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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Antici Group (Simplification)
Subject:	Environment Omnibus Package: follow-up to the WP meeting on 23 February 2026 – Commission presentations on the Simplification Directive, Simplification Regulation and INSPIRE Directive

Delegations will find attached the presentations on the Simplification Directive, Simplification Regulation and INSPIRE Directive that were made by the Commission at the meeting of the Antici Group (Simplification) working party.

Environment Omnibus Package - Industrial emissions-

DG Environment

19/01/2026

Interplay between the transposition of Directive (EU) 2024/1785 and the environmental omnibus amending directive



Proposals for adding transitional provisions for Article 14(1)(ab), Article 16(2) and 16(3), by including a reference to those provisions in Article 82(11) IED (which replaces Article 3(2) of Directive 2024/1785):

- revised Article 14(1)(ab) IED requires MS to ensure the permit includes the requirement to assess the need to prevent or reduce emissions of hazardous substances (new requirement under the 2024 revised IED).
- revised Article 16(2) IED requires monitoring at least once every 4 years for groundwater and 9 years for soil, thus with higher frequencies (the current frequencies - 2010 IED - are set at 5 years for groundwater and 10 years for soil).
- revised Article 16(3) IED requires quality control of laboratories performing the monitoring to be based on CEN standards or, if CEN standards are not available, ISO, national or other international standards which ensure the provision of data of an equivalent scientific quality (new requirement under the 2024 revised IED).



These transitional provisions would be in force upon adoption of the omnibus amending directive. That means that:

- if the adoption and entry into force of the omnibus amending directive take place after the national transposing measures of directive 2024/1785/EU have been adopted by MSs (no later than 1 July 2026), there would be a period of time in which to Article 14(1)(ab), Article 16(2) and 16(3) would trigger the need to revise permits under national law.
- if the adoption and entry into force of the omnibus amending directive takes place before the national transposing measures of directive 2024/1785/EU have been adopted by Member States (no later than 1 July 2026), there would be no legal uncertainty, as the transitional provisions in question could be transposed on the basis of the adopted environmental omnibus at the same time of the national transposing measures of directive 2024/1785/EU.

In order to ensure legal certainty and yield the benefits of the Commission proposal, **it is necessary to adopt the omnibus amending directive before the national transposing measures of directive 2024/1785/EU have been adopted by Member States (no later than July 2026).**

If adoption procedure takes more time, as indicated in Communication *EU law: Better results through better application* (2017/C 18/02), in deciding which cases to pursue, the Commission examines the impact of an infringement on the attainment of important EU policy objectives, and exercises *such discretion in particular in cases ... where pursuing the infringement would be in contradiction with the line taken by the College of Commissioners in a legislative proposal.*



Article 14a – Environmental Management System

Amended §4 of Article 14a, third subparagraph, as included in the omnibus amendment, reads as follows: *‘The operator shall prepare and implement the EMS in accordance with paragraphs 1, 2 and 3 of this Article by 1 July 2030 except for installations referred to in Article 82.’*

First, as pointed out by several delegations, the Commission agrees that the reference to Article 82 should be made more precise in referring to Article 82(13) (in line with the current wording of that provision referring to Article 3(4) of Directive (EU) 2024/1785).



The changes to Article 14a introduced by the omnibus proposal would be in force upon adoption and entry into force of the omnibus amending directive and applicable upon transposition of the omnibus amending directive by Member States. That means that four scenarios are possible:

A. the adoption of the omnibus amending directive and its entry into force takes place after the national transposing measures of directive 2024/1785/EU have been adopted by Member States (no later than 1 July 2026) and

1. the national transposition of the omnibus amending directive takes place after 1 July 2027
or

2. the national transposition of the omnibus amending directive takes place before 1 July 2027

B. the adoption of the omnibus amending directive and its entry into force takes place before the national transposing measures of directive 2024/1785/EU have been adopted by Member States (no later than 1 July 2026) and

1. the national transposition of the omnibus amending directive takes place after 1 July 2027
or

2. the national transposition of the omnibus amending directive takes place before 1 July 2027



- in scenarios A.1 and B.1, there would be a period of time in which certain installations would be required to prepare and implement an EMS in accordance with the relevant BAT conclusions for the sector by 1 July 2027 (see Article 14a(4), fourth subparagraph, as inserted by directive 2024/1785/EU). This requirement would then be modified when the omnibus amending directive is transposed into national law, which would require preparation and implementation of an EMS by 1 July 2030.
- in scenarios A.2 and B.2, there will be no period of time during which the deadline set in directive 2024/1785/EU of 1 July 2027 would be applicable.

→ In order to ensure legal certainty and yield the benefits of the Commission proposal, it is necessary to ensure that the national transposition of the omnibus amending directive (once adopted) takes place before July 2027.



Permitting decarbonisation projects

1) Oxy-fuel combustion

Enabling the use of oxy-fuel combustion under Directive 2010/75/EU (i.e. combustion air enriched with or replaced by oxygen) → giving competent authorities flexibility to assess compliance with the emission limit values referred to in Article 30 of Directive 2010/75/EU → **addition of specific points in IED Annex V**



Oxyfuel combustion (1/2)

- Oxyfuel combustion consists of replacing the combustion air with oxygen (either partially or fully).
- Replacing air with oxygen leads to smaller volumes of nitrogen being heated up and emitted, resulting in a **higher energy efficiency**.
- The higher the oxygen content in the air used for combustion, the **lower the volume of air needed**. The concentration of pollutants therefore increases even if the quantity of pollutant (in loads) is not higher than for combustion with air for a given period.
- **Annex V to the IED** sets the **maximum allowable emission limit values** for NO_x, SO₂, dust and CO for combustion plants ('safety net'), **expressed in concentrations** (mg/Nm³).
- Oxyfuel combustion processes can, therefore, **complicate compliance** with the Annex V emission limit values.
- Enabling the use of oxyfuel combustion under the IED thus **requires flexibility** for competent authorities to assess compliance with the emission limit values.



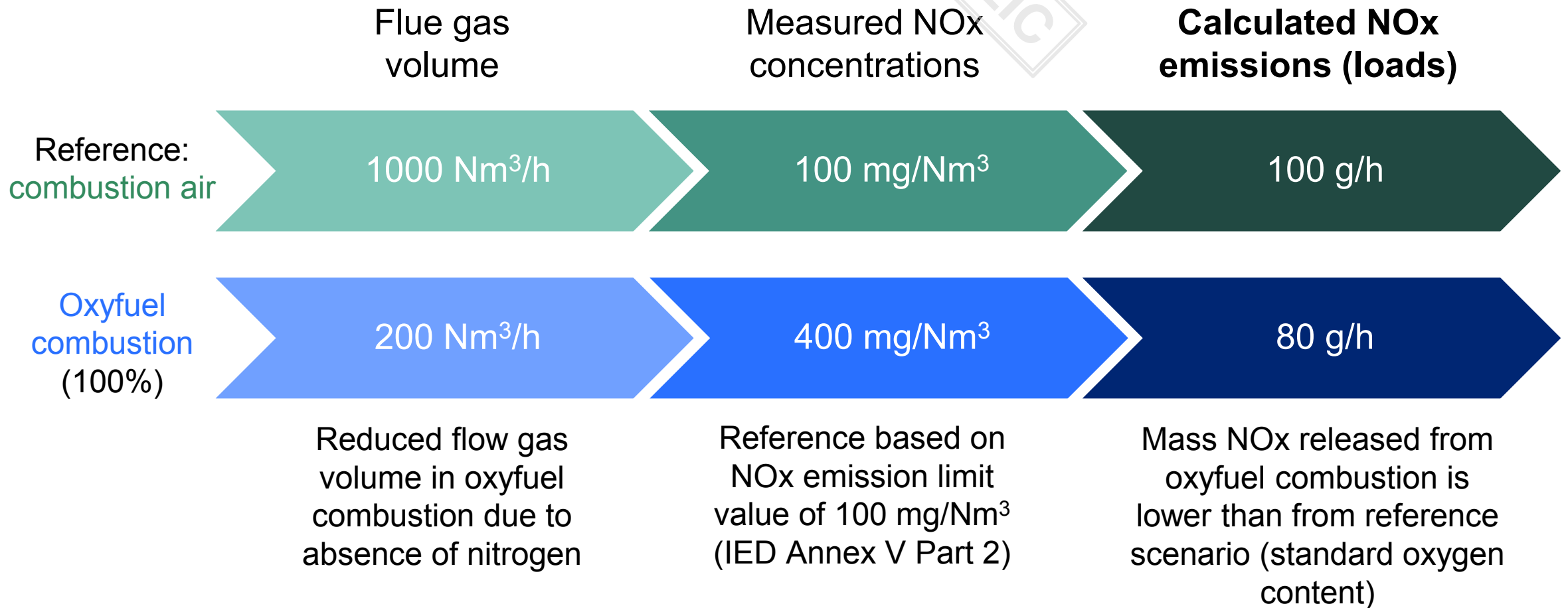
Oxyfuel combustion (2/2)

- The proposed amendments in PART 4 of Annex V ('Assessment of compliance with emission limit values') allow for a **flexible compliance assessment approach**, both in case of (i) an increase in oxygen content (points 3 and 4), and (ii) 100% oxygen combustion (point 5):
 - (i) For **oxygen enriched air**, the competent authority can select a standard oxygen concentration that reflects the special circumstances of the individual case when using the formula in point 3.
 - This is to standardize the emission measurements, using a reference oxygen concentration that differs from the reference set in Annex V (PARTS 1 and 2).
 - (ii) For **pure oxygen combustion** (100%), the standardization formula cannot be used for mathematical reasons and, therefore, compliance with Article 30 is ensured when the emissions are not higher than the emissions from the combustion of the given fuel at the standardised oxygen content for a given period.
 - This safeguard is to be considered as **emissions in mass (loads)**, in line with recital 18 of COM(2025) 986 *"[...] the concentration of pollutants would therefore be increased even if the quantity of pollutant (in mass) is not higher than for combustion with air."*



Illustrative example: Oxyfuel combustion

Gas fired combustion plant



Permitting decarbonisation projects

2) Hydrogen combustion

In order to enable the use of hydrogen as a fuel, the emission limit values set out in point 6 of Part 1 and point 6 of Part 2 of Annex V to Directive 2010/75/EU would not be applicable to combustion plants firing gas with more than 20 % (by volume) of hydrogen. However, a safeguard measure is proposed: Member States should ensure that the overall load of NO_x eventually released into the air over one year is not increased compared to the situation where the emissions from the installation concerned would remain compliant with the emission limit values set out for NO_x for the combustion of natural gas.



Hydrogen combustion (1/2)

- Burning hydrogen at the same thermal input as for natural gas, produces more H₂O and no CO₂ (for 100% hydrogen) in the flue gas.
- It also results in a change in the flue gas volume and an **increased concentration of the measured NO_x** (for a gas mixture with more than 20% (by volume) of hydrogen).
- However, hydrogen combustion **does not result in higher NO_x emissions (in loads)** per unit of energy output compared to natural gas combustion, based on available emission factors.
- **Annex V to the IED** sets the **maximum allowable emission limit values** for NO_x for combustion plants ('safety net'), **expressed in concentrations** (mg/Nm³).
- Hydrogen combustion can, therefore, **complicate compliance** with the Annex V emission limit values.

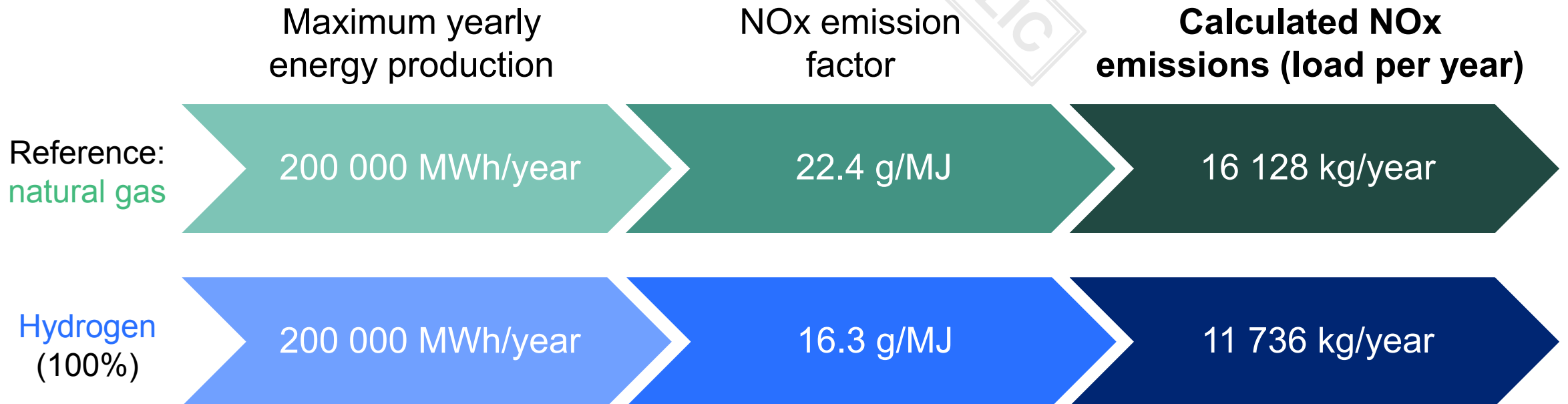


Hydrogen combustion (2/2)

- The proposed amendment creates a **specific exemption from NOx emission limit values for hydrogen-fueled combustion plants**, provided the overall load of NOx does not increase.
- The latter part is a **safeguard** to ensure that, overall, this exemption from the Annex V NOx concentration limits does **not lead to higher levels of NOx emissions (in loads)**.
- To ensure compliance with this safeguard, the operator needs to demonstrate that the amount of NOx emissions (in loads) emitted over one year when burning hydrogen is not increased compared to a situation when burning the reference fuel.
- The **energy output** is to be considered as a reference unit over a year for the calculation of the amount of NOx emissions (in loads).
- The proposed specific exemption from compliance with NOx emission limit values along with the safeguard measure would **ease permitting** of installations using hydrogen combustion while **maintaining a high level of environmental protection**.



Illustrative example: Hydrogen combustion



Comparable reference scenario in both cases. Parameter describing maximum annual operation

Transparent emission factors from pilot plant tests, burner manufacturer, benchmarks, published studies etc.

Annual NO_x load calculated by multiplying the emission factor by the maximum energy production per year.



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Thank you!



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Environment Omnibus Package

Amending Directive and Regulation -Waste related measures

DG Environment

23/02/2026

Amending Regulation: LMT Batteries removability/replaceability

Changing the removability/replaceability requirement for LMT battery packs from cell level to module level

- Meaning of the term “independent professional”:

Commission Notice C/2025/214 (Commission guidelines to facilitate the harmonised application of provisions on the removability and replaceability of portable batteries and LMT batteries) includes a definition of the concept of independent professional, as follows:

*‘Independent professionals’ are to be understood as independent operators who have the **technical competence and qualification to repair the product** where the battery is integrated into, and conduct their business on commercial basis and/or in commercial premises.*



Amending Regulation: LMT Batteries removability/replaceability

Changing the removability/replaceability requirement for LMT battery packs from cell level to module level

- Safety risks in relation to LMT batteries removable at cell level:
 - Difficulties for safety re-certification of repaired battery packs (lack of tools, equipment and training by most repairers)
 - Replacement of individual cells with characteristics different to the original ones may lead to underperformance, de-balancing and premature aging, or even thermal propagation
- Important: No regulatory signal intended, only simplification in light of feasibility; where companies can provide safe removal at replacement at cell level, proposal does not prohibit



Amending Regulation: Batteries SVHC

Labelling of batteries “substances of very high concern”

- The substances covered by the proposed definition represent a reasonable compromise between all substances considered hazardous (in CLP) and the set of substances of very high concern defined in REACH
- In practice, a small number of these substances are likely to be present in batteries
- As batteries are sealed, in most likelihood, these substances will only manifest themselves in the recycling phase



Amending Directive: SCIP database repeal (Article 9)

How the contents currently in the SCIP would be accessed in other repositories:

- ECHA will keep and maintain the data collected so far with the options for future data collection and maintenance under development.
- Regulation (EU) 2025/2455 (OSOA) introduces the *Common Data Platform on Chemicals* which is a digital infrastructure that brings together chemicals data and information generated under the Union chemicals acquis. This database will include data derived, inter alia, from the Waste Framework Directive and the SCIP database but no more details can be provided by the Commission at the moment.
- Further, the *Digital Product Passport (DPP)* for products will include data about substances of very high concern in its scope.





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INSPIRE Proposal

Omnibus VIII: Environmental Omnibus
ST 16754/25

Meeting of the Antici Group (Simplification)
23 February 2026

DG Environment

Presidency Steering Note

Feedback Request:

- Are explanations satisfactory?
- Additional drafting suggestions?

Does the suggested simplification ensure:

- Interoperability, and where necessary data harmonisation
 - Network Service continuity
 - **Data quality (INSPIRE does not explicitly regulate data quality)**
 - Data sharing between public authorities
 - Transfer of geoportal functionality
 - Sufficient level of INSPIRE Monitoring
 - Involvement of authorities responsible for INSPIRE in the governance of related issues under horizontal EU legislation
 - EU Role in International Standards
-
- Is the relation between the basic act and secondary legislation (delegated and implementing acts, comitology, etc.) and the timing for the related processes clear?

Recap of answers already provided (1/3)

Interoperability and, where necessary, data harmonisation

The simplification deletes Articles 7-8 and removes detailed ex-ante interoperability/harmonisation empowerments but does not abandon interoperability. A baseline (e.g. coordinate reference systems, identifiers, geometry standards, code lists) is maintained through widely used international standards and authoritative registers, while higher levels of interoperability will be agreed through the INSPIRE Maintenance and Implementation Group (MIG) and good practice processes (“interoperability on demand”), reducing cost and rigidity while preserving cross-border usability .

Network service continuity

Although Articles 11-12 are deleted, the proposal does not require dismantling existing discovery, view or download services. The Directive never mandated specific technologies (e.g. WMS/WFS), and Member States may continue, modernise and reuse existing services. Alignment with API requirements under the Open Data Directive and the HVD Implementing Regulation will allow evolution rather than disruption of current infrastructures .

Recap of answers already provided (2/3)

Data quality

INSPIRE does not explicitly regulate data quality, and the simplification does not introduce new quality rules.

Data sharing between public authorities

Article 17 is deleted to remove overlapping provisions pursuing the same accessibility objective, but this does not eliminate access or usability of spatial data. While the Open Data Directive governs reuse (not public-to-public sharing), its obligations (especially for high-value datasets) ensure free, machine-readable access via APIs, benefiting public authorities as well. Member States retain flexibility to organise inter-administrative exchanges under national arrangements.

Transfer of geoportal functionality

Article 15 is deleted and the INSPIRE Geoportal will be phased out in 2026, with data.europa.eu becoming the single EU entry point. Metadata will be harvested from national catalogues via stable GeoDCAT-AP mappings to prevent loss of information. Supporting tools are migrated or maintained (Registry to EU Vocabularies, Validator as open source, Knowledge Base retained during transition), ensuring functional continuity.

Recap of answers already provided (3/3)

Sufficient level of INSPIRE monitoring

Article 21 monitoring/reporting is deleted to avoid duplication. Oversight will rely on horizontal mechanisms under the Open Data Directive and the HVD Implementing Regulation, which provide structured reporting on dataset availability, metadata, APIs, licensing and reuse. This ensures transparency and accountability while reducing administrative burden .

Involvement of INSPIRE authorities in horizontal EU governance

The governance model under Articles 18-19 remains unchanged. The MIG and MIG-T continue as central coordination mechanisms, and national coordination structures ensure involvement of competent geospatial authorities. The Commission will facilitate information exchange and participation of relevant services in INSPIRE expert fora, safeguarding geospatial input into horizontal initiatives .

EU role in international standards

The proposal does not signal withdrawal from international standardisation (e.g. OGC, W3C). Rather than prescriptive legal technical rules, standards will be promoted through expert-driven guidance and community practice within the existing INSPIRE governance structure. This maintains EU engagement and supports interoperability through globally recognised standards .

Additional questions received (1/6)

- *The recitals (10 and 15) of the proposal for a directive state that Directive (EU) 2019/1024 set the legal framework for open data and introduces the concept of high-value datasets. Currently some of INSPIRE data themes, but not all, are included in Annex I of the Directive (EU) 2019/1024 and the Commission Implementing Regulation (EU) 2023/13812. Shall the high value datasets under theme “Geospatial” in the Annex I of the Directive (EU) 2019/1024 and the Commission Implementing Regulation (EU) 2023/13812 be extended covering all INSPIRE data themes of Annex I-III?*

Commission answer

While all INSPIRE datasets held by public sector bodies fall in principle within the scope of the Open Data Directive (EU) 2019/1024 (Art. 1(7)), only those datasets explicitly listed in Commission Implementing Regulation (EU) 2023/138 qualify as high-value dataset (Annex - categories “Geospatial”, “Earth Observation and Environment”, “Mobility”). There is no automatic extension of HVD to all INSPIRE Annex I–III themes. The Data Union Strategy foresees monitoring and possible future expansion of HVDs, but any redefinition or extension of geospatial or environmental high-value datasets would require a separate legal amendment under the Open Data Directive framework.

Additional questions received (2/6)

- *Currently, INSPIRE directive stipulates requirements for metadata and access to data sets and services of both open and licensed (not open) spatial datasets corresponding to the themes listed in Annexes I, II and III. Is it so, that spatial data sets and services corresponding to the themes listed in Annexes I, II and III, which are not open according to terms of the Directive (EU) 2019/1024, shall be eliminated from the scope of INSPIRE attributed data sets?*

Commission answer

Spatial datasets and services falling under the INSPIRE Annex I–III themes remain within the scope of INSPIRE regardless of whether they are open under Directive (EU) 2019/1024. The Open Data Directive regulates conditions for reuse, not the thematic scope of spatial data covered by INSPIRE.

In addition, the Data Governance Act provides rules for the secure reuse of public sector data that cannot be made open, for example due to confidentiality or personal data protection. This confirms that non-open public data remain part of the European data framework and can still be shared under controlled conditions. Therefore, even where spatial datasets are not open, they would not be excluded from the scope of INSPIRE solely for that reason under the proposed simplified approach.

Additional questions received (3/6)

The Commission proposes that the Article 13(1) is amended as follows:

- *the first subparagraph is replaced by the following: ‘Member States may limit public access to spatial data sets and services where such access could adversely affect international relations, public security or national defence.’*
- *in the second subparagraph, the introductory wording is replaced by the following: ‘Member States may limit public access to spatial data sets and services where such access could adversely affect any of the following:’*

However, in the INSPIRE directive the first paragraph refers to limiting services referred to in point (a) of Article 11(1), and the second paragraph refers to limiting the services referred to in points (b) to (e) of Article 11(1), or to the e-commerce services referred to in Article 14(3). The point (a) of Article 11(1) is about discovery services making it possible to search for spatial data sets and services on the basis of the content of the corresponding metadata and to display the content of the metadata.

Therefore, we would like to ask, why metadata is not mentioned in the proposed amendment of Article 13, especially in the first paragraph?

Commission answer

The amendment to Article 13 simplifies the grounds for limiting public access by removing references to specific service types in Article 11, which are deleted in the simplification proposal. The intention is to avoid detailed cross-references to provisions that are being repealed and to ensure consistent application of access-limitation grounds across all spatial data access mechanisms.

Additional questions received (4/6)

- *Network services, particularly discovery, view and download services remain essential and should be revised and technically improved rather than abolished. In particular, view services are not required under the Open Data Directive, and removing their legal basis could lead some providers to discontinue them. Technical parameters of network services should therefore be updated, not deleted.*

Commission answer

The proposal does not prohibit or require dismantling discovery, view or download services; it removes detailed prescriptive provisions to avoid technological lock-in and reduce administrative burden. Member States remain free to maintain and modernise existing services, including view services, which continue to provide clear practical value. Alignment with API-based access under the Open Data Directive and the HVD Implementing Regulation is encouraged, allowing evolution of services rather than their abolition. The simplification aims to shift from legally mandated service types to outcome-oriented accessibility and interoperability, supported through the INSPIRE governance framework and good practice guidance.

Additional questions received (5/6) (tbd)

- *data.europa.eu does not provide view functionality, which allows users to inspect data before downloading. Open data portals generally support search and download only. It also raises concerns about insufficient coordination and communication regarding the ongoing transfer of data from the Commission's geoportal, which is already causing duplicate and triplicate entries. We call for better technical coordination, avoidance of duplication, and structured communication with Member States, at least through national contact points, to ensure clarity and efficiency.*

Commission answer

The transition from the INSPIRE Geoportal to data.europa.eu is intended to create a single EU access point while reducing duplication. View functionality will remain at national or thematic level, where provided. The migration is being implemented through harmonised GeoDCAT-AP mappings and coordinated harvesting from national catalogues to avoid data loss. The Commission is aware of risks of duplicate entries during transition and is working to improve technical coordination, deduplication mechanisms and structured communication with Member States, including via national contact points and the MIG governance framework. Work is ongoing to improve support for geospatial data in data.europa.eu.

Additional questions received (6/6)

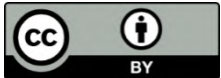
- *Simplification must not undermine access to high-quality environmental data or interoperability achieved over the past twenty years. The Commission is invited to consider whether mandatory international standards for metadata and data sharing could help safeguard interoperability within a more flexible framework.*

Commission answer

The simplification is designed to preserve interoperability and long-term accessibility of environmental spatial data while removing rigid or obsolete technical prescriptions. Core interoperability elements (metadata, identifiers, coordinate systems, code lists and use of widely adopted international standards) remain essential and will continue to be promoted through INSPIRE governance, common specifications and alignment with international standardisation bodies (e.g. ISO, OGC, W3C). Rather than maintaining highly prescriptive harmonisation rules in legislation, the revised approach relies on internationally recognised standards, authoritative registers and community-driven implementation guidance to safeguard interoperability and data quality within a more flexible and future-proof framework.

Thank you

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