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MEETING DOCUMENT

From: To:	General Secretariat of the Council Antici Group (Simplification)
N° Cion doc.:	ST 16755/25 + ADD 1
Subject:	Environment Omnibus (Environmental Assessments - Permitting): AGS meeting on 21 September 2026 - Presidency steering note

With a view to the above mentioned meeting, delegations will find attached a steering note prepared by the Presidency.

The proposed Regulation on speeding up environmental assessments (RSEA) was discussed in the AGS on 7 September 2026. A number of delegations also submitted written comments after that meeting (WK 13929/26).

The Presidency submits to delegations a seventh revised compromise text (13097/26), to be discussed during the AGS meeting on 21 September 2026. The new text includes some clarifications in Articles 3, 4 and 7, and more substantial changes in Articles 8, 13 and 14. In Articles 14e and 14f, a more targeted set of deletions and amendments is proposed for both the Critical Raw Materials Act (CRMA) and the Net Zero Industry Act (NZIA). The reasoning behind all the changes made in the compromise text is outlined below in this note.

The Presidency calls on delegations to support the new text in the spirit of compromise so that it could be finalised and forwarded to Coreper for the approval of a mandate for negotiations with the European Parliament.

Article 3

A technical correction has been introduced to Article 3 where the time limit for the establishment of a SPOC has been deleted in line with the previous change from “shall” to “may”.

Article 4

Article 4 paragraph 4 has been amended to further clarify that this Regulation doesn’t introduce any new scoping obligations. This is done through a new reference to Article 5(2) of the EIA Directive and an explicit indication that the possibility to request scoping is vested upon the developer, not the competent authority.

Article 7

In Article 7, paragraph 6 has been further amended to clarify that the opinion under Article 6(4), second subparagraph, of the Habitats Directive has to be based on a specific request containing all necessary information (as the previous wording might for instance have been read as only requiring the information on compensatory measures under the first subparagraph of Article 6(4) of that Directive).

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Article 8

- In paragraph 1, it has been clarified that the recurring character is relevant for maintenance activities for infrastructure projects, but not for fire prevention and forestry management works. At the same time, the wording has been amended to indicate that the above additional activities – which are clearly defined in a closed list – should be able to benefit from this regime regardless of whether they fall under the scope of the EIA Directive or not.
- The Presidency has also noted a number of comments on the scope of the list of additional activities: while some delegations request the reinstatement of "agriculture", others are reluctant regarding the addition of any recurring or maintenance activities. In that light, the Presidency considers that the current scope of Article 8 represents a delicate compromise that shouldn't be further amended.
- The wording on mitigation measures now refers to the "relevant member state authority" which may be different from the competent authority within the meaning of this Regulation. It has also been corrected from a linguistic point of view (the word "determined" better reflects that the authority is satisfied with the findings – this change is also reflected at the beginning of paragraph 2).
- The reference to Article 13(1) has been replaced by a new sentence at the end of paragraph 1 which is technically more accurate, since the previous wording didn't sufficiently cover all the activities and species that can be relevant for plants.
- In paragraph 2, based on remarks from the member states, the reference to the appropriate level has been amended to put all options on an equal footing (contrary to the previous version where local and regional levels always had to be considered before national and EU level).

Articles 13, 14 and 14a

- The Presidency takes note of the diverging requests regarding the exact scope of possible exemptions for defence projects and civil emergencies from the EIA Directive, as set out in Article 14a ("sole" vs "main" purpose). This is related to Articles 14 and 13 where an analogous divergence amongst the member states can be observed as to the extent to which defence projects should be considered of being in overriding public interest (OPI - automatically or on a case-by-case basis). The Presidency therefore suggests to leave the current text without any modifications as a compromise, that is keeping the words "main purpose" in Article 14a (despite some requests to revert to "sole"), but also retaining the

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notion of case-by-case assessment in Article 13, despite some requests for a more automatic attribution of OPI to defence-related projects.

- The Presidency observed a broad call to reinstate the reference to resilience and resource efficiency for other sectors listed in Article 14. The new wording of the introductory part of Article 14 therefore reinstates the reference to resilience and decarbonisation or resource efficiency for most of the projects, while making a targeted exemption from this requirement for projects in the area of defence and military mobility.
- Finally, the new paragraph 4 in Article 13 is related to one of the deletions in Article 14e and is therefore explained under Article 14e below.

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Article 14e (CRMA)

The amendments in the new Presidency compromise strive to find the right balance between, on the one hand, harmonising EU legislation for environmental assessments, and, on the other hand, ensuring legal certainty. In response to calls from several delegations to ensure consistency and coherence between RSEA and sectorial legislation, the compromise proposes that the provisions in RSEA should be followed to the extent possible. Equivalent provisions in CRMA are therefore deleted or amended to ensure alignment so far as environmental assessments covered by RSEA are concerned. The proposed amendments are also related to legal boundaries on the different scope of sectorial legislation (overall permit granting process) and the RSEA (environmental assessments).

The Presidency therefore suggests the following changes to the previous compromise text:

- Article 10 of the CRMA is not deleted as some of its provisions relate to the broader permit-granting process with no corresponding provisions in RSEA. Instead:
    - Article 10(2) of the CRMA is amended to harmonise the regime for overriding public interest in the CRMA with that in Article 13 RSEA.
    - Article 10(5) of the CRMA is amended to harmonise the regime for priority in dispute settlement in the CRMA with that in Article 13 RSEA.
- Article 11(5) of the CRMA establishes a screening deadline for CRMA strategic projects of 30 days instead of the screening deadline of 90 days in the EIA Directive. As there is no corresponding deadline in RSEA, this provision is not deleted.

- Article 11(6) of the CRMA refers to the process for acknowledgement of the overall permit granting application. As there is no corresponding provision in the RSEA, which relates predominantly to environmental assessments, this paragraph is not deleted. However, a new paragraph 4 is added in Article 13 RSEA to explain how such a deadline interacts with that for environmental assessments in those Member States where the permit granting process and the environmental assessment process are integrated. Article 11(6) of the CRMA is amended to provide a cross-reference to the new Article 13(4) RSEA.
- Article 12 of the CRMA is not deleted in its entirety. Instead, Articles 12(3), 12(4) and 12(5) of the CRMA are deleted, as they have corresponding provisions in RSEA (Article 7(1)), and Articles 12(1), 12(2) and 12(6) are amended as follows:
    - Article 12(1) of the CRMA establishes a deadline for the developer to request the scoping opinion. There is no corresponding deadline in the RSEA and so this provision is not deleted. However, the same paragraph establishes a deadline of 45 days for the scoping opinion. The proposed amendment aligns this deadline with that set out in the corresponding provision of the RSEA (Article 7(1)(b)).
    - Article 12(2) of CRMA requires mandatory joint or coordinated procedures for 7 environmental Directives. The RSEA requires such streamlining for 5 Directives only. This provision is amended to align it with the corresponding provision in RSEA (Article 4), while ensuring that joint or coordinated procedures are maintained for those environmental Directives outside of the scope of RSEA.
    - Article 12(6) is adjusted as a consequence of the deletion of paragraphs 3 to 5 of that Article.
- Article 13(2) of the CRMA establishes mandatory combined assessments between the SEA Directive, Habitats Directive, Water Framework Directive and the Marine Spatial Planning Directive. This provision is amended to align it with the corresponding provision in RSEA (Article 7), while ensuring that combined assessments are maintained for those environmental Directives outside of the scope of RSEA.

Article 14f (NZIA)

The changes proposed in Article 14f are largely equivalent to those proposed in Article 14e above. The Presidency therefore refers to the relevant explanations on the basis of the following correspondence table:

- Article 9(10) of NZIA corresponds to Article 11(6) of CRMA.
- Article 10 (1) of NZIA corresponds to Article 12(1) of CRMA
- Article 10(2) of NZIA corresponds to Article 12(2) of CRMA
- Article 11(2) of NZIA corresponds to Article 13(2) of CRMA
- Article 15(3) and 18(4) of NZIA corresponds to Article 10(2) of CRMA
- Article 15(4) of NZIA corresponds to Article 10(5) of CRMA

Moreover, Article 18(2) NZIA is amended in order to reflect the fact that Article 10(1) NZIA is no longer being deleted.

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