Council of the European Union
General Secretariat

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MEETING DOCUMENT

From: To:	General Secretariat of the Council Antici Group (Simplification)
N° Cion doc.:	ST 16755/25 INIT + ADD 1
Subject:	Environment Omnibus (Environmental Assessments - Permitting): WP meeting on 10 March 2026: Presidency steering note

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

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Presidency Discussion Paper
for AGS on 10 March 2026

Environmental Omnibus – Environmental assessments

In view of the **Antici Group (Simplification) meeting on 10 March 2026**, and building on previous exchanges on 19 January and 9 February, as well as comments received in writing, the Presidency presents a steering note focussing on the **environmental assessments.**

The Presidency intends to organise the discussions in three distinct rounds:

1. **Follow-up to written explanations by the Commission**
2. **Questions on fundamental principles that should guide further discussions on the Proposal**
3. **Questions on certain specific provisions of the Proposal**

Round 1: Follow-up to written explanations by the Commission

Based on questions received from delegations during previous meetings and in writing, the Commission has provided written replies distributed in the following documents:

- WK 1820/2026 INIT (articles 1-5)
- WK 2402/2026 INIT + ADD 1 (articles 6-14, annex and housing)

At the beginning of this round, the Commission will be provided with the opportunity to complement that information as needed.

In the subsequent discussion, the Member States are invited to clearly indicate:

a. *The articles / provisions where the Commission replies provide a sufficient basis for further work by means of wording amendments (together with follow-up questions as needed)*

b. *The articles / provisions where the Commission replies fail to address a more fundamental concern*

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Round 2: Questions on fundamental principles that should guide further discussions on the Proposal

The Presidency has noted a number of fundamental concerns which, if not addressed, may impede the usual article-by-article revisions that should follow. These include the **choice of legal instrument and its exact relationship with the Directives** that it directly affects (the problem of "supplementing" the sectoral Directives), and the question of legal certainty when it comes to **the proposed dynamic nature of the Toolbox**.

Consequently, in this second round, delegations are invited to answer the following questions:

a. ***Can you accept that this simplification be carried out by means of a Regulation affecting / supplementing the five relevant Directives?*** *If not, which other solution should be considered (further clarification of the relationship between the Regulation and the Directives; replacement by a Directive amending the sectoral Directives; other options)?*

b. ***Can you accept that projects to which the proposed Toolbox (art. 14 + Annex) should apply would only be defined in future legislation?*** *If not, which other solutions should be considered (more precise but still open delimitation of types of projects to be affected; exhaustive listing of affected projects or types of projects directly in this Proposal; other options)?*

Round 3: Specific provisions of the Proposal

In addition to the above, the Presidency notes that the following provisions also generate a number of questions and concerns: the **configuration of the SPOC**, the issue of **Substantive Preclusion,** and the question whether **time-limits foreseen in the proposal** de facto amend or override those Directives, as well as the length of those time-limits.

Delegations are therefore requested to address the following questions in the third round:

a. ***Can you accept the SPOC's mandate as set out in the proposed Regulation (art. 3)?*** *Which parameters should be retained (strictly limited to coordination vs. vested with decision making powers; number of SPOCs; other parameters)?*

b. ***Can you accept the way Substantive Preclusion is addressed in the Proposal (art. 6)****? If not, which parameters need to be clarified or improved (preclusion to be applicable to any, or only certain issues that could have been raised in earlier stages; should exceptions from preclusion only apply to case involving new evidence; other issues)?*

c. ***Can you accept the time-limits set out in the proposed Regulation (art. 7)?*** *If not, what changes are required (length; material scope of assessment in the sectoral Directives; other issues)?*