorities as regards environmental assessment of transboundary effects.

PUBLIC

Article 10

Online accessibility of information and digitalisation of the environmental assessments

1. From [OP: please insert the date = ~~six~~ **twelve** months after the date of entry into force of this Regulation], developers shall be allowed to submit any information related to the environmental assessments and screening procedures in electronic form through a central portal or easily accessible points of access.

2. From [OP: please insert the date = ~~six~~ **twelve** months after the date of entry into force of this Regulation], Member States shall provide developers and the public with access to the following information as regards plans, programmes or projects, online and in a centralised and easily accessible manner:

   (a) The environmental single points of contact referred to in Article 3;

   (b) the progress of the environmental assessments and screening procedures, including the upcoming steps of the procedure and the timeline of those steps, as well as information on dispute settlement;

3. From [OP: please insert the date = ~~twelve~~ **twenty four** months after the date of entry into force of this Regulation], Member States shall ensure that reports and data resulting from environmental assessments and screening procedures, related decisions and monitoring of environmental effects and procedures are made and remain publicly available in a digital format through a central online portal, in a manner that is compatible with the preservation of business secrets and Union or national data protection requirements. That portal shall ~~be based on a digital geographic information system and~~ shall include ~~all available~~ data ~~on species observations and other environmental and geological data.~~ generated through the environmental assessment procedures and other relevant publicly available environmental information, without creating obligations to digitise all existing environmental or geological datasets.

PUBLIC

4. From [OP: please insert the date = ~~twenty-four~~**forty eight** months after the date of entry into force of this Regulation], to the extent technically and financially feasible, Member States shall ensure that environmental assessment and screening procedures are fully digitalized and enable the re-use of data and documents held by public authorities at national level as well as the sharing of such data between Member States, developers and the public, in a seamless manner. Where appropriate, such procedures shall be interoperable with European Digital Identity Wallets and European Business Wallets. From that date, Member States shall also take the necessary measures to enhance the efficiency and effectiveness of their environmental assessment and screening procedures, including through the use of automated systems. These automated systems shall be aligned with relevant Union policies, respect data protection and privacy laws, and adhere to principles of transparency and accountability, including human decisional control.

5. This Article is without prejudice to Article 7 of Regulation 2024/1735 (NZIA), Article 18 (1) of Regulation 2024/1252 (CRMA), and Article 13 (4) of Regulation 2025/1022 (Biotech), where Member States shall provide information on administrative processes relevant to these sectors.

Article 11

Administrative ~~costs~~ charges and fees ~~of~~ for environmental assessments

Member States ~~shall endeavour to~~ may waive administrative charges and fees associated with environmental assessments for developers falling within the definition of small mid-cap enterprises under Recommendation (EU) 2025/1099 or within the definition of small and medium-sized enterprises under Recommendation 361/2003/EC. The costs for the preparation of environmental assessment reports in accordance with Article 5(1) of Directive 2011/92/EU shall remain borne by the developer.

Article 12

Resources and training

Member States shall ensure that the environmental single point of contact and all competent authorities responsible for any step in the screening and environmental assessments procedures, including all procedural steps, have a sufficient number of qualified staff and sufficient financial, technical and technological resources necessary, including, where appropriate, for up-skilling and re-skilling of staff, for the effective performance of their tasks under this Regulation and under the Directives referred to in Article 1.

PUBLIC

Article 13

~~**Applicability of United Nations Economic Commission for Europe Conventions**~~

~~Members of the public shall be afforded the right of access to environmental information, participation in decision making and access to justice concerning plans, programmes or projects referred to in Article 1(1), in line with the United Nations Economic Commission for Europe (UNECE) Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, signed at Aarhus on 25 June 1998, and under the UNECE Convention on environmental impact assessment in a transboundary context, signed at Espoo on 25 February 1991 and its Protocol on Strategic Environmental Assessment, signed in Kyiv on 21 May 2003.~~

Toolbox for strategic sectors or categories

[Corresponding provision in the Annex deleted and placed here with amendments]

1. For projects referred to in Article 14 of this Regulation, certain projects developed for strategic sectors or categories may~~, on a case-by-case basis and for the purposes of procedural coordination under this Regulation,~~ be considered to be of public interest and may, **on a case-by-case basis and** where appropriate, **be considered to** serve overriding public interest and the interests of public health and safety, provided that all the conditions set out in Directives 2000/60/EC, 2009/147/EC and 92/43/EEC are fulfilled.

   When assessing the fulfilment of the conditions referred to in paragraph 1, the strategic nature of the project shall be taken into account in the assessment of those conditions. In such case,

Member States may, in duly justified and specific circumstances, limit the application of this paragraph to certain parts of their territory, to certain types of technology or to projects with certain technical characteristics.

2. For projects referred to in Article 14 of this Regulation, Member States shall ensure that, where an authority participating in the **permit-granting** ~~coordinated authorisation~~ procedure fails to provide its position within the applicable deadline, the **competent authority responsible for the permit-granting procedure** ~~coordination authority~~ may proceed on the basis that such position has not been submitted, allowing the procedure to advance, without this implying that consent has been granted or that any assessment requirement has been fulfilled. This paragraph shall not apply to projects subjects to ~~an environmental impact~~ assessment **or authorisation requirements** pursuant to Directives 2000/60/EC, 2009/147/EC, 2011/92/EU or Directive 92/43/EEC **requiring an explicit opinion, assessment or determination by the competent authority,** or where the principle of administrative tacit approval is not recognised under national law.

The previous paragraph shall not apply to final decisions on the outcome of the permit-granting procedure, which shall be explicit. All decisions shall be made publicly available.

3. For projects referred to in Article 14 of this Regulation, all dispute resolution procedures, litigation, appeals and judicial remedies related to projects within strategic sectors or categories before any national courts, tribunals or panels, including with regard to mediation or arbitration, where they exist in national law, shall be treated as expeditious proceedings, where such expedited handling exists under national law, provided that the usually applicable rights of defence of individuals or of local communities are respected.

Article 14

~~Toolbox for~~ Projects in strategic sectors or categories

1. The provisions set out in ~~the Annex~~ Article 13 shall apply ~~where existing sectorial Union legislation defines~~ to the following projects in strategic sectors or categories ~~of strategic projects and aims to speed up permitting,~~ provided that those projects contribute to resilience and decarbonisation on the one hand, or resource efficiency on the other hand.

(a) the following projects which are part of trans-European transport network as defined in Regulation (EU) 2024/1679:

(i) maritime and inland ports and port-related infrastructure,

(ii) airports and airport-related infrastructure,

(iii) railways and railway-related infrastructure,

~~which are part of trans-European transport network as defined in Regulation (EU) 2024/1679;~~

(b) strategic net-zero technology manufacturing projects and strategic net-zero projects, as defined in Regulation (EU) 2024/1735;

(c) strategic critical raw material projects as defined in Regulation (EU) 2024/1252;

(d) construction of EuroHPC supercomputer facilities, AI factories, and giga factories as defined in Regulation (EU) 2024/1732 and Regulation (EU) 2025/xxxx amending Regulation (EU) 2021/1173 on establishing the EuroHPC that meet requirements related to resource efficiency and contribute to decarbonisation;

(e) projects for the prevention, separate collection, re-use, preparing for re-use, and recycling as defined in Article 3 of Directive 2008/98/EC;

(f) new residential affordable or social buildings and renovation of existing residential affordable or social buildings, as well as the necessary infrastructure that directly serves those residential buildings, including social infrastructure, transport, energy, water including wastewater, and telecommunications, where the Member State considers that a plan, programme or project is needed is view of the special lack of residential stock, including due to excessively high prices.

(g) integrated production facilities and open EU foundries as defined in Regulation (EU) 2023/1781 (Chips Act)**;**~~.~~

(h) **projects identified on the military mobility corridors in order to meet the transport infrastructure requirements defined in Annex II to the Council Military requirements**[26]**.**

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[26] **10440/23, ADD1, Council 'Military Requirements for Military Mobility within and beyond the EU' approved by the Council on 26 June 2023 and 23 October 2023 and any subsequent amendments thereof as approved by the Council**

~~**The Commission is empowered to adopt an implementing act identifying strategic projects or the criteria for Member States to identify strategic projects for the construction and renovation of residential affordable or social buildings, as well as the necessary infrastructure that directly serves those buildings. The provisions set out in the Annex Article 13 shall apply to those projects.**~~

2. The provisions set out in ~~the Annex~~ Article 13 shall also apply to projects in strategic sectors or categories ~~of projects~~ defined in future Union legislation ~~which~~ that expressly refers to this Regulation, provided that those projects comply with Article 14 of this Regulation ~~contribute to resilience and decarbonisation or resource efficiency~~.

Article 14a

Amendments to Directive 2011/92/EU

Directive 2011/92/EU is amended as follows:

1. Article 4, paragraph 6 is replaced by the following:

6. Member States shall ensure that the competent authority makes its determination as soon as possible and within a period of time not exceeding 60 days from the date on which the developer has submitted all the information required pursuant to paragraph 4.

For changes or extensions of projects, that period shall not exceed 45 days.

In exceptional cases, for instance relating to the nature, complexity, location or size of the project, the competent authority may extend that deadline to make its determination; in that event, the competent authority shall inform the developer in writing of the reasons justifying the extension and of the date when its determination is expected.

2. Annex I shall be amended as follows:

Point 24 shall be replaced by the following:

"24. Any ~~[~~major~]~~ change or extension of projects listed in Annex I where such a change or extension is likely to have significant adverse transboundary effects on the environment."

3. Annex II shall be amended as follows:

Point 13(a) shall be replaced by the following:

"13(a) Any change or extension of projects listed in Annex I (changes or extensions not included in Annex I) or this Annex, already authorized, executed or in the process of being executed, where such a change or extension involves major works which, by virtue of, inter alia, its nature or scale, are likely to have significant adverse effects on the environment similar or greater than those posed by the project itself."

PUBLIC

Article 14b

Amendment to Directive 2009/147/EC

Directive 2009/147/EC is amended as follows:

~~**In Article 9(1), the following point is added:**~~

~~**(d) to authorise the deliberate killing or disturbance of birds resulting from the implementation of plans or the construction, operation or decommissioning of projects, provided that appropriate and proportionate mitigation measures are adopted, taking into account the best available techniques.**~~

In Article 5, the following paragraph is added:

"For the purposes of this Article, the incidental and unintended killing or disturbance of birds, and incidental and unintended destruction of, or damage to, their nests and eggs, resulting from the implementation of plans or from the construction, operation or decommissioning of projects shall not be considered deliberate, provided that:

(a) appropriate and proportionate mitigation measures are adopted;

(b) the best available techniques are taken into account to avoid such killing, disturbance and destruction or damage;

(c) those measures are designed to avoid significant adverse impacts on the population of the species concerned; and

(d) the competent authority ensures that the effectiveness of those measures is monitored and assessed, and that additional measures are taken where necessary to avoid significant adverse impacts on the population of the species concerned."

Article 14c

Amendment to Directive 92/43/EEC

Directive 92/43/EEC is amended as follows:

~~**In Article 16(1), the following point is added:**~~

~~**(f) to authorise the deliberate killing or disturbance of specimens of species resulting from the implementation of plans or the construction, operation or decommissioning of projects, provided that appropriate and proportionate mitigation measures are adopted, taking into account the best available techniques.**~~

1. In Article 12(1), the following subparagraph is added:

"For the purposes of this paragraph, the incidental and unintended killing or disturbance of specimens, and incidental and unintended destruction of eggs from the wild, of species

protected under this Directive resulting from the implementation of plans or from the construction, operation or decommissioning of projects shall not be considered deliberate, provided that:

a) appropriate and proportionate mitigation measures are adopted;

b) the best available techniques are taken into account to avoid such killing, disturbance and destruction;

c) those measures are designed to avoid significant adverse impacts on the population of the species concerned; and

d) the competent authority ensures that the effectiveness of those measures is monitored and assessed, and that additional measures are taken where necessary to avoid significant adverse impacts on the population of the species concerned."

2. In Article 6, the following new paragraph is added:

"Where a plan or project is required in response to an emergency, public safety requirement, or other urgent and significant public interest as determined by the Member State, Member States may adopt expedited procedures, including provisional authorisation, provided that:

e) all reasonable mitigation measures are applied;

f) compensatory measures are secured without undue delay; and

g) the Commission is notified within [3 months]."

Article 14d

Amendments to Regulation (EU) 2023/1781 [Chips]

Regulation (EU) 2023/1781 is amended as follows:

Article 18(3) is deleted.

Article 14e

Amendments to Regulation (EU) 2024/1252 [CRM]

Regulation (EU) 2024/1252 is amended as follows:

Articles **10,** 11(5), **11(6), [**11(8)**]** 12, 13(2) and **[**14**]** are deleted.

Article 14f

Amendments to Regulation (EU) 2024/1735 [NZIA]

Regulation (EU) 2024/1735 is amended as follows:

Articles 9(5), **[**9(9)**]**, **9(10),** 10, 11(2) ~~**and**~~ 12 **and 15** are deleted.

Article 15

Notification of national implementing rules and measures

If Member States lay down rules and measures on the practical implementation of this Regulation, they shall notify the Commission of those rules and measures and, without delay, of any subsequent amendments affecting them.

Article 16

Entry into force and application

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Union*.

Article 3(1) and Article 10 shall apply as of the date provided for in those provisions.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament *For the Council*

The President *The President*

PUBLIC