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CONTRIBUTION

From: To:	General Secretariat of the Council Antici Group (Simplification)
N° Cion doc.:	ST 16813 2025 INIT + ADD 1
Subject:	Environment Omnibus Package: Comments from delegations

Following the call for comments launched after the meeting of the Antici Group (Simplification) on 15 December 2025, delegations will find attached comments from DK, EE, IE, ES, FR, IT, LT, LU, HU, NL, AT and SE.

DENMARK

Questions regarding European Commission proposal for an environment omnibus

Question regarding COM(2025) 981 Final and removability and replaceability of batteries in light means of transport (LMT)

The proposal will change the requirement of removability and replaceability of battery *cells* in LMTs to battery *modules* in LMTs. What are the expected consequences for future remanufacturing and recycling of batteries following the simplification?

Questions regarding COM(2025) 983 final: Waste framework directive (EU) 2025/1892

It is unclear whether there is an error in COM(2025) 983 final concerning EPR for textiles. The proposal includes the following text (Article 1). However, this is not the wording in the Waste Framework directive. Thus it is unclear whether the wording in the change proposal is incorrect or whether the text in the change proposal is proposed to replace the current wording of article 22a(3) in the waste framework directive.

Proposal:

"*Suspension*

The application of the following provisions is suspended until 1 January 2035:

(a)Article 22a(3) of Directive 2008/98/EC.

Member States may either provide that a producer as defined in Article 3(4b), point (d), of that Directive established in a third country and making textile, textile-related or footwear products listed in Annex IVc of that Directive available for the first time on their territory is to appoint, by written mandate, a legal or natural person established on their territory as its authorised representative for the purpose of fulfilling the obligations of a producer related to the extended producer responsibility scheme on their territory or ensure traceability and enforcement with regard to producers established in third countries through alternative means;

(b)Article 17(2) of Directive 2012/19/EU;

(c)Article 8(7) of Directive (EU) 2019/904."

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Question regarding COM(2025) 985 final: Single use plastic directive

Question 1

We thank the Commission for a proposal that reflects Member State input and simplifies important technical provisions. We welcome the retention of Article 18 on national governance, which remains essential for ensuring access to trustworthy and authoritative national geospatial data across Europe. We also acknowledge the shift of technical implementation rules into horizontal legislation, notably the Open Data Directive, as a sensible approach to avoiding double regulation.

However, this raises questions regarding future horizontal governance for INSPIRE-related data. In particular, the governance framework must ensure that changes to geospatial data formats and infrastructure components should be coordinated with the competent geospatial authorities. A clear role for geospatial authorities within horizontal EU governance frameworks, at both national and EU levels, is therefore essential to support Europe's digital, environmental, and societal objectives.

Question 1:

How will the Commission ensure that competent geospatial authorities are formally involved in horizontal EU governance decisions that affect INSPIRE-related geo spatial data, including changes to data formats and infrastructure components?

Question 2

We support the continued regulation of metadata, which is increasingly important as data access expands and the use of AI tools grows. High-quality, trustworthy, and searchable metadata remain essential. National geospatial metadata and data catalogues require dedicated formats and governance due to the specific nature of geospatial data. These catalogues provide a uniform and authoritative access point to national geospatial datasets and ensure standardised metadata and a reliable interface for harvesting data into European platforms such as data.europa.eu.

In light of constrained public budgets and the substantial investments already made by the Member States, it is crucial to ensure the continued operation of these catalogues. The removal of the obligation to establish and operate a central, national geospatial catalogue pursuant to Article 11(1)(a) would entail a tangible risk that such operation could not be maintained at an adequate and consistent level.

It is therefore essential to maintain the obligation for Member States to operate and maintain national geospatial catalogues in order to ensure their reliability, interoperability, and long-term sustainability.

Question 2:

How will the Commission ensure that Member States continue to be assigned responsibility for the operation and maintenance of central,

national geospatial catalogues, in light of the fact that these are essential for enabling European data platforms, such as data.europa.eu, to access standardised metadata?

Questions regarding COM(2025) 986 final: Industrial Emissions directive (EU) 2024/1785

Pursuant to art. 14a (4) of the 2024/1785 Directive, the operator shall prepare and implement the EMS in accordance with the relevant BAT conclusions for the sector by 1 July 2027, except for installations referred to in Article 3(4) of Directive 2024/1785. In the question-and-answer document issued 9 July 2025 by the Commission, the answer to question 13 explains that this means, that the *"EMS is only required to reflect the requirements of EMS provisions of BAT conclusions published before 4 August 2024, and not the requirements listed by Article 14a(1), (2) and (3) yet. Such installations will have to review and update their EMS in accordance with Article 14a(1), (2) and (3) IED when their permits is granted or updated pursuant to Article 20(2) or Article 21(5), or updated within 4 years of publication of decisions on BAT conclusions that have been published after 1 July 2026 relating to the main activity of these installations, or by 1 September 2036; whichever is the earlier (since Article 3(2) of Directive (EU) 2024/1785 lays down that e.g. Article 14(1), second subparagraph, point (ba) will have to be implemented when those triggers occur)."*

According to the 2025/0394 Proposal art. 2(1), regarding the amendments to art. 14a in the 2024/1785 Directive, 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 art. 82. This leads to the following questions:

1. Which installations are covered by this deadline (1 July 2030), taking into account the transitional provisions in art. 82 and the fact that all published BAT-conclusions containing EMS-provisions already are supposed to have been implemented, or will be before 1 July 2030 according to the implementation deadlines in the BAT conclusions?
2. Does the new art. 14a (4) mean that existing installations will have to prepare and implement the minimum requirements in art. 14a (2) by 1 July 2030, even though art. 82(11) exempts them from having their permit updated with appropriate requirements laying down the characteristics of an EMS in accordance with Article 14a until one of the triggering events occur? This would not correspond with the above-mentioned explanation from the Commission on the understanding of the current art. 14a and will be a burden for all existing installations.

Furthermore, one question relates to the current art. 14a(4) in the 2024/1785 Directive and is also relevant for the 2025/0394 Proposal since the wording is the same:

3. Does the requirement in art. 14a(4) for MS to ensure that the relevant information set out in the EMS and listed in paragraph 2 is made available on the internet also apply to EMS implemented in accordance with the relevant BAT conclusions for the sector, or only when the minimum requirements in art. 14a(2) is implemented?

Question regarding COM(2025) 986 final: Single use plastic directive

- We do not consider the proposed amendment in 8a(1), point c) from 'placed on the market' to 'made available for the first time on the market' to have an impact on placing the producer responsibility in regards to the SUP directive. Would this understanding be correct?
- We interpret b) as requiring that there must be at least 12 months between each reporting. Would this understanding be correct?

FRANCE

Paris, le 9 janvier 2025

Secteur EEC
Réf. : SGAE/EEC/2026/0011

NOTE DES AUTORITÉS FRANÇAISES

Objet : **Questions écrites de la France à la Commission européenne à la suite de la présentation de l'omnibus environnement**

En vue du groupe de travail du 19 janvier, les autorités françaises prient la Commission de bien vouloir trouver ci-après les questions qu'elles souhaitent lui poser concernant l'omnibus environnement.

TEXTE 0 – COM (2025) 980 Communication sur la simplification pour une compétitivité durable

La Commission confirme-t-elle que le *stress test* qu'elle entend conduire en 2026 sur les directives oiseaux et habitats (cf. page 9 de la communication) portera notamment sur l'articulation des interdictions édictées dans ces directives avec les problématiques spécifiques aux activités de gestion courante (notamment les travaux forestiers de gestion courante, les travaux d'entretien régulier des cours d'eau ou des linéaires et abords d'infrastructures de transport ou de production d'énergie) ?

Les autorités françaises appellent en effet l'attention de la Commission européenne sur les défis de la mise en œuvre des directives oiseaux et habitats pour la réalisation d'activités de gestion courante n'ayant pas pour objet une modification définitive du milieu, compte tenu de l'impact économique des exigences de ces directives sur la soutenabilité financière de ces travaux. Les autorités françaises soutiennent ainsi la nécessité d'une approche qui soit proportionnée et adaptée à la réalité économique et environnementale de ces activités.

TEXTE I - COM (2025) 981 Proposition de règlement modifiant le règlement (UE) 2023/1542 (batteries) et le règlement (UE) 2024/1244 sur les émissions industrielles

Article 1er - Amendments to Regulation (EU) 2023/1542 :

- Sur la définition des substances extrêmement préoccupantes : La Commission peut-elle préciser la deuxième partie de la définition « *any substance which fulfils the criteria laid down in Article 57 of Regulation (EC) No 1907/2006 and listed in Annex VI of Regulation (EC) 1272/2008* » ? En particulier, les autorités françaises souhaitent que soient précisées les classes de dangers concernées : les perturbateurs endocriniens ? les substances persistantes, mobiles et toxiques ou très persistantes et très mobiles (qui rentreraient dans le critère f) de l'article 57 de Reach) ?
- Sur le changement de périmètre de « substances dangereuses » à « substances extrêmement préoccupantes » : ce changement affecte considérablement l'acte d'exécution prévu par l'article 13 du

règlement batteries relatif au format harmonisé de l'étiquetage des batteries et qui est en cours de discussion entre experts. La Commission envisage-t-elle de reporter l'adoption de l'acte d'exécution en attendant que l'omnibus environnement soit adopté ?

- Sur la proposition que les blocs-batteries pour les moyens de transport légers soient amovibles et remplaçables au niveau des modules plutôt qu'au niveau des cellules :
    - Comment la proposition de la Commission permet-elle de prendre en compte l'enjeu essentiel qu'est l'accès aux cellules pour permettre le reconditionnement des batteries et renforcer par ailleurs l'efficacité du recyclage et du raffinage, en en réduisant les coûts ?
    - D'autres moyens de réponses aux enjeux de sécurité ont-ils été examinés par la Commission, afin notamment de lutter contre les batteries collées qui sont de plus en plus fréquentes dans les batteries de MTL ?
- Sur la proposition de simplification du rapport prévu à l'article 76(4) du règlement : comment la Commission envisage-t-elle de maintenir une transparence sur la qualité des données et la capacité à les comparer entre États membres ?

Article 2 - Amendments to Regulation (EU) 2024/1244 :

- La Commission peut-elle préciser pourquoi la simplification proposée de ne pas rapporter les données sur l'utilisation de l'eau, de l'énergie et des matières premières pour les activités d'élevage et d'aquaculture n'est pas étendue à l'ensemble des activités industrielles, comme l'avaient proposé les autorités françaises ?
- La Commission propose que l'État membre puisse décider d'exempter les exploitants des activités d'élevage et d'aquaculture de déclarer des informations (transfert de déchets, volume de production, nombre d'heures d'exploitation…) qu'il peut obtenir par d'autres moyens. Cette apparente simplification pour les éleveurs transfère en fait la charge administrative associée à l'autorité compétente. Pour quelles raisons la Commission ne pourrait-elle pas plus simplement supprimer cette obligation de rapportage, aussi bien pour les éleveurs que pour les autorités compétentes ?
- Le rapportage des informations contextuelles (volume de production et nombre d'heures d'exploitation) n'a pas été simplifié et supprimé comme le proposaient les autorités françaises. La Commission peut-elle justifier ce maintien, qui ne présente aucun intérêt en matière de protection de l'environnement mais induit une charge administrative importante ?
- La Commission peut-elle préciser pourquoi elle n'a pas retenu la proposition faite par les autorités françaises de maintenir la déclaration des émissions au niveau de l'établissement plutôt qu'au niveau de l'installation, comme c'est aujourd'hui le cas ? La déclaration au niveau de l'installation est impossible pour les rejets dans l'eau ou pour les déchets qui sont, généralement, mutualisés au niveau de l'établissement.
- La Commission n'a pas repris la proposition faite par les autorités françaises de rehausser le seuil de déclaration d'émissions fixé à zéro au b) de l'article 15 qui oblige plusieurs dizaines de milliers d'établissements à déclarer des émissions de quelques grammes par an, et génère ainsi une contrainte disproportionnée, sans plus-value environnementale. La Commission pourrait-elle préciser pourquoi cette simplification n'a pas été retenue ?

TEXTE II et III - COM(2025) 982 et COM(2025) 983 : Proposition de règlement suspendant l'application de certaines règles relatives à la désignation d'un représentant autorisé au titre de la responsabilité élargie du producteur (REP) pour les batteries, les déchets de batteries et les emballages ; Proposition de directive suspendant l'application de

certaines règles relatives à la désignation d'un représentant autorisé au titre de la REP pour les déchets, les déchets d'équipements électriques et électroniques (DEEE) et les plastiques à usage unique ;

Article 1 – Suspension 22a(3) of Directive 2008/98/EC, 17(2) of Directive 2012/19/EU et 8(7) of Directive (EU) 2019/904

Les autorités franaçsies souhaitent poser une question pour les trois articles de ces deux propositions qui concernent la même disposition (la désignation d'un mandataire pour les producteurs implantés au sein des Etats membres et qui sont producteurs de produits soumis à la responsabilité élargie du producteur (REP) dans un autre Etat membre) :

- Quelles mesures alternatives au niveau européen la Commission prévoit-elle afin de faciliter pour les autorités compétentes des Etats membres la gestion des cas de non-conformité des producteurs concernés ? En effet, dès lors qu'il n'y a pas de mandataire désigné par le producteur pour s'acquitter de ses obligations au sein de l'Etat membre dans lequel le produit est mis sur le marché, **les autorités compétentes de cet Etat membre ne seront pas, en l'état actuel du droit de l'Union, en capacité de sanctionner directement ce producteur.** Ces autorités devront donc s'adresser aux autorités compétentes des Etats membres dans lequel le producteur concerné est implanté, pour que ce soit celui-ci qui sanctionne le producteur en mettant en œuvre la réglementation applicable au sein de son territoire. Cela va générer un surcroit considérable de travail pour les autorités des Etats membres concernés. En outre les sanctions applicables devront être adaptées au cas par cas en fonction des dispositions s'appliquant pour la filière REP considérée dans l'Etat membre de mise en marché afin que celle-ci soit suffisamment dissuasive au regard du coût que représente la mise en conformité.

Pour mémoire, s'agissant des filières REP en France, le nombre de producteurs établis dans d'autres Etats membres s'élèvent à environ **28 000 producteurs pour les seuls REP européennes** (batteries, emballages, textiles, tabac, lingettes) sachant que ce nombre est très sous-estimé notamment pour les filières récemment mises en place (tabac, lingettes) ou en cours de mise en place (emballages professionnels, batteries) et que cela ne comprends pas les éventuels producteurs non contributeurs non encore identifiés.

TEXTE IV – COM (2025) 984 : proposition de règlement visant à accélérer les procédures d'évaluations environnementales

Questions générales :

- Les propositions formulées par la Commission européenne portent sur un champ particulièrement large et étendent des procédures accélérées à un large spectre de projets sans que les ambitions et les exigences de contrôle pour les Etats membres soient réduites. Ainsi, les autorités françaises souhaitent que la Commission explique de quelle manière ce choix n'induit pas, dans un contexte budgétairement contraint ne permettant pas l'augmentation des moyens des administrations chargées de l'instruction, à diluer l'effort requis pour les projets prioritaires.
- La proposition modifie des règles de fond inscrites dans les directives existantes (principalement la directive EIE), sans pour autant toucher directement à ces directives : pourquoi la Commission européenne a-t-elle fait ce choix de rédaction, peu clair et peu lisible ?

- Comment cette règlementation doit-elle s'appliquer par rapport aux textes déjà en vigueur comme les directives 2011/92/UE et 2001/42/CE ou directive Habitats et Oiseaux, ou bien celles qui sont annoncées dans des domaines sectorielles (Omnibus défense notamment) ? La Commission peut-elle expliquer précisément comment compte-t-elle articuler l'ensemble de ces dispositifs ?

- Comment cette proposition s'articule-t-elle avec les modifications prévues dans des discussions en parallèle dans d'autres instances du Conseil, à savoir le paquet réseaux (« *Grids package* ») ? Ne serait-il pas possible d'avoir les discussions sur ce paquet dans les mêmes instances de discussion, afin d'en assurer une meilleure cohérence ? A cet égard, les autorités françaises rappellent rappel les positions exprimées par la France et par des nombreux autres Etats membres notamment lors du Conseil environnement du 16 décembre dernier.

Article 1er – Scope

- La Commission européenne confirme-t-elle que le règlement s'applique bien à l'ensemble des projets couverts par les directives EE projets, EE plans/programmes, eau, et habitats ? Dans ce cas, la Commission pourrait-elle expliquer de quelle manière le choix de ne pas modifier directement les directives se justifie-t-il ? Pourrait-elle préciser les raisons qui démontrent la pertinence et l'efficacité de son choix au vu des impératifs de simplification et de lisibilité des législations ?

Article 2 – Définitions

Comment faut-il comprendre les différences de définition entre les conclusions motivées au sens du projet de règlement et celles au sens de la directive ? Ne risque-t-il-pas d'y avoir des difficultés d'application et n'aurait-il pas là-aussi été préférable de modifier la directive directement ?

Article 3 – Point de contact unique

- Est-ce que la Commission européenne entend donner de la souplesse aux Etats membres pour la définition du point de contact unique afin de ne pas remettre en cause l'organisation nationale relative à l'évaluation environnementale, ce qui pourrait être contreproductif par rapport à l'objectif d'accélération des procédures ?

- Est-ce que le règlement entend définir un point de contact unique à l'échelle nationale ou est-ce qu'il permet de définir des points de contact différents en fonction des procédures propres aux différents types de projets ou plans et programmes ?

- Concernant le point de contact unique, les autorités françaises demandent que la Commission européenne présente aux Etats membres, si elle en dispose, un retour d'expérience concernant la mise en place de dispositif similaire dans le cadre des règlements *Critical Raw Materials Act et Net-Zero Industry Act*. Comment les retours d'expérience existants permettant de démontrer les améliorations apportées en termes d'accélération des procédures ?

Article 4 - *Streamlining of environmental assessment procedures*

- La Commission confirme-t-elle que les dispositions de l'article 4 sur les procédures coordonnées et conjointes s'appliquent à tous les projets, plans et pas uniquement à ceux soumis à évaluation environnementale systématique (alors que les directives existantes sur l'EE ne prévoient cette possibilité que pour les projets et plans soumis à EE) ? Plusieurs avis techniques ou scientifiques sur les impacts environnementaux sont-ils possibles ou doivent-ils être compiler en un seul avis ?

- Les dispositions prévoyant la mise en place de procédures communes et coordonnées semblent redondantes avec les dispositions des directives 2011/92/UE et 2001/42/CE. Ces dispositions se substituent-elles à celles prévues dans ces directives ? La mise en place de ces procédures communes et coordonnées devient-elle une obligation ?

- La Commission européenne peut-elle préciser la portée du §2 de l'article 4 par rapport au §1 ? Le deuxième paragraphe, qui traite de « mécanismes », semble en effet redondant par rapport au premier paragraphe qui porte sur les procédures communes ou coordonnées. Quelle est la différence dans l'interprétation faite par la Commission ?

- Est-ce que le §3 de l'article 4 prévoit la mise en place obligatoire d'un cadrage préalable de l'évaluation environnementale unique pour toutes les procédures coordonnées et communes ou vise-t-il, lorsqu'un cadrage préalable à l'évaluation des incidences sur l'environnement est réalisé au titre de plusieurs directives, à s'assurer qu'un unique cadrage est rendu ?

- Le §4 de l'article 4 vise-t-il à remettre en cause les éventuelles procédures de consultation amont du public existantes déjà au niveau des Etats membres ou vise-t-il à généraliser la consultation parallèle du public et des autorités compétentes (procédure déjà existante en droit français pour certains projets, mais pas pour d'autres ni pour les plans/programmes) ? De nombreux porteurs de projet considèrent que la procédure de consultation parallèle présente certains avantages mais qu'elle n'est pas adaptée à certains cas de figure, notamment les projets complexes ou étendus. Les porteurs de projet demandent donc de la souplesse dans le choix de la consultation du public et des autorités. Compte tenu de ce contexte, la Commission ne considère-t-elle pas qu'il faudrait permettre de procéder à une consultation parallèle plutôt que l'imposer à tous les plans, programmes et projets ?

- Concernant le §5, quel est l'objectif associé à la restriction des règles d'utilisation des données, notamment en termes de durée de validité (cinq ans) ? La Commission a-t-elle évalué les potentielles conséquences de cette restriction lorsqu'aucune donnée datant de moins de 5 ans ne serait disponible ? Sur quelles études et données en matière d'environnement et de biodiversité la Commission européenne s'est-elle basée pour proposer cette durée de 5 ans ? Quel est le point de départ du délai de 5 ans (la réalisation de l'étude d'impact ou le dépôt du dossier pour lequel l'étude d'impact est réalisée) ?

Article 5 - ***Changes to projects***

- Comment s'articule cette disposition avec l'annexe I de la directive EIE, qui prévoit, en son point 24, un assujettissement à évaluation environnementale pour toute modification ou extension des projets énumérés dans la même annexe qui répond en elle-même aux seuils éventuels, qui y sont énoncés ? Faut-il comprendre que l'article 5 de la proposition de règlement déroge au 24 de l'annexe I de la directive EIE ? Pourquoi la Commission européenne a-t-elle fait le choix d'une rédaction autonome, sans modifier directement l'annexe I de la directive ?

- Est-ce que les dispositions du 1e paragraphe ont vocation à s'appliquer à des projets précis tels que ceux mentionnés entre parenthèses (reconversion de *pipelines* ou de sites industriels, prolongation d'exploitation, modifications de décarbonation) ou à l'ensemble des projets ? S'il s'agit d'une liste fermée, comment sera-t-elle déterminée : par les Etats membres ou définie dans le cadre du présent règlement ?

- **Que signifient les termes « travaux majeurs » ?** Cette notion a-t-elle vocation à remettre en cause les dispositions relatives aux modifications et extensions de projet aux annexes I (point 24) et II (point 13) de la

directive 2011/92/UE ainsi que les règles nationales développées sur la base de la nomenclature issue de ces annexes ? Comment cette notion s'articule-t-elle avec les notions de « projet d'intérêt général majeur » (DCE) et de « raison impérative d'intérêt public majeur » (directive habitats) ?

- Quelle est la portée du 2eme paragraphe (consultation transfrontalière sur les impacts environnementaux) par rapport à l'article 7 existant de la directive EIA ? Cette disposition n'est-elle pas redondante par rapport au droit existant ?

Article 6 - *Substantial preclusion*

- La Commission européenne a-t-elle évalué la conformité de ces dispositions par rapport à la convention d'Aarhus relative à l'accès à l'information, la participation du public et l'accès à la justice en matière d'environnement ? Cet article n'est-il pas contradictoire avec l'article 13 du même règlement qui prévoit le plein respect des conventions d'Aarhus et d'Espoo ?

- La Commission peut-elle préciser ce qu'est la phase administrative (« *administrative stage* ») ? Cette phase inclut-elle notamment la consultation du public ? Faut-il assimiler cette proposition à un recours administratif préalable obligatoire ?

- Cette proposition ne va-t-elle pas à l'encontre du droit au recours, qui est constitutionnellement protégé dans plusieurs États membres, notamment en France ?

Article 7 - Duration of screening and environmental assessments

Le 22 octobre 2025, la France a fait parvenir à la Commission européenne une note concernant la simplification des procédures d'autorisation et d'octroi de permis relativement aux législations environnementales. Dans ce document, les autorités françaises rappelaient que « les initiatives européennes en termes de *permitting* ne doivent pas aboutir à fixer un cadre trop figé au niveau européen. Le détail des délais et des procédures doit être laissé aux Etats membres, pour tenir compte notamment de la répartition des compétences entre Etat et collectivités, dans le respect du principe de subsidiarité. Aussi, par cette note les autorités françaises demandaient à la Commission à ne pas introduire dans le cadre des omnibus à venir des dispositions fixant des délais d'instruction au niveau européen. Les autorités françaises constatent que la proposition de règlement ne prend pas en compte les recommandations formulées.

Les autorités françaises attendent que la Commission explique et justifie quelles sont les justifications juridiques et les analyses menées qui conduisent la Commission à considérer que la mise en place généralisée de délais précis sur le processus d'évaluation environnementale ne porte-elle pas atteinte au principe de subsidiarité garanti par les Traités. Et de manière plus spécifique :

- Comment la Commission entend-elle circonscrire les cas considérés comme exceptionnels, justifiant une prolongation de délai ? Ne vaudrait-il pas mieux, laisser les Etats membres définir les règles de délai, si nécessaire, afin qu'ils soient plus adaptés à la réalité des projets ?

- La Commission peut-elle préciser la portée de l'article 7, 2), d) « *the competent authorities conclude and publish the environmental report required under Article 5(1) of that Directive within 7 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.* »?

- Une fourchette est instaurée pour la durée de la consultation du public (entre 30 et 90 jours). Pourquoi les règlements *NZIA* et *CRM Act* n'ont-ils pas été modifiés pour ajuster en conséquence et mettre en cohérence la durée de la consultation du public (ces règlements prévoyant une consultation n'excédant pas 85 jours) ?

Article 8 - *Protected species*

- Sur la portée juridique de l'article : L'article 8 ne propose pas de modification des directives oiseaux et habitats, mais propose des éléments à prendre en compte pour la transposition de celles-ci. La Commission peut-elle confirmer que ce type de précision, qui n'amende pas les textes initiaux, présentera une réelle garantie juridique pour les Etats membres ?

- Sur le périmètre de l'article 8 :

    - La flexibilité proposée par la Commission va dans le bon sens en permettant la définition de mesures d'évitement et de réduction visant à limiter l'impact sur les espèces protégées et ainsi ne pas rendre nécessaire une dérogation espèces protégées au titre des articles 16 de la directive "habitats" et 9 de la directive "oiseaux"'. Cependant cette flexibilité ne paraît ouverte que pour les projets soumis à une évaluation environnementale (projets entrant dans le champ des annexes I et II de la directive 2011/92/UE). En particulier, la Commission confirme-t-elle qu'en l'état la disposition ne concerne pas les activités de gestion courante (notamment les travaux forestiers de gestion courante, les travaux d'entretien régulier des cours d'eau ou des linéaires et abords d'infrastructures de transport ou de production d'énergie) dans la mesure où celles-ci ne sont pas mentionnées dans ces annexes ? En conséquence, la Commission confirme-t-elle que le projet d'article 8 ne saurait donc, en l'état, apporter une réponse aux problématiques propres à ces activités ?

    - Comment et à quelle échéance la Commission compte-t-elle étendre l'application de cette simplification à l'ensemble des projets et activités susceptibles d'entrer dans le champ des deux directives ? Ce point est fondamental pour les activités de gestion courante, qui doivent pouvoir être effectuées dans des conditions génériques prédéfinies de préservation des espèces, mais sans mobiliser l'évaluation environnementale ni la dérogation espèces protégées.

    - L'article 8 ne fait pas mention de la destruction des œufs et des nids. La Commission confirme-t-elle qu'il s'agit d'un oubli et que l'intentionnalité concernant la destruction des œufs et nids a bien vocation à être interprétée de la même manière ?

    - L'interprétation d'intentionnalité introduite par l'article 8 sur les espèces animales (référence aux article 5 de la directive oiseaux et 12 de la directive habitat) ne s'applique pas aux espèces végétales (pas de référence à l'article 13 de la directive habitat). La commission confirme-t-elle qu'il s'agit d'un oubli et que l'intentionnalité concernant la destruction d'espèces végétales a bien vocation à être interprétée de la même manière ?

    - Aucune souplesse n'est introduite concernant la destruction de site de reproduction ou d'aire de repos mentionnée à l'article 12 de la directive habitat. Pour mémoire, pour certaines espèces protégées au titre de la directive Habitats, les sites de reproduction peuvent se réduire à un arbre (tel est le cas du pique prune, par exemple). La Commission confirme-t-elle que son intention n'est pas de maintenir une interdiction stricte de ce type de destruction dès lors que les mesures d'atténuation proportionnées sont mises en place, et que le périmètre de l'alinéa 2 de l'article 8 doit donc être considéré comme plus large que celui de l'alinéa 1 (qui ne porte que sur les interdictions intentionnelles).

    - La Commission confirme-t-elle qu'il ne sera pas imposé aux opérateurs de disposer des meilleures technologies disponibles (« *best available technologies* » alinéa 1 de l'article 8), celles-ci pouvant s'avérer parfois très coûteuses au regard de la rentabilité économique des opérations à réaliser.

Article 9 - *Environmental assessment of transboundary effects*

- Le règlement vise-t-il à aller plus loin que le cadre déjà fixé par la convention Espoo et le protocole de Kiev sur l'évaluation environnementale dans un contexte transfrontière ? Si ce n'est pas le cas comment la Commission entend-elle faire l'articulation avec ces deux textes internationaux ?

Article 10 - *Online accessibility of information and digitalisation of the environmental assessments*

- Le paragraphe 2 de l'article 10 prévoit la mise en ligne, entre autres, de l'avancement *(« progress »*) des évaluations environnementales et des cas par cas : la Commission européenne peut-elle préciser la notion d'avancement (« *progress* ») ?

- Le paragraphe 3 de l'article 10 dispose que les États membres veillent à ce que les rapports et les données résultant des évaluations environnementales et des cas par cas (…) (« *reports and data resulting from environmental assessments and screening procedures* ») soient mis à disposition du public et restent accessibles sous forme numérique au travers d'un portail en ligne centralisé. La Commission peut-elle confirmer que la notion de « rapports et données résultant des évaluations environnementales et des cas par cas » correspond aux informations requises de la part des maîtres d'ouvrage lorsque le projet est soumis à évaluation des incidences sur l'environnement, mentionnées à l'annexe IV de la directive EIE ? Quelle est la fonction, la finalité et l'ambition du portail unique centralisé des évaluations environnementales et des décisions correspondantes ? Il existe un très grand nombre de décisions dont certaines sont décentralisées ; un délai de 12 mois n'apparaît pas raisonnable pour la réalisation d'un tel portail.

- Quelle serait l'ambition du partage de données entre Etats membres ? Un chantier de convergence des différents référentiels serait titanesque pour un intérêt très certainement faible. La mise à disposition des rapports géoréférencés n'est-il pas suffisant ?

Article 11 - *Administrative costs of environmental assessments*

- L'article 11 prévoit que les États membres s'efforcent de supprimer les frais et redevances administratifs liés aux évaluations environnementales pour les développeurs relevant de la définition des petites et moyennes entreprises (« *Member States shall endeavour to 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* »). Cette proposition est-elle compatible avec le régime juridique des **aides d'État** ? La Commission peut-elle justifier de la pertinence d'une telle disposition au regard du principe de **subsidiarité** ? La Commission européenne peut-t-elle fournir une **évaluation de l'impact financier de cette disposition pour les autorités des Etats membres ?**

- Quels sont les coûts administratifs visés par la Commission ? Cela tend-il à remettre en cause le principe selon lequel les maîtres d'ouvrage ont à réaliser les rapports environnementaux, et donc à opérer un transfert de charge vers les autorités publiques ?

Article 12 - *Resources and training*

- Quelle est la portée de cet article ? La Commission européenne entend-elle soutenir financièrement et matériellement les Etats membres en vue de disposer des ressources nécessaires pour mettre en place les nouvelles procédures prévues par le règlement et si oui par quelles mesures ?

Article 14 - *Toolbox for strategic sectors or categories*

- Clarification du périmètre d'application de l'article 14 : en ce qu'il porte sur des secteurs et catégories stratégiques reconnus comme tels par le droit européen et pour les projets qui contribuent à la résilience et la décarbonation ou l'efficacité en matière de ressources, ne crée-t-il pas une nouvelle sous-catégorie, complexifiant plus encore le droit européen, à rebours de l'objectif recherché ? En ce sens, la proposition de règlement ne va-t-elle pas à l'encontre du constat dressé par les autorités françaises dans leur note du 22 octobre 2025 (précitée), qui constatait que « *la juxtaposition de textes de simplification sectoriels en matière d'octroi de permis et d'autorisations peut générer une forte incertitude juridique pour les porteurs de projet* » ?

- La Commission peut-elle préciser dans **quelles conditions les avis des autorités compétentes seraient considérés comme tacitement favorables** ainsi que les autorités concernées ? Peut-elle également confirmer que ces dispositions ne s'appliquent à aucun projet, plan ou programme soumis à évaluation environnementale ?

- La Commission peut-elle expliquer comment s'articule le champ d'application de cet article sur la boîte à outils entre les projets et secteurs stratégique existants (para. 1), les projets et secteurs stratégiques à définir par un acte de mise en œuvre (« implementing acts » (para. 2) et les futurs projets et secteurs stratégiques (para 3). Dans le cas du para. 2, un acte délégué ne serait-il pas plus approprié qu'un acte de mise en œuvre, dans la mesure où cela définirait le champ d'application du règlement ?

Annexe :

Les autorités françaises ont déjà attiré l'attention de la Commission (cf. Note du 22 octobre 2025) sur les risques juridiques et contentieux forts lorsque les textes successifs identifient des délais et associent le respect de ces délais à un régime de « silence vaut accord. Aussi, elles invitaient la Commission, dans le respect du principe de subsidiarité, à **ne pas introduire des nouvelles dispositions procédurales impliquant un système « silence vaut acceptation »**. La proposition de règlement ne prend pas en compte cette recommandation, en ce qu'elle crée, dans son annexe, un mécanisme d'accord tacite (« tacit approval »).

La Commission européenne peut-elle expliquer pourquoi elle a choisi d'introduire un système « silence vaut acceptation » et détailler précisement les argumentaires juridiques et les éléments d'analyse qui l'ont conduite à considerer que l'introduction génénralisée d'un tel système serait conforme au principe de subsidiarité ?

- Le contenu de l'annexe semble, en grande partie, non normatif : il s'agit notamment de donner des orientations aux États membres. Aussi, ces éléments ne devraient-ils pas plutôt figurer dans des lignes directrices de la Commission européenne ?

- Quelles sont les implications de l'intérêt public prépondérant (« *overriding public interest* ») défini dans l'annexe ? La création d'une telle notion juridique ne risque-t-elle pas de créer de l'insécurité juridique et de mobiliser les services administratifs, sans produire d'effets concrets en matière d'accélération ? Quelle est son articulation avec d'autres notions définies dans les textes européens, tels que la raison impérative d'intérêt public majeur, les projets stratégiques au sens du CRM Act, les projets stratégiques au sens du NZIA ?

TEXTE V - COM(2025) 985 : une proposition de directive portant sur la simplification de certaines exigences relatives à la mise en place de l'Infrastructure for Spatial Information ; amendant la directive INSPIRE

Article 4 : Annexes INSPIRE

- Comment la Commission justifie-t-elle la différence de procédure entre celle prévue à l'article 22a pour la modification des annexes et celle prévue à l'article 22b pour l'adoption des actes d'exécution relatifs aux métadonnées ?
- La Commission a-t-elle examiné l'opportunité de réviser les annexes de la directive INSPIRE afin de clarifier plus précisément le périmètre des données couvertes par celle-ci afin d'assurer, dès l'amont, un socle minimal d'harmonisation des jeux de données concernés ?
- La révision des annexes de la directive INSPIRE permettra-t-elle d'identifier sans ambiguïté les informations contenues dans les séries de données, relevant de la directive INSPIRE des informations qui n'en relèvent pas, et ceux afin de mieux préciser le champ d'application de cette directive ?

Article 5 : Métadonnées

- Comment la Commission envisage-t-elle l'adaptation du portail européen data.europa.eu pour assurer sa capacité technique à accueillir la diversité des métadonnées INSPIRE ?
- Comment la Commission prévoit-elle l'adaptation du portail européen data.europa.eu pour assurer sa capacité technique à accueillir les métadonnées des séries de données en accès restreint lorsqu'aucune restriction ne s'applique à la publication de ces métadonnées ?
- Quel calendrier la Commission a-t-elle prévu pour l'adoption des actes d'exécution relatifs aux métadonnées INSPIRE ?
- Comment la Commission entend-elle garantir un niveau minimal d'alignement des actes d'exécution avec les normes et spécifications techniques actuellement mises en œuvre dans le cadre d'INSPIRE et basées sur les normes internationales ?

Article 7-8 interopérabilité :

- Comment la Commission concilie-t-elle la suppression des exigences d'interopérabilité dans la directive INSPIRE avec sa stratégie Data Union – Unlocking Data for AI de 2025, qui identifie l'interopérabilité, la standardisation et l'harmonisation des données comme des conditions indispensables au développement de l'IA européenne et d'un écosystème européen de données ?
- Comment la Commission prévoit-elle de traiter le risque de doublons ou de silotage thématique des séries de données à vocation de socle pluridisciplinaire, que pourrait entraîner le transfert aux Data Labs de la responsabilité d'assurer l'interopérabilité des jeux de données, en particulier pour les séries de référence prévues aux annexes I et II de la directive INSPIRE ?
- La Commission ne pourrait-elle pas envisager d'introduire la notion de « *données géographiques socles* », limitée à un sous-ensemble des données de forte valeur, dont les modèles et contenus seraient plus harmonisés que les autres données de forte valeur ? De telles données géographiques socles favoriseraient l'agrégation européenne des données socles des États membres.
- Quel programme et quels moyens la Commission prévoit-elle pour compenser la suppression des règles relatives à l'interopérabilité de la directive INSPIRE ?
- La Commission peut-elle évaluer les impacts attendus de cette suppression sur la disponibilité, la comparabilité et la réutilisation des données environnementales et géospatiales à l'échelle de l'Union, et

préciser si des exigences d'interopérabilité équivalentes seraient reprises ou compensées par d'autres instruments ?

Article 11 – Interopérabilité des services en réseau

- Quelles mesures la Commission prévoit-elle pour garantir l'interopérabilité des services en réseau et éviter la prolifération de services OpenAPI redondants, à la suite de la suppression des exigences d'interopérabilité dans la directive INSPIRE ?

Article 13 – Cadre juridique de l'accès aux données

- Si la proposition de révision de la directive INSPIRE est adoptée en l'état, comment la Commission justifie-t-elle le maintien de l'alinéa 1 de l'article 13(1), qui constituerait alors une simple répétition du dispositif prévu au al 2 (b) du même article ?

Article 15 – Portail INSPIRE

- Comment la Commission prévoit-elle d'assurer la représentation d'experts de la donnée géolocalisée dans les organes de gouvernance du portail data.europa.eu afin de garantir la conformité du portail aux exigences de la directive INSPIRE ?
- La Commission a-t-elle prévu d'augmenter les fonctionnalités du portail data.europa.eu afin d'améliorer l'ergonomie, la recherche et l'accessibilité pour les utilisateurs ?

Article 17 – Partage des données entre administrations

- La Commission peut-elle préciser en quoi la suppression de l'article 17 ne conduit pas à un affaiblissement des obligations relatives au partage des données spatiales entre autorités publiques, conformément à l'objectif rappelé dans la section « legal basis, subsidiarity and proportionality » de la proposition (« without weakening the obligations concerning spatial data sharing between public authorities ») ?
- Pourquoi la Commission considère-t-elle que l'article 17 serait dépourvu d'utilité au regard de la réglementation européenne existante, alors que cet article est le seul à prévoir le partage obligatoire des jeux de données INSPIRE entre autorités publiques pour l'exécution de missions publiques ayant une incidence sur l'environnement ? En effet, le paragraphe 7 de l'actuel article 17 n'offre de dérogation au partage entre administrations que lorsqu'il concerne "la bonne marche de la justice, la sécurité publique, la défense nationale ou les relations internationales", ce qui garantit, en contrepartie, ce partage dans les autres situations visées au paragraphe 1 de l'article 13 (par exemple le secret des affaires), lesquelles permettent une diffusion restreinte des séries de données INSPIRE.
- Comment la Commission envisagerait-elle de remplacer le vide juridique concernant le partage effectif de données géolocalisées à accès restreint entre administrations ?

Article 21 – *Reporting*

- La Commission considère que le règlement d'exécution H.V.D impose déjà un reporting détaillé couvrant 33 des 34 Thèmes figurant aux annexes I, II et II de la directive INSPIRE, rendant ainsi le reporting INSPIRE redondant. Quel thème ne serait pas concernée par le reporting prévu par H.V.D ?

- La Commission est-elle en mesure de diffuser la proposition de révision du règlement d'exécution HVD, et si oui, que prévoit-elle ?

TEXTE VII - COM(2025) 986 : proposition de directive sur la simplification de certaines exigences et la réduction de la charge administrative amendant la directive IED (2 textes), la directive cadre déchets, la directive limitation des emissions;

Article 1er - *Amendments to Directive 2008/98/EC*

- Suppression de la base SCIP. Les autorités françaises comprennent les raisons ayant amené la Commission à proposer cette suppression et partagent le constat que la base SCIP n'a pas atteint ses objectifs. Elles soulignent toutefois que cette suppression entraînera une perte de traçabilité de l'information sur la présence de substances extrêmement préoccupantes dans les articles. En effet, les obligations restantes issues de REACH sont uniquement destinées aux utilisateurs mais non centralisées et non accessibles aux agences et aux autorités. Les passeports produits ne sont à ce jour pas en place, et ne sont envisagés que pour certains types d'articles (jouets, catégories de produits à définir dans le règlement écoconception).
    - Considérant ces limites, comment la Commission envisage-t-elle de maintenir une traçabilité efficace de l'information sur la présence de substances dangereuses, pour le consommateur et pour les opérateurs de traitement de déchets ?
    - Qu'adviendra-t-il de la base une fois l'entrée en vigueur de l'omnibus ? Y a-t-il un intérêt à maintenir une base qui ne sera plus alimentée et deviendra rapidement obsolète ?
    - Qu'adviendra-t-il du projet de verser la base SCIP dans la future plateforme commune de données prévue par le paquet OSOA ? Ce versement a-t-il un intérêt pour une base qui ne sera plus alimentée ?

- Modification du paragraphe 6 de l'article 37 (communication des données) de la directive cadre déchets : comment la Commission a-t-elle prévu informer les Etats Membres en amont de l'évaluation qu'elle réalisera de la date de cette évaluation (étant donné qu'elle n'est plus fixée dans le texte), de la méthodologie retenue et prévoit elle la prise en compte de l'avis des Etats Membres sur ces points ?

Article 2 - Amendments to Directive 2010/75/EU

- La Commission propose que le système de management environnemental (SME) puisse être réalisé au niveau du groupe et plus au niveau de l'installation. Cette simplification ne risque-t-elle pas de **créer une inégalité entre les plus grandes et les petites entreprises qui n'appartiennent pas à un groupe** ? De plus, les informations environnementales propres à chaque entreprise ne seront-elles pas supprimées, de ce fait, pour les entreprises les plus importantes ? La Commission a-t-elle envisagé de permettre la réalisation d'un SME à l'échelle de l'établissement plutôt qu'au niveau du groupe, ce qui constituerait une simplification pour toutes les entreprises, quelle que soit leur taille, et permettrait de ne plus perdre les informations environnementales indispensables ?

- La Commission a supprimé du SME la pièce la plus importante qu'elle venait justement d'introduire : l'inventaire des produits chimiques. Les autorités françaises estiment que cette suppression ne permettra plus à l'industriel d'apprécier correctement ses émissions de polluants. **La Commission peut-elle préciser comment sans cette pièce fondamentale les industriels : (i) évalueront les risques liés à leurs substances dangereuses ? (ii) analyseront les possibilités de les remplacer par des solutions plus sûres ; (iii) analyseront la possibilité de réduire leurs émissions et comment ils proposeront des mesures correctives et préventives ?**

- Pourquoi la Commission a-t-elle supprimé la référence à l'acte d'exécution concernant les informations du SME dont la publication est pertinente ? Si la Commission juge par cette suppression que la publication n'est pas importante, Peut-elle expliquer pourquoi elle n'a pas supprimé également, comme le demandaient les autorités françaises, la publication du SME sur internet ?

- La Commission pourrait-elle préciser pourquoi elle n'a pas repris la proposition faite par les autorités françaises de supprimer la référence à la valeur limite d'émission la plus stricte qui permettrait d'alléger les charges pesant sur les entreprises et les administrations, sans remettre en cause les ambitions environnementales du texte ?

- La Commission pourrait-elle expliciter et clarifier les missions d'INCITE et notamment confirmer le fait qu'il valide et publie les techniques émergentes et qu'il collecte et propose des valeurs limites d'émission associées à ces techniques ? Cette clarification simplifiera le travail des autorités compétentes et diminuera leur charge de travail, tout en participant à une mise en œuvre homogène, au sein de l'Union, des techniques émergentes.

Annexe 1:

Annexe I – 1

- Le remplacement du mot "fonte" par celui de "fer" dans l'intitulé du point 2.2 ne va-t-il pas exclure la production de la fonte du champ de la directive ? Si tel est le cas, comment la Commission européenne justifie-t-elle ce choix ?

Annex I – 3

- **La valeur limite d'émission (VLE) pour les NOx a été supprimée pour toutes les installations de combustion (existantes et nouvelles) qui brûlent des combustibles gazeux avec au moins 20 % d'hydrogène. La combustion d'hydrogène se fait à très haute température et émet des NOx d'origine thermique. Les autorités françaises sont fermement opposées à cette suppression et souhaitent savoir pourquoi la Commission ne préfère pas ajouter une VLE spécifique pour ce combustible ?**
- L'ajout sur la combustion en atmosphère enrichie en oxygène et l'oxycombustion semble difficilement compréhensible. La Commission pourrait-elle le clarifier et l'étendre aux installations du chapitre IV (incinération de déchets). En effet, les premiers projets d'oxycombustion concernent des cimenteries qui incinèrent des déchets et qui sont donc soumises aux VLE du chapitre IV.

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ESTONIA

Written comments - Omnibus VIII (Environment)

COM(2025) 986 final - Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directives 2008/98/EC, 2010/75/EU, (EU) 2015/2193 and (EU) 2024/1785 of the European Parliament and of the Council as regards simplification of some requirements and reduction of administrative burden

In general we support the objective of simplification and greater flexibility in the application of environmental management systems, including allowing a single system to cover multiple installations and providing operators with more time for implementation. At the same time, we remain cautious as to whether removing auditing and chemical inventory and risk assessment requirements delivers a genuine reduction in administrative burden, or rather risks shifting responsibilities and verification efforts to competent authorities while weakening assurances of effective and robust implementation.

1. If the requirement for external auditing of Environmental Management Systems (EMS) is removed, how will the correct and effective implementation of the EMS be ensured in practice?

In particular, is it envisaged that the responsibility for verifying the functioning of the EMS would be transferred to national competent authorities, such as permit-issuing bodies or environmental inspectorates?

2. To what extent does the proposal lead to a genuine reduction of administrative burden, rather than a redistribution of tasks between different actors? Could the removal of independent audits result in additional verification, follow-up requests, or procedural requirements for permit issuers and supervisory authorities? Has an assessment been carried out on what additional expertise, time, or financial resources would be required at MS national level?
3. Should the chemicals inventory, risk assessment, and analysis of substitution options not constitute a mandatory core element of the EMS for installations using hazardous substances, in order to ensure that the system is implemented in a high-quality manner and that the management of environmental aspects is comprehensive and systematic? If these requirements are removed from the EMS framework, how will it be ensured that operators still maintain a structured and reliable overview of hazardous substances used or emitted, assess their risks to human health and the environment, and consider safer alternatives in a systematic way?
4. Overall, is there a risk that the proposed changes would shift administrative burden from specialised auditors and external experts to public authorities? If so, how will it be ensured that competent authorities have sufficient capacity, expertise, and resources to effectively take on these additional responsibilities?
5. Could the Commission clarify whether the proposal on harmonised reporting frequency is directly linked to national EPR registers operated by Member States? Does the proposal mean that a Member State may require producers to submit an EPR report only once per year and not more frequently? Is the proposal intended to apply strictly to the formal reporting obligation (i.e. submission of an annual report), rather than to

the provision of underlying data that may be required by Member States or producer responsibility organisations for enforcement, fee calculation or operational purposes?

COM(2025) 984 final - Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on speeding-up environmental assessments

Article 3 –*Environmental Single Point of Contact (*SPOC*)*

1. Should the contact point be a cross-permit body, i.e. the same for both the construction permit and the environmental permit? What is envisaged to be the role of the contact point? In this context, should the contact point be regarded as an advisory body or as a decision-making authority? Pursuant to Article 3 of document COM(2025) 984, the contact point, inter alia, assesses the compliance and completeness of the application; does this imply that it should be considered a decision-making authority?
2. Which other contact points have been established to date, has their effectiveness and cost saving been evaluated, and is it envisaged that their roles could be further harmonised? Which existing contact point model, reflecting previous best practice, is intended to serve as the reference framework for the establishment of this contact point?
3. Could the SPOC also be established in a digital format?

If the contact point is also required to perform procedural tasks (e.g. to verify the completeness of applications), this would entail a reorganization of procedural systems in Estonia, leading to longer administrative procedures and additional costs, including the need to redesign IT solutions. For example, construction permit procedures in Estonia are conducted fully digitally within a single register, with a statutory processing deadline of 30 days. If the contact point were required to carry out listed procedural tasks, this would extend the overall procedure by introducing an additional preliminary stage. In Estonia, the construction permit procedure does not distinguish between a formal completeness check of documentation and the substantive assessment of the application; the procedure formally commences upon submission of the application.

Article 4 – *Streamlining of Procedures*

4. Article 4(1), third subparagraph: does this provision require that the environmental impact assessment for different permits relating to the same project be carried out only once?

In Estonia, all protected objects falling within the scope of each directive are already assessed together within a single environmental impact assessment (paragraph 1).

At present in Estonia, it is possible for environmental impact assessments to be conducted both within the construction permit procedure and within the environmental permit procedure, as the objectives, documentation requirements, level of detail and timing of these procedures differ. If these procedures were to be merged, this would lead to longer processing deadlines and an increased burden on developers in terms of the data required to obtain a permit. Moreover, in the case of larger developments, it may be in the interest of the developer to obtain permits separately in order to ensure greater legal and financial certainty, for example

in relation to investment decisions or loan financing. The consolidation of procedures would entail extensive amendments to national legislation in Estonia, including significant IT developments.

5. According to Article 4, a single procedure shall be carried out where the requirement for environmental impact assessment arises simultaneously from more than one of the directives listed in Article 1(1). Does this imply, inter alia, that environmental impact assessment (EIA) and strategic environmental assessment (SEA) should be conducted within a single, integrated procedure?

Article 7 – *Duration of Assessments*

6. With regard to Article 7(2)(d), what is meant by the seven-month time limit? Does this provision refer to Article 5(1) of the SEA Directive, which concerns the preparation of the strategic environmental assessment report?
7. Is the seven-month period intended to cover the preparation of the environmental impact assessment (EIA) report?

Within such a timeframe it would not be feasible to carry out large-scale studies. It would appear more reasonable to interpret this deadline as the time limit for the final decision on the report, i.e. seven months following the submission of the report and other required information, and after the completion of consultations.

If, however, the seven-month deadline is intended to include the time required to conduct the underlying studies, this would not be feasible in practice under Estonian climatic conditions, as certain studies can only be carried out during specific periods of the year. In addition to the time required for the fieldwork itself, specialists also need sufficient time to prepare the relevant reports based on the study results. For example, ornithological studies must take into account migration and breeding seasons, while botanical surveys cannot be conducted during the winter period, etc.

Article 9 – *Transboundary Effects*

8. It is unclear in article 9 whether the SPOC contact point is to be designated separately by each Member State or jointly for several Member States.

While the designation of a single contact point in each Member State appears reasonable, the establishment of a single contact point for multiple Member States may not be appropriate, as the impacts of the planned activity on each State, and consequently each State's interests in the specific procedure, may differ.

Article 10 – *Digitalisation & Online Access*

9. Pursuant to Article 10 Member States are required, within a period of 24 months, to ensure that the environmental impact assessment and screening processes are "fully digitalised". Could further clarification be provided as to what this requirement entails in practical terms?

Article 11 – *Administrative Costs*

10. Could you please explain further which administrative costs are kept in mind?

In Estonia, no separate fee is charged for the procedures related to environmental impact assessment (there is no state fee within the EIA process itself, with the exception of the fee for applying for an EIA licence). However, the permit procedures within which such assessments are initiated are subject to fees according to the law.

Article 14 – S*trategic Toolbox*

11. Are specific requirements laid down for such projects, i.e. must they be subject to an accelerated permitting procedure (including priority handling), and at the same time to coordinated impact assessment? No specific provisions relating to EIA appear to be set out here (e.g. shorter deadlines).
12. Which types of projects are envisaged in strateguc toolbox? At EU level, several sectors already regulate certain categories of projects/structures by providing specific procedural advantages (e.g. tacit approvals, single contact points, regulated procedural deadlines, a presumption of overriding public interest, etc.). Are all such projects intended to be covered under this instrument?

If not, this would lead to the creation of sector-specific special procedures, which may increase procedural complexity and extend timelines. We therefore see that these is much value in cross-sector identification of strategically important projects for which harmonised procedural rules would apply, including aligning rules that have already been adopted or are currently under preparation. The aim should not be to regulate the permitting processes for all construction works, but rather to establish uniform rules for the most strategically important projects across sectors.

13. Who is foreseen to define the conditions for an accelerated procedure?

COM(2025) 982 final - Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL suspending the application of the rules on the appointment of an authorised representative for extended producer responsibility for batteries and waste batteries and packaging and packaging waste

and

COM(2025) 983 final Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL suspending the application of the rules on the appointment of authorised representatives for extended producer responsibility for waste, waste electrical and electronical equipment and single use plastic waste

We would like to underline that no impact assessment has been carried out for the proposal to suspend the authorised representative requirement and would like to highlight that removing the authorised representative requirement would in our understanding create significant procedural and enforcement obstacles. Enforcement against producers established in another Member State already faces practical difficulties, including language barriers, delivery problems, where formal notifications and legal letters must be served cross-border, and

enforcement challenges related to fines and penalties. If the authorised representative requirement is suspended, Member States would no longer have a clear legal basis to ensure the registration of producers selling into another Member State. Without an authorised representative or an equivalent mechanism, we see a real risk that enforcement becomes fragmented, slower and less effective, undermining both compliance and the level playing field. In our view, this would undermine compliance, increase free-riding risks and negatively affect the level playing field for compliant producers.

1. Has the Commission assessed how cross-border enforcement of extended producer responsibility obligations will be ensured, regarding producers established in another Member State and in third countries, in the absence of an authorised representative?
2. Could you please explain, how does the Commission intend to maintain or establish a clear legal basis enabling Member States to ensure the registration of producers selling into another Member State, and to effectively enforce EPR obligations where producers are not established on the territory concerned?
3. We would like to ask whether the Commission considered the option of requiring the appointment of a single responsible person established in the Union, and what the Commission sees as the feasibility and implications of such a requirement in the context of extended producer responsibility.

Recital 6 Highlights that Member States should be given the possibility to ensure traceability and enforcement with regard to producers established in third countries through alternative measures.

4. Could you please elaborate, what alternative measures does the Commission envisage to ensure traceability and enforcement for producers established in third countries, if the authorised representative requirement were to be weakened or replaced? In particular, how would these alternatives ensure an equivalent level of compliance, accountability and enforceability across all Member States?

IRELAND

Environmental simplification Omnibus package

Comments

9 January 2026

General comments on overall package

- Ireland welcomes the Commission's environmental simplification Omnibus package published on 10 December 2025, which includes proposals to simplify rules on the circular economy, industrial emissions, waste management and environmental assessments.

- The environmental simplification Omnibus package is a first step to simplification of EU environmental rules, and an important element of the overall approach to improving competitiveness at an EU level, in line with the Draghi Report and related work.

- **At the same time, our initial assessment is that there is potential to be significantly more ambitious in this area while safeguarding the robust environmental protections of the EU acquis. In particular, we would welcome greater ambition as we progress this agenda in order to support the delivery of affordable housing and critical infrastructure, which is essential to strengthening competitiveness across the EU.** There are specific issues relating to consistency, alignment and case law interpretation of European legislation that can be an obstacle to timely delivery of housing and key infrastructure.

- Specifically as regards permitting, we firmly believe that EU action is urgently needed to accelerate permit granting procedures. Our experience to date has been that separate and bespoke EU permitting initiatives are not always fully aligned with EU Environmental Directives, which has a direct bearing on permitting processes and timelines. We therefore consider that it would be more appropriate to amend existing environmental Directives than to have a continuing list of new legislation that deviates from these Directives. Moreover, any new proposals on permitting should respect the principle of subsidiarity, take into account the different impacts the legislation may have in EU Member States' legal systems, and ensure that measures are implemented in a way that avoids creating practical or legal risks for the authorities responsible for assessment and permitting decisions.

- In this context, we welcome the commitment by the Commission in its environmental simplification Omnibus package to stress-test the Birds and Habitats Directive in 2026 and to intensify its support to Member States and regional authorities in the preparations of their draft National Restoration Plans under the Nature Restoration Regulation.

- **At the same time, we believe a systemic approach is needed to stress-test and address issues across various pieces of EU environmental law**. **There is a real opportunity now to improve clarity within existing EU environmental instruments and the interface between various assessments and permitting obligations. However, in order to achieve this, either substantial changes to the current**

proposals under the environmental simplification Omnibus package would be required or further proposals would need to be brought forward by the Commission.

Specific comments

1. **Industrial installations and the circular economy**

Proposal for a Regulation amending Regulation (EU) 2023/1542 (**batteries and waste batteries**) and Regulation (EU) 2024/1244 (**environmental data from industrial installations**) as regards simplification of some requirements and reduction of administrative burden

- No comments or questions at this stage.

Proposal for a Directive amending Directives 2008/98/EC (**waste**), 2010/75/EU (**industrial and livestock rearing emissions**), (EU) 2015/2193 (**medium combustion plants**) and (EU) 2024/1785 (**industrial emissions, landfill of waste**) as regards simplification of some requirements and reduction of administrative burden.

- The amendments seem to be reasonable and are aimed at the simplification of certain requirements and the reduction of administrative burden without diluting environmental protection.

- In relation to Directive 2010/75/EU specifically, we have the following comments:

- Article 14(a)(1):
    - As regards the proposed amendment on repealing "the empowerment for the Commission to adopt an Implementing Act on which information from the EMS is relevant for publication", it is noted that this could decrease the level playing field across Member States (MS), as it will be up to individual MS to decide what is 'relevant'. In addition, clarification is sought that this proposal does not intend to repeal the requirement for publication altogether.
    - This proposal can reduce the administrative burden to operators, however it is important that this simplification proposal does not unintentionally increase the number of installations that fall under the scope of the IED. All installations must first fall under the scope of the Directive in their own right before they can be considered as part of a singular application on the environmental management system. The IED makes specific reference to the prevention of "artificial splitting of farms, which could result in the reduction of the livestock unit ('LSU') capacity of the farm to a level below the thresholds established in Annex Ia" for the application of the IED. It is important that this simplification proposal also does not work in the opposite way and force separate farms under the control of a single operator over the IED threshold, when the cumulative number of animals is considered on all such farms.
- Recitals
    - The exemption of organic poultry farms from the scope of the directive would bring organic poultry in line with organic pig productions and appears appropriate.

    - The removal of unweaned piglets from the LSU calculation also appears appropriate. This could substantially reduce the admin burden associated with calculating thresholds and allow easier management of production units.
- The proposal also proposes to exempt livestock and aquaculture operators from reporting on water, energy and materials use and operators of livestock production and aquaculture installations from reporting on off-site transfers of waste, off-site transfers of pollutants in wastewater, production volume and number of operating hours, provided that this information can be gathered by Member States by other means. Both proposals appear appropriate and can potentially reduce the admin burden of operators of such installations.

Proposal for a Directive suspending the application of the rules on the appointment of authorised representatives for **extended producer responsibility for waste, waste electrical and electronical equipment and single use plastic waste**

- No comments or questions at this stage

Proposal for a Regulation suspending the application of the rules on the appointment of an authorised representative for **extended producer responsibility for batteries and waste batteries and packaging and packaging waste**

- No comments or questions at this stage

2. The INSPIRE Directive

- Proposal for a Directive amending Directive 2007/2/EC (**INSPIRE**) on simplification of certain requirements for the establishment of the **Infrastructure for Spatial Information in the Union**

- No comments or questions at this stage

3. Environmental assessments and permitting

Proposal for a Regulation on accelerating environmental assessments + Annex

- The proposals are a first step by the Commission to respond to the European Council's call in its conclusions of 23 October 2025 for the Commission to explore new proposals to streamline and accelerate planning and permitting procedures in Member States. We welcome and thank the Commission for its efforts in this regard – it is essential to bring coherence to environmental assessments across all sectors that are core to the planning and permit-granting process
- However, in line with the spirit of achieving meaningful simplification, Ireland's view is that this proposal as currently drafted will not achieve this and may in fact make it more difficult for national authorities to implement EU environmental legislation.
- The proposals do not, for example, address the interaction, and potential conflict, between the different Environmental Directives and other sectoral EU legislation that set accelerated timelines (e.g. REDIII, NZIA, CRMA). In this context, there is a need to re-examine the coherence and consistency of the underlying Environmental Directives to ensure they do not contradict or create collectively undue burden. Further legislation is currently being negotiated, such as the Critical Medicines Act and a Regulation on defence-readiness projects and new or upcoming proposals, such as the Industrial Accelerator Act, the Circular Economy Act, the European Grids Package and the EU Cloud and AI Development Act, and all need to have a consistent application of environmental assessment provisions as well as consistency in approach to the overall permit-granting process.
- There are specific issues relating to consistency, alignment and case law interpretation of European legislation that are an obstacle to timely delivery of key infrastructure. There is therefore a real opportunity now to improve clarity within existing instruments and the interface between various assessment and permitting obligations. Substantial changes would be required to the current proposal to achieve this. In that context, it would be more appropriate to amend the existing environmental Directives than to have a continuing list of new legislation which deviates from these Directives. Planning is a competence of Member States. Overlapping and inconsistent rules collectively undermine the ability of Member States to plan and prioritise development within their State.
- Additional work is required to identify the specific permits that will be covered by this process – the core permits should be identified and specified so as to provide clarity to all Member States and enable Competent Authorities to meet the deadlines for assessments.
- The second paragraph of page 2 states that modifications to or derogations from existing environmental protection Directives are outside the scope of this proposal. This statement is not consistent with some of the provisions. For example, the EIA Directive at article 4(6) states that screening determinations must be concluded within 90 days. Article 7(1) of this proposal clearly changes that timeline. Therefore, clarification is required as to which provision takes precedence over the other.
- On page 7 under "choice of instrument", it is stated "The provisions on the procedures regulated under the Regulation do not require the transposition through national

measures and are directly applicable". Given the integration of EU Directives outlined in Article 1 and planning legislation in Ireland (i.e. the Planning and Development Acts 2000, 2024, Planning and Development Regulations), the nature of the changes proposed would, given their nature, likely require legislative changes in Ireland. Further clarity is sought in this regard, given the impact this will have on the timing required for Member States to address any such legislative changes.

- Ireland further recalls its support for the recent non-paper presented under AOB at the meeting of the Environmental Council on 16 December entitled "**Accelerating permit granting procedures: Good practices for respecting the principle of subsidiarity and limiting the administrative burden on Member States." Ireland recalls in particular the need to:**
    - Ensure that there is consistency and clarity on environment and permitting procedures,
    - That measures are implemented in a way that maintain strong environmental protections and avoid creating practical or legal risks for the authorities responsible for assessment and permitting decisions.
- In summary, Ireland welcomes the Commission's efforts but is strongly of the view that targeted and refined amendments to existing provisions in environmental protection Directives would have a significantly greater positive effect on permit granting procedures than the measures introduced under the current proposal.
- More detailed comments, suggestions and questions can be found in the table below.

Detailed comments, suggestions and questions on Commission proposal

for a Regulation on speeding-up environmental assessments (COM(2025)984)

Article	Drafting suggestions	Explanation for the suggested change / Other comments
Recitals		
(1) The political guidelines for the European Commission's 2024-2029 term[1], 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.		
(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 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 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	At the same time, the findings of the 2024 Draghi report indicate that lengthy and **unclear** 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 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	Suggest using "unclear" rather than "uncertain". There is no guarantee that planning permission will be granted at the start of a process. If the Report is referring to complexity of permitting procedures suggest that 'unclear' should be used. Suggest that what is required is a more efficient or optimised approach which includes clearer and refined legislation. Focusing on the speed with which the process is carried out without targeted

[1] Europe's Choice, Political Guidelines for the next European Commission 2024−2029, Ursula von der Leyen

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.	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.	amendments to the environmental directives/regulations, along with a comprehensive and clear approach to the interaction between the environmental directives/regulations and sectoral directives/regulations, will result in a lack of clarity for decision makers and stakeholders in the process, leading to poorer quality assessments and delays (e.g. appeals/reviews and/or legal challenge) at a later stage. Given the wide breadth of projects to be included (not all of which is clear how they fit into 'Green transition') suggest that it is better to bring efficiencies into the permitting system as a whole rather than for a wide list of specific projects. Having different timelines for different projects could lead to confusion and a more complicated system of working. However, this can only be achieved satisfactorily by ensuring that consideration is given to the time needed to undertake the relevant assessments, including to reflect the scale and level of complexity of particular projects, and by ensuring that domestic consenting systems have the capacity to respond. The current proposals raise a number of practical issues for consideration in this regard.
(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.		
(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.		It is unclear how the process can be accelerated (for the breadth of projects envisioned) and the quality of assessment maintained, in the absence of targeted amendments to the directives/regulations themselves, and noting the implications of the current proposals in terms of additional complexity that will be introduced, which is counter-intuitive to the objective of the measure.
(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 materials6 , net zero industry7 , semiconductors8 as well as maritime and inland ports, airports, railways, which are part of trans-European transport network9 and future sectorial Union legislation defines strategic sectors or categories of projects for the purpose of faster permitting.	Certain strategic sectors may, however, require yet more efficient/optimised environmental assessments. Therefore, in order to safeguard the coherence of the legal framework of environmental assessments, whilst allowing for the need for acceleration in these 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 and future Union legislation defines strategic sectors or categories of projects for the purpose of faster permitting, (such as on critical raw materials , net zero industry , semiconductors as well as maritime and inland ports, airports, railways, which are part of trans-European transport network).	Some suggested text changes for clarity though noting the point above about amending the environmental directives more extensively rather than continuing to define sectors to which faster permitting rules apply. Is the toolbox to be used for CRMA/NZIA/Red III projects? Will amendments be made to the existing legislation to provide for this? Rather than simplifying the process there are now projects where an environmental assessment will have at least 3 separate sets of Directives/Regulations to comply with i.e. the original environmental legislation (EIA/Habitats/Water Framework Directive), the sectoral Union legislation (NZIA/CRMA etc) and this legislation. Clarity is required to ensure that competent authorities are aware which legislation has priority. The current proposals will add further complexity for decision makers and stakeholders in the consenting system. In particular, there are issues relating to the interaction between the environmental directives/regulations and the

		sectoral directives/regulations which will add to the existing complexity.
(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.	Environmental assessments required under Union law are an integral part of the project authorisation and planning procedures and are essential safeguards to identify potential significant environmental effects and ensure that such 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 relevant assessment procedures required under Union environmental law and 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.		Clarity is required on what is covered by permit granting process – the core permits should be identified and specified and this should inform the appropriate timelines involved at drafting stage rather than being resolved when the Regulation is being implemented – this will provide clarity to all MS and enable Competent Authorities to meet the deadlines for assessments.
Proposed new recital 9 (a)	Notwithstanding (9) it is clear that plans, programmes and projects established for the	Undertaking broader unfocussed environmental assessments of pro-environmental plans,

	primary purpose of delivering environmental objectives for water, soil, air, ecosystems, habitats and/or biodiversity require a more targeted and streamlined environmental assessments. The sole focus of such environmental assessments should be to ensure that the positive environmental goals are assessed for unintended negative consequences and identify better, more sustainable options. Furthermore, the level of assessment should be proportionate to the environmental risks posed by the proposed plan, programme or project.	programmes and projects unnecessary assessments results in inefficient and ineffective processes and the generation of significant, redundant information. The EU Directives establishing the Environmental Assessments in questions (i.e. the Strategic Environmental Assessments Directives (SEA), the Environmental Impact Assessments (EIA) the Habitats (HD) and Birds Directives (BD) and the Water Framework Directive (WFD) do not distinguish between pro-environmental plans, programmes and projects and those related to "unsustainable development" which pose a greater environmental risks. In other words, a one-size-fits all assessment is assumed. From experience the failure of the above directives to make this distinction has created ambiguity which has resulted in the following adverse outcomes with no added benefit to environmental protection as well as an overly cumbersome assessment process. The adverse outcomes are; 1. Broad, untargeted environmental assessments which generate excessive assessment efforts and time, and significant documentation with inconsequential outcomes. 2. Highly disproportionate efforts relative to the environmental risks posed by the pro-environmental plans, programmes and projects under assessment. 3. Because the relevant directives are silent on the distinction between pro-environmental plans, programmes and projects and those related to "unsustainable development" authorities are vulnerable to legal challenges on the adequacy of environmental

		assessments. In addition, the outcomes of some court rulings have been questionable because of the existing ambiguity in the directives. The inclusion of the proposed clarification in the Environment Omnibus will remove this ambiguity and the associated excessive and disproportionate assessment burden.
(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.	To ensure that environmental assessments, as part of the overall permit granting procedures, are 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.	See comments above re focus on speed over quality and efficiency. Putting a timeline on a process does not guarantee that the timeline will be met. There is also a need to consider the potential for targeted amendments to the directives/regulations, clarity relating to the interaction between the various directives/regulations, and consideration given to appropriate derogations for Member States to reflect domestic circumstances, including in relation to transitional provisions while new processes and arrangements are being introduced.
(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/EC10, Directive 2001/42/EC11 , Directive 2009/147/EC12 and Directive 2011/92/EU13 of the European Parliament and of the Council, as well as from Council Directive 92/43/EEC14 , 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		Clarity required on the role of the Authority. How does this work where Environmental Assessment has been integrated into permitting process? Who takes the lead on challenges/appeals of finding of Environmental Assessments? If Environmental Assessment is challenged (as part of challenge of later permission) what happens to validity of earlier decisions? Unclear if SEA Directive should be included here as this applies to plans not projects.

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.		
(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.		The current proposals do not clarify or set out how such assessments can be accelerated while still meeting the terms of the Environmental Assessments. If a timeline is introduced is that not changing the conditions under which screening etc is carried out?
(14) Data centre projects, construction of EuroHPC supercomputer facilities, AI factories, and giga factories under Regulation (EU) 2024/173216 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.		
(15) Member States should establish an environmental single point of contact for environmental assessments. 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 role and function of the SPOC is unclear, in particular the interaction between the SPOC and the competent authority/ies in relation to decision making.
(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 Council17, 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. 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. 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.		Is this providing that the SPOC for the Single Digital Gateway will be the SPOC for Environmental Assessments?

(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.	In order to increase efficiency, effectiveness and cost-efficiency of environmental assessment procedures required under Union law, and to reduce administrative complexity/overlap, 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.	MS have advised that it is difficult to combine various assessments as they are all assessing specific impacts i.e. EIA is looking for any likely significant impact on the environment, Habitats Directive is linked to specific areas/species and specific conservation objectives. Difficult to know how this can be achieved.
(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.		Unclear how the time needed for authorisation will be minimised. Also SEA Directive relates to plans not projects – is this the correct cross reference? Reasoned conclusion should be separate – Habitats Directive may involve IROPI etc. which is separate process to SEA Assessment. The coordination of environmental assessments should also aim to avoid inconsistencies or discrepancies between evidence being used and conclusions being made on the same project/plan/programme. This can reduce legal risk. This should be reflected in the recital text.
(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		Again clarity required on role of SPOC and Competent Authorities.

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.		
(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.		What is intended here? Is there one consultation for assessments under EIA/Industrial Emissions Directive and Habitats Directive? This text is confusing and can be read that it does not align with the SEA Screening processes for plans and programmes in the SEA Directive. For SEA Environmental Authorities are consulted re scoping – not the general public.
(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	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	Is this the role of the Competent Authority? If EIA assessments are available it is up to the developer to source them? This may place additional burden on Competent Authorities and impact on their ability to assess current projects if they are trying

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.	States, any results of environmental assessments under Union or national legislation.	to match potential projects with other environmental assessments.
(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 purpose18, 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 Directive19. In particular, the Court of Justice has held that certain 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.		
(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.		Clarity required on how this will operate in different Member States' legal systems i.e. where new areas of challenge may arise following the administrative appeal but prior to the Judicial Review stage, and clarity is also required in relation to the reference to 'without prejudice to the right of access to justice' which appears to be contradictory to the main objective.
(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'21, 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 Council22, while the European Interoperability Framework (EIF) facilitates crossborder 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 (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.		Suggest that clarity is provided on which projects qualify for this – is it based on size of project or size of company undertaking the project. This may be clarified in Recital 27.
(27) Such smaller developers may fall into different categories, such as small mid caps as defined in Commission Recommendation (EU) 2025/1099, or small and mediumsized enterprises as defined in Commission Recommendation 361/2003/EC.		
(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.		
(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 time limits. 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.		Clarity required on when an application is deemed complete. Is there one assessment for all stages of the project i.e. all the different permits required to build, operate etc.? What is meant by 'time taken to build the project' coinciding with other administrative steps in the environmental assessment process?
(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.		What happens if the need for additional information arises during public consultation stage? This Directive provides that public consultation should coincide with consultation with environmental authorities – suggest that public consultation is also referenced here. How does this reconcile with completeness check provided for in NZIA/RED III etc.? Is this referring to completeness of information provided for environmental assessment only, or in relation to the permitting process generally? – this should be made clear.
(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.		
(34) The construction, operation, and decommissioning of projects can lead to incidental killing or disturbance of bird species protected under Directive 2009/147/EC and other species protected under Directive 92/43/EEC. The extent of killing or disturbance can vary	Requires further definition of terms such as 'appropriate', and 'insignificant'	Is this a deviation from Habitats Directive where mitigation measures cannot be considered during Article 6(3) assessment? It is maintained that this Directive is not amending or modifying the environmental Directives but provisions such as

depending on the type of project and its design, 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.		this are providing for exceptions to the process set out in those Directives.
(35) 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.		Hasn't the CJEU ruled that the protection of a species cannot be dependent on its conservation status, but applies to all species regardless of status?
(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	How do we apply this when considering the Birds Directive, which has no IROPI provision?	To simplify the assessment process for competent authorities suggest that the EU Commission lists the projects which can be considered to be IROPI. However, this does not nullify the need for the other criteria under Article 6(4) to be met – i.e. lack of alternatives and compensatory measures.

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.	Clear, simpler and efficient 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.	The outcome of an application for a permit cannot be prejudged or predictable, hence 'clear' is suggested.
(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.		Concern that this is not a competence of the EU. Planning is a competence of Member States. These Regulations/Directives collectively undermine the ability of Member States to plan and prioritise development within their State.
(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	The 'later time' provided for in some of these provisions is still in the near future and the application of these provisions in such a timeframe is unrealistic.	

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.		
(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.		

Regulation

CHAPTER I: GENERAL PROVISIONS		
Article 1 **Scope** 1. This Regulation applies to 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.	This Regulation applies to screening and environmental assessments of programmes and projects falling within the scope of Directives 2000/60/EC, 2009/147/EC, 2011/92/EU and 92/43/EEC.	As screening for environmental assessment happens before the actual assessment, it may be better to revise the text to refer to screening first. Recitals 3 to 6 (and maybe more) imply that this regulation is required for speeding up environmental assessments for strategic infrastructure. This provision applies the regulation to every single project listed in Annex I and II of the EIA Directive, the majority of which would not be considered as strategic infrastructure. Clarification is sought as to whether or not this is the intention ? As this Directive appears to be concerned with improving processes for environmental

		assessments of projects is there a requirement to refer to SEA Directive? We note that the scope of the proposal relates to 5 Directives. Under Article 10, NZIA, these 5 Directives and three others are included.
Article 2 **Definitions** 1. For the purposes of this Regulation, the definitions in Directives 2001/42/EC and 2011/92/EU shall apply, except where a term defined in those Directives is defined otherwise in this Regulation.	For the purposes of this Regulation, the definitions in Directives 2001/42/EC, 92/43 EC and 2011/92/EU shall apply, except where a term defined in those Directives is defined otherwise in this Regulation.	Should this also refer to definitions in Habitats Directive? The European Court of Justice (Case C-293/17, para 66) ruled that the concept of a 'project' under the Habitats Directive (92/43/EEC) must be interpreted more broadly than the concept of 'project' under the EIA Directive (2011/92/EU). Thus, it is unclear how the proposed regulation on speeding-up environmental assessments, whose scope covers both the Habitats Directive and the EIA Directive (as highlighted in Article 1), could have a singular definition for 'project', given that the concept of a project may differ between the Habitats Directive and the EIA Directive.
2. The following definitions shall also apply: (a) 'reasoned conclusion' means the opinion or decision of the competent authority finalizing its examination of the 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		Careful consideration to be given to the definitions provided. The EIA Directive refers to the 'reasoned conclusion by the competent authority on the significant effects of the project on the environment, taking into account the results of the examination referred to in point (iii) and, where appropriate its own supplementary examination'. It is unclear if the definition suggested also makes clear that the reasoned conclusion should be integrated into the decisions taken by the Competent Authority to grant development consent.

because of their likely significant effects on the environment.		Does the definition of reasoned conclusion refer to the SEA & EIA Directive examinations or all the environmental examinations required? Suggest that the definitions are refined to make clear which assessments they are referring to – e.g. no scoping under Habitats Directive.
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 at the relevant administrative level for environmental assessments. 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		Clarification is sought on the role of the SPOC. Are they carrying out assessments or facilitating the coordination of environmental information? How does this provision work where the environmental assessments have been integrated into the permitting procedure (as provided for in Article 2(2) of the EIA Directive)? Will there be a separate consultation for environmental assessments – completed prior to the project developer submitting the project? Is the completeness of the application referring to the EIAR or the development application? How can there be proper consultation without the project application also being provided. Would be helpful in Commission could provide a process map of how the system will work. If there is already a SPOC for the entire permit-granting process under other legislation, it should be the same one for the purposes of having a SPOC to coordinate and facilitate all aspects of environmental assessments. This is contrary to legal advice under NZIA where the SPOC and the competent authority under Article 10 (environment assessments) cannot be the same but it may

		simplify matters. However, are there implications for the SPOC under NZIA to be the SPOC under this Regulation which could bring it into projects under multiple legislative files? It is not clear if the Commission envisages a project specific approach to the SPOC. This would appear to be the case as some assessment needs to be made as to which SPOC is relevant for a given project. With a growing number of legislative initiatives requiring a SPOC, how should a Member State proceed where there are potentially multiple relevant SPOCs for a given project? This could be the case for a renewable energy project falling under REDIII, NZIA, TEN-E etc, as well as the proposed environmental regulation.
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 be the same as the one established for that overall permit-granting procedure.	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 should be the same, if appropriate, as the one established for that overall permit-granting procedure.	Ireland already has two SPOCs assigned for different Union legislation, however they are not all environmental regulatory bodies with statutory competent authority roles. The Sustainable Energy Authority of Ireland (SEAI) is the SPOC under RED III, and, An Coimisiún Pleanala (ACP) is the SPOC under the TEN-E regulation (Regulation 2022/869). Only the latter may operate as a Competent Authority for environmental assessment purposes under domestic legislation, while the former does not have a regulatory role. Also, assigning a SPOC under CRMA and NZIA is still under consideration. Therefore, given that we have at least two different SPOC presently, it would be difficult to comply with this provision as it is currently drafted, in particular as this proposed Regulation appears to apply generally to environmental assessment and would require a different approach which is not focused on

		particular sectoral agencies, as taken by Ireland to date apart from in relation to TEN-E What happens if a project falls within a number of Directives – i.e. RED III, NZIA etc? Which SPOC takes the lead? This is adding more complexity to the system.
3. Member States shall provide tools to help developers identify the appropriate established or designated 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 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 of the outcome of the comprehensive decision.	The environmental single point of contact established or designated pursuant to paragraph 1 shall be the sole point of contact for the developer for the environmental assessments under this Regulation. Although it may be, it is not necessarily the final decision maker on environmental assessments, but it shall coordinate and facilitate the submission of all relevant documents and information and shall notify the project promoter of the reasoned conclusion.	This suggested amendment just seeks to clarify that the role of ESPOC is one of coordination rather than decision making How does this link with Article (1) where the ESPC advises on when an application is complete? Suggest that 'reasoned conclusion' rather than comprehensive decision is used. This appears to be referring to the environmental assessment only which is not the same as the permitting decision.
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 a coordinated or joint procedure fulfilling all the requirements of those Directives. Under the coordinated procedure referred to in the first subparagraph, a competent authority shall coordinate the various individual	In the case of plans and programmes 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 a coordinated or joint procedure fulfilling all the requirements of those Directives. 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 or programme required by the relevant Directives. Under the joint procedure referred to in the first subparagraph, a competent	Article 2(3) of the EIA Directive already provides for this at project level so there is no need to refer to projects in this provision. There should be a better way to achieve the objective of this provision, rather than restating what is already in the EIA Directive. An alternative approach is suggested below Language needs to align with the language in environmental directives - "Effects" aligns better with the SEA and Habitats Directives. "Impact" would align mainly with the EIA Directive.

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.	authority shall provide for a single assessment of the environmental impact of a particular plan or programme required by the relevant Directives. **Alternative Approach below:** Article 2(3) of the EIA Directive shall apply as if it were part of the SEA Directive, ensuring that coordinated or joint assessments can be conducted at the strategic level.	This could have an effect on applications that have an EIA and habitats element. In the short term, Member States will face costs in implementing the single points of contact and the requirement to establish an environmental single portal to facilitate access to environmental assessments. Clarity on the SPC role is needed. There are many similarities with Article 10 of NZIA. It includes coordinated or joint procedures where assessments are required under two or more Directives and this will be done by a competent authority. It goes further in asking MS to put mechanisms in place for the procedures across competent authorities and, under the coordinated procedure, the procedural steps under the relevant Directives will be combined. This text clarifies and goes further than NZIA does. Also, one single opinion is set down on scope/detail required to include in the EIAR where two or more Directives are involved. NZIA refers to one Directive only regarding the opinion sought. Article 4 also requires MS to provide results of other relevant environmental assessments to developers to aid drafting of the EIAR. This requirement is not in NZIA.
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.	Member States shall establish appropriate mechanisms for coordination and cooperation at strategic and project level among the relevant competent authorities involved in screening or environmental assessments of plans, programmes or projects. Where a plan, programme or project is subject to a coordinated procedure for assessment, the procedural steps of Directives 2001/42/EC and 2011/92/EU, shall be applicable as appropriate.	As worded initially, this provision is confusing because it reads like it intends that where an environmental assessment is required under both SEA and EIA they shall be combined. But obviously, that would never be the case, because EIA only applies to projects and SEA only applies to plans. Stating that the procedural steps in each Directive shall be combined makes no sense as they cannot be combined.

		Referring to the procedural steps in this context is misleading because it implies those procedural steps concern coordinated or joint assessments. Only the EIA Directive contains such procedural steps, the SEA Directive does not. The intention of this provision needs much greater consideration if it is to achieve its objective. I assume the intention is that if a coordinated or joint procedure is being applied to a plan or programme, that doesn't mean any of the procedural steps which must be followed under either of those Directives if it was an individual EIA or SEA, can be avoided or left out ? If so, that is not what the outcome of this provision would be if left as it is now. The usual term in the scientific literature is "tiering" of assessments, because of this sequence of activity. Firstly, there has to be SEA of the plan/programme, then EIA of the projects when that plan/programme is adopted.
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.	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, if requested to by the developer, issue one single opinion on the scope and level of detail of the information to be included in the environmental assessment report.	RED III made the issuing of an EIA scoping opinion mandatory and this has proven to be problematic and counterproductive in terms of speeding up the permit granting procedure. Under the EIA Directive, EIA scoping is developer led i.e. it only happens if a competent authority is requested to give one. The scoping procedure also includes prescribed consultation with environmental authorities and that is the reason why it is counterproductive, as making it mandatory forces this round of consultation where it may not be necessary at all.

		If any amendment was to be made to EIA scoping that could be considered productive, it would be to include a provision which provides that it always happens before an application is submitted, so outside of the permit granting procedure and timelines. As written this may be problematic as the scope for the appropriate assessment under Art. 6(3) of the Habitats Directive is much narrower than it is with respect to biodiversity overall under the EIA and SEA Directives and for ecological status under the WFD.
4. Competent authorities shall 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.	Article 6(2) of Directive 2001/42/EC and Article 6(1) of Directive 2011/92/EU apply to the environmental assessment procedure referred to in paragraph 1	This provision could lead to consultation with the public earlier than is necessary or intended because under the SEA Directive, consultation with the environmental authorities takes place at both the screening and scoping stages. Therefore, as currently drafted, could the provision be interpreted as meaning that the public should be consulted at screening and scoping stage also? Not all directives referred to in Article 1 of the proposed regulation (i.e. Directives 2000/60/EC, 2001/42/EC, 2009/147/EC, 2011/92/EU and 92/43/EEC) specifically state that the competent authority shall consult the public. It is unclear what the implications of Article 4(4) will be in these instances.
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	Member States shall ensure that the results of other relevant environmental assessments under Union or national legislation are made available to developers for the preparation of the environmental reports within reasonable timelines, respecting the limitations with regard to	If the intention of this regulation is understood correctly, particularly in light of the scoping provision at article 4(3) above on scoping, which implies that one environmental report is required, then this provisions is misleading.

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.	commercial and industrial confidentiality, including intellectual property, data protection and the safeguarding of the public interest. When preparing an environmental assessment report, data recorded within the 5 year period prior to the report being prepared is permissible, provided that the data included in 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.	As drafted, this passage *'made available to developers for their preparation of the environmental reports referred to in Article 4 of Directive 2011/92/EU'* , implies that the results of other assessments is made available only to inform the preparation of an EIAR. But surely the intention here is for one environmental report to cover all assessments? If so, deleting reference to article 5 of the EIA Directive might be helpful.
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 only be subject to screening by the competent authorities in order to determine if they are likely to have significant effects on the environment. Those changes or extensions shall be subject to an environmental assessment only where they involve major works 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.	Changes or extensions to projects already constructed, including extension of their operation period or modifications to ensure decarbonisation, shall only be subject to screening by the competent authorities in order to determine if the changes or modifications are likely to have significant effects on the environment.	This provision will be problematic because there is too much in it that is undefined. Proposed deletion of 'such as repurposing of pipelines or industrial sites' is based on the fact that no where else in the regulation is there a reference to a type of project so it makes no sense to bring that in here. The second part of this provision is superfluous because the first part already states that the screening process is only required if the changes or extensions proposed are likely to have a significant effect on the environment. That screening process will determine if full assessment is required
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	Article 5(1) applies without prejudice to Article 7 of Directive 2011/92/EU.	This amendment is proposed as the existing text is unnecessarily wordy

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.		How will this apply in Member States' legal systems, including where decisions on existing cases (both at MS level and at CJEU) may impact on cases being taken at Judicial Review stage? It is unclear how this can be seen to not interact with 'access to justice', hence clarity is required on the meaning of the final element of the provision.
Article 7 **Duration of screening 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 authorities 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;	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 authorities carry out that screening within a period of 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, it shall be within a period of 45 days;	There is no need to include the word 'maximum' here. How can 60 or 45 days to conclude screening be justified here when article 7(2) below proposes 90 days for SEA screening? The screening process for plans and projects will be the same in practice, apart from the mandatory consultation within SEA screening The EIA Directive currently provides 90 days for screening so this is a very significant reduction in that period The proposals also do not take into account the variation in scale and scope of EIAs, in that some are small scale and can be achieved within condensed timelines while others, such as for major infrastructure projects, may involve very

		complex issues that require significantly more time to consider robustly.
(b) for projects subject to an environmental assessment, the competent authority issues an opinion on the scope and level of detail of the information to be included in an environmental assessment report within a period of maximum 30 days from the date on which the developer has submitted its request for an opinion;	the competent authority shall issue an EIA scoping opinion as soon as possible from the date on which the developer has submitted its request for an opinion, but no later than within a period of 60 days, and where transboundary consultation forms part of the scoping process, within a period of 90 days;	30 days is not practical to issue an EIA scoping opinion given that there is mandatory consultation with environmental authorities whose views have to be taken on board in the scoping opinion The Second Amendment to the Espoo Convention brings transboundary consultation into the EIA scoping procedure. If a Member State has to consult with 2 or more transboundary States during the EIA scoping stage, how could they conclude meaningful consultation and issue a final scoping opinion within 30 days. It isn't possible. Conducting an EIA screening process is arguably more straight-forward and less time consuming than providing an EIA scoping opinion. Given that the timeline above for EIA screening is set at 60 days it makes it even harder to understand the rationale for a period of 30 days to issue an EIA scoping opinion. The proposed amendment to increase it to 60 days isn't even guaranteed to allow sufficient time to consult and form an opinion, but it is much better than 30 days Some additional timeframes are included compared to Article 9/10 of NZIA. There are timeframes for screening and changes to projects times. 30 days is allowed for the opinion on scope for the EIAR, while 45 days is allowed under NZIA. Public consultations allow between 30-90 days, while NZIA says 30-85 days. 30 days is allowed for completeness of the application, while 45 days is allowed under NZIA (for first application). 90 days is allowed to issue the reasoned conclusion under both

		provisions. Further timelines are included for specific Directives.
(c) the time-frames for consulting the public concerned on the environmental report referred to point (b) is between 30 and 90 days;	the time-frames for consulting the public concerned on the environmental report shall be between 30 and 90 days;	Inclusion of 'referred to point (b)' is misleading because point (b) is about EIA scoping opinions and there is no consultation with the public then, only with the environmental authorities
(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.	The competent authority shall acknowledge the completeness of the application within 30 days following the conclusion of the respective consultations under Articles 6 and 7 of Directive 2011/92/EU. If, before the end of the 30 day 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.	These amendments are proposed because it reads better this way. Importantly, this provision is in conflict with article 16(2) of RED III which states that a competent authority must acknowledge the completeness of an application within 45 days, and that time runs from the date of receipt of the application. This provision and article 16(2) of RED III are entirely incompatible so clarity is needed on how both of these provisions are expected to operate. The interaction between the timelines proposed and overall permitting timelines under RED III needs to be more clearly articulated. This will put a strain on already scarce resources.
(e) the competent authority issues a reasoned conclusion on the environmental assessment of the project within a maximum of 90 days following the acknowledgement of completeness referred to in point (d).	the competent authority shall issue a reasoned conclusion on the environmental assessment of the project within a maximum of 90 days following the acknowledgement of completeness referred to in point (d).	The proposals do not take into account the variation in scale and scope of EIAs, in that some are small scale and can be achieved within condensed timelines while others, such as for major infrastructure projects, may involve very

The deadlines 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 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.	The deadlines 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 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.	complex issues that require significantly more time to consider robustly.
2. Where a plan or programme falls within the scope of Directive 2001/42/EC, Member States shall ensure that: (a) the competent authorities carry out the screening under Article 3(5) of that Directive and publish its results within a period of 90 days;	Where a plan or programme falls within the scope of Directive 2001/42/EC, Member States shall ensure that: (a) the competent authority carry out the screening under Article 3(5) of that Directive and publish its results within a period of 90 days;	This amendment is proposed because it is unlikely that there will be more than one competent authority screening a plan for SEA Consider that it is not appropriate for this legislation to provide deadlines for SEA Directive. The aim of this Directive appears to be to optimise environmental assessments to make the EU more attractive for project developers. It is unclear how setting deadlines for SEA of plans will assist with this. Suggest that this also does not take into account the complexity of some plans
(b) the competent authorities carry out the scoping under Article 5(3) of that Directive and publish its results within 40 days;		This timeline is unrealistic and it is unclear how Article 2(b) and Article 2(c) are compatible.
(c) the time-frames for consulting the public concerned on the environmental report referred to in Article 5 of that Directive is between 30 and 60 days;		

(d) the competent authorities conclude and publish the environmental report required under Article 5(1) of that Directive within 7 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 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 set out in paragraph 1 shall apply.	In cases where a plan or programme is subject to a joint or coordinated procedure for assessment under both Directive 2001/42/EC or a project is subject to a joint or coordinated procedure for assessment under Directive 2011/92/EU, the deadlines set out in paragraph 1 shall apply.	These amendments are proposed for similar reasons to those set out at article 4(2) above, which is that, as worded now, the provision reads like its possible for a plan and project to be subject to an assessment that coordinates SEA and EIA together. This would obviously never be the case. Deletion of this provision entirely is proposed if possible because if Article 7 is understood correctly, up to this point paragraph 1 sets out various timelines for EIA and paragraph 2 sets out various timelines for SEA. So why is it necessary

		to state that paragraph 1 applies? This needs clarification.
4. Where other Union legislation establishes shorter timelines than the ones set out in paragraphs 1 and 2 of this Article, those shorter deadlines 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.	Where other Union legislation establishes shorter environmental assessment timelines than the ones set out in paragraphs 1 and 2 of this Article, those shorter deadlines shall apply. Where other EU legislation establishes timelines for the environmental assessment 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 environmental assessment process applies.	These amendments are proposed because there appears to be some confusion here around a permit granting process and environmental assessment. The environmental assessment is just one element of a permit granting process so it is not appropriate to conflate the two. This regulation so far is about the timelines associated with various steps or stages of environmental assessment, it has not been about the overall permit granting process so to try now at this stage in the regulation to link timelines set out in this regulation related to environmental assessment, to the overall permit granting process is not appropriate. It is misleading and causes confusion.
3. The deadlines 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.		Clarity required on when an individual can take a Judicial Review – the environmental assessment feeds into the permitting decision which is subject to Judicial Review.
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	When the implementation of plans or when the construction, operation or decommissioning of projects result in the 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,	Noted that this is contrary to the provision in the Commission Proposal 1675/25 which states 'Possible modifications of or derogations from those Directives are entirely outside of the scope and aims of the present proposal'. While this Proposal is not directly amending the Habitats Directive it is indirectly providing for modifications to the Habitats Directive which

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.	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.	provides that mitigation measures cannot be taken into account prior to the Article 6(3) assessment. For ease of application of these provisions it is preferable for the environmental directives to be amended directly. This will also avoid a two tier system of assessment where there are different rules & processes for different projects. What happens if a project is incorrectly assumed to be a priority project? Clarity is sought on how this Article interacts with the CJEU ruling Case C-784/23. The CJEU ruling has interpreted the term 'deliberate' broadly to encompass both activities which have as their purpose the capture, killing, or disturbance of birds or the destruction/damage to their nests and activities which do not manifestly have such a purpose but involve acceptance of the possibility of prohibited harm. Therefore, if a project / development accepts the possibility that their actions will result in the killing of a specimen or the destruction of a nest, but nevertheless proceeds, this will still be covered by the prohibitions in Article 5 of Directive 2009/147/EC (Birds Directive), even if such harm was not their intention. Further clarity on the interpretation of "occasional" is needed in this instance and interaction with the outcomes of the CJEU ruling. Furthermore, the nature of the changes proposed would, in all likelihood, require legislative change in Ireland, notwithstanding the fact that the Commission has proposed a Regulation rather than a Directive. As such, it is essential that Member States are given sufficient time to implement any new legislative or other measures that may be required to comply with the proposed Regulation. Overly ambitious deadlines for transposition/implementation of RED III have

		given rise to implementation challenges due to the complexity of the requirements set out therein. Article 8 has similarities but also differences with Article 16b(2) of RED III. Which legal provision would apply to a renewable energy project?
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.	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.	It is unclear what obligation is placed on competent authorities by the term 'take into account', and therefore it is suggested that this term be removed and that the competent authority shall instead be obliged to 'ensure that significant adverse impacts on the population of the species concerned is avoided'. It is also is unclear in relation to the distinction that should be made between species and population levels. The text does not reflect adequately the differences between the protections afforded to different species under the various Annexes of the Birds and Habitats Directives.
Article 9 **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 procedure and unique point of contact with regard to the assessment of the environmental effects of the plan, programme or project. Upon request from the Member States		How does this work in practice? Is it possible for a project developer to apply for a permit in two separate EU Countries. How does this differ from existing Transboundary provisions? The mechanism and timing for this request procedure requires further elaboration.

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.		
Article 10 **Online accessibility of information and digitalisation of the environmental assessments** 1. From [OP: please insert the date = six 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.		
2. From [OP: please insert the date = six 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;		The rationale for including plans/programmes here is queried. Generally, the Competent Authority for environmental assessment of plans is the plan maker. Why is there a requirement for a single point of contact in relation to plans? As this applies also to projects which benefitted from streamlining procedures through SEA of the plans and programmes that they're implementing, the SEA monitoring reports must also be made available publicly. This relates back to point (b)

(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;		about the "progress of the environmental assessments" because SEA continues for the lifespan of the plan/programme during which these projects are being implemented.
3. From [OP: please insert the date = twelve 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.		How does this differ from existing EIA Portal? Is it intended that there is an additional portal with information on all environmental assessments including SEA? Online accessibility to information is greater than that required under NZIA, including data on assessments being available through a central online portal (the EPA may do this already or be able to do it)
4. From [OP: please insert the date = twenty-four months after the date of entry into force of this Regulation], 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.		
Article 11 **Administrative costs of environmental assessments** Member States shall endeavour to 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.	~~Member States shall endeavour to 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.~~	This provision is not appropriate. It is not the role of MS to carry costs for developers. It would be better to incentivise compliance by making processes easier, cost-effective and using digital tools.
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.	Additional suggested text: The Commission shall ensure that sufficient resources are provided for training opportunities for MS on a joint basis and to promote knowledge-sharing and development of expertise in environmental assessment procedures.	Suggest that the EU assist with provision of guidance and technical resources information sharing in relation to the carrying out of environmental assessments to assist with best practice etc. There needs to be a greater commitment from the Commission to addressing the gaps in knowledge and resources for environmental assessment between MS and to facilitate more opportunities to share expertise and develop common approaches to implementation of this Regulation and the Directives.
Article 13 **Applicability of United Nations Economic Commission for Europe Conventions**		Proposal to delete this article in its entirety because it isn't necessary. Nothing in this regulation proposes that access to or implementation of these

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.		Conventions is curtailed so what purpose does this article serve ?
Article 14 **Toolbox for strategic sectors or categories** 1. The provisions set out in the Annex shall apply where existing sectorial Union legislation defines strategic sectors or categories of strategic projects and aims to speed up permitting, provided that those projects contribute to resilience and decarbonisation or resource efficiency. The Commission is empowered to adopt an implementing act identifying 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 shall apply to those projects.	The provisions set out in the Annex shall apply where existing sectorial Union legislation defines strategic sectors or categories of strategic projects and aims to speed up permitting, provided that those projects contribute to resilience and decarbonisation or resource efficiency. The Commission is empowered to adopt an implementing act identifying 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 shall apply to those projects only.	Clarity required on the projects which fall into this category. Given the breadth of projects which may be included – given that housing and associated infrastructure may now also apply – it may be simpler to apply these measures to all assessments – with more realistic timelines provided. Is the toolbox to be used for CRMA/NZIA/Red III projects? Will amendments be made to the existing legislation to provide for this? Rather than simplifying the process there are now projects where an environmental assessment will have at least 3 separate sets of Directives/Regulations to comply with i.e. the original environmental legislation (EIA/Habitats/Water Framework Directive), the sectoral Union legislation (NZIA/CRMA etc) and this legislation. Clarity is required to ensure that competent authorities are aware which legislation has priority. The current proposals will add further complexity for decision makers and stakeholders in the

		consenting system. In particular, there are issues relating to the interaction between the environmental directives/regulations and the sectoral directives/regulations which will add to the existing complexity.
2. The provisions set out in the Annex shall also apply to strategic sectors or categories of projects defined in future Union legislation which refers to this Regulation, provided that those projects contribute to resilience and decarbonisation or resource efficiency.		See comments above. It seems more appropriate to amend the existing environmental Directives than to have a continuing list of new legislation which deviates from these Directives
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.		
Annex		Ireland does not support the principle of tacit approval. There may be valid reasons why an

Toolbox for strategic sectors or categories		application is worthy of being declined and these should not be overridden just because the deciding authority missed the deadline for decision (e.g EU environmental law obligations and public participation). Fixed deadlines coupled with tacit approval could overwhelm under-resourced authorities, forcing them to systematically reject incomplete or complex dossiers to avoid legal liability. This could paradoxically slow down projects rather than accelerate them, as applicants would face more refusals.

SPAIN

COMMENTS AND QUESTIONS ON THE SIMPLIFICATION OMNIBUS PACKAGE RELATED TO ADMINISTRATIVE OBLIGATIONS IN THE ENVIRONMENTAL FIELD

GENERAL COMMENTS

Firstly, we would like to thank the COM for the opportunity to pose comments and questions on the simplification Omnibus package related to administrative obligations in the environmental field

Before getting into specific comments and questions on each of the proposals, we would like to highlight how ES understands simplification.

Simplification is about making EU laws and administrative procedures clearer, more efficient, and less burdensome for citizens, businesses, and public authorities. Simplification must improve compliance, as long as it ensures the environmental protection standards achieved in a sustainable economy.

Simplification turned into deregulation, add uncertainty to the European legislative process, put at risk the clean investments of many companies that had been ahead of the regulations, create perverse economic incentives, increase litigation in their application, discourage green and sustainable growth, put at risk citizen participation in decision-making in the application of the regulations and undermine the reputation as a regulatory power of the EU and its environmental leadership at the multilateral level.

In our opinion, simplification must be approached within the framework of its contribution to the achievement of policy objectives. Thus, in order to improve the functioning of the internal market, simplification must be accompanied by legal certainty and improved competitiveness (clear rules that add value), so as to remove unnecessary burdens and facilitate compliance and enforcement.

1. **Proposal for a Regulation of the European Parliament and the Council on amending Regulation (EU) 2023/1542 and Regulation (EU) 2024/1244 as regards simplification of some requirements and reduction of administrative burden. COM(2025) 981 final.**

On the simplification of redundant reporting in article 76 (4) of Regulation (EU) 2023/1542: The requirement for the Commission to review and publish a report on Member State data is deleted.

However, as the obligation to review by the COM is kept, we would like to ask for what purpose such a review would be elaborated. We also propose to maintain the option to provide recommendations to Member States to improve the quality of the data. In our opinion, the COM should review that all countries report in the same way and avoid that data can be given without any rigour or applying questionable criteria that benefit the country in question.

2. **Proposal for a Regulation of the European Parliament and the Council suspending the application of the rules on the appointment of an authorised representative for extended producer responsibility for batteries and waste batteries and packaging and packaging waste. COM(2025) 982 final.**

On the regulation suspending the application of the rules for the appointment of an authorised representative for batteries and packaging, the most relevant aspect is the suspension of Article 45(3) of Regulation (EU) 2025/40 of the European Parliament and of the Council of 19 December 2024 on packaging and packaging waste, amending Regulation (EU) 2019/1020 and Directive (EU) 2019/904, and repealing Directive 94/62/EC (PPWR)[1] in which the obligation to have an authorised representative for those producers established in a Member State operating in another Member State is suspended until 1 January 2035. From now on it will be optional.

The proposal does not specify which alternative methods may be applied to ensure compliance with the Extended Producer Responsibility (EPR), which creates uncertainty about its practical application. From the Spanish perspective, we consider that the authorised representative is the only mechanism capable of ensuring compliance with the EPR in other Member States, so the absence of this obligation makes supervision and control difficult and makes it impossible for the competent authorities to sanction possible non-compliances. This inability to sanction could encourage non-compliance with the obligations arising from the EPR in the different Member States. The Commission refers to coordination mechanisms between countries to ensure compliance with EPR without the need to appoint authorised representatives, but these mechanisms can help maintain a surveillance system on EU producers, but do not allow for sanctioning non-compliances occurring outside the territory of a Member State or operators that are not established within the EU.

It is considered essential to ensure that the flexibilisation introduced does not jeopardise the effective enforcement of EPR in other Member States, given that the absence of the obligation to appoint an authorised representative may create practical difficulties for supervision and control, leading to a competitive disadvantage towards producers established in a Member State compared to those not established.

On the other hand, we are in favour of keeping the possibility of requiring authorised representatives from producers established in third countries, which contributes to preserving traceability and proper waste management at national level, although we consider that the proposed wording for the Packaging Regulation is more correct than the proposal for the Batteries Regulation, since the suspension of application of Article 56(3) of the Batteries Regulation applies to all producers, not only those established in the European Union, so that the possibility of establishing the obligation to appoint an authorised representative for producers established in third countries should be expressed more clearly.

Furthermore, although it is not included in the proposal, Spain wishes to raise the desirability of taking advantage of this regulatory proposal to postpone the application of the definition of 'producer' provided for in Regulation (EU) 2025/40 on packaging and packaging waste until 1 January 2027. The entry into force at mid-year (12 August 2026) entails significant difficulties for the sector, as there will be economic operators who will no longer be considered producers while others will become producers, creating complexity for collective EPR systems and producers, especially in the field of transport

[1] "3. A producer referred to in Article 3(1), point (15)(c) and (d), shall appoint, by written mandate, an authorised representative for the extended producer responsibility in each Member State where the producer makes packaging or packaged products available for the first time, other than the Member State where the producer is established. Member States may provide that producers established in third countries shall appoint, by written mandate, an authorised representative for the extended producer responsibility when making packaging or packaged products available on their territory for the first time" (current wording).

and service packaging. This transition entails significant costs and adjustments which, in line with the objective of the proposal to reduce administrative burdens, should be addressed through an extension allowing for orderly adaptation.

3. **Proposal for a Directive of the European Parliament and the Council suspending the application of the rules on the appointment of authorised representatives for extended producer responsibility for waste, waste electrical and electronical equipment and single use plastic waste. COM(2025) 983 final.**

   The European Commission is proposing a Directive to suspend the obligation to appoint authorised representatives (ARs) under Extended Producer Responsibility (EPR) for three regulations:

   - Directive 2008/98/EC (WFD)
   - Directive 2012/19/EU (WEEE)
   - Directive (EU) 2019/904 (Single-use plastics)

   On suspension, we understand that the entire article of each of the above-mentioned directives is suspended. In the case of the Waste Framework Directive, it does not only concern European textile producers but also non-EU producers and, in addition, it seems that a paragraph is added to maintain the obligation for producers in third countries, but we consider that for this second paragraph it seems to us that the following wording at the start is missing: ”the second paragraph of Article 22a.3 is replaced by that text”.

   On the other hand, Directive 2025/1892 is being amended and has not yet entered into force in the Member States. This can alter and delay the administrative procedures being adopted by countries transposing Directive 2025/1892, which generates a lot of legal uncertainty, because as it is a suspension, it would force countries to set up "alternative methods", which do not specify what they are, for a specific period, generating possible economic impacts linked to it.

   Finally, we understand that Article 8a(5) of the WFD is still in force because it leaves it to the producer to decide whether to appoint an authorised representative or not. Can the Commission confirm that this is the case?

4. **Proposal for a Regulation of the European Parliament and the Council on speeding-up environmental assessments. COM(2025) 984 final.**

   As a general comment, the aim of simplification of this proposal is impaired as it affects several Directives in force raising reasonable doubts about their effectiveness. It is doubtful that “possible modifications of or derogations from those Directives are entirely outside of the scope and aims of the present proposal”, as stated, because the provisions of the proposal are going to superimpose and displace EU acts already in force. Cases where these undesirable effects are considered to occur will be raised throughout the following comments. But, in particular, we ask if this proposed Regulation and specifically article 7, overrides or,

on the contrary, does not apply to “legislative acts adopted during the last years with a view to accelerating the permit-granting process in certain sectors of the economy. That legislation included provisions to streamline and accelerate environmental assessments in some strategic sectors, namely the Renewable Energy Directive (RED III), the Net Zero Industry Act (NZIA), and the Critical Raw Materials Act (CRMA)”.

Article 3: This provision regulates the establishment of environmental one-stop shops. Previous and current initiatives have sought to require Member States (MS) to establish a one-stop shop, and some MS could already have established it on their own initiative, for project promoters to facilitate and coordinate permitting processes as a whole. Where such initiatives no longer provide for such a one-stop-shop for the overall permitting process, the proposal shall establish an environmental one-stop-shop for all environmental assessments related to a project.

The creation of single points of contact on the environment must respect the order of distribution of competences in federal o quasi federal MS. While Article 3.1 seems to have such a consideration (“(...) *Member States shall establish or designate single environmental contact points at the administrative level relevant for environmental assessments*”), paragraph 4 seems to deny this: “*The single environmental contact point established or designated pursuant to paragraph 1 shall be the sole contact point of the developer for environmental assessments pursuant to this Regulation. It shall coordinate and facilitate the submission of all relevant documents and information and notify the project promoter of the outcome of the comprehensive decision*.” Recital 15 in its final indent goes along the following lines: “*The single point of contact for the environment, in its role as coordinator, should facilitate the provision of information to the competent authorities*”. In other words, it seems that there will be one point for each Member State, which is not in line with the Spanish system of territorial distribution of competences. To sum it up, ES favours clarification in paragraph 4 as follows: “The single environmental contact point established or designated **at the administrative level relevant for environmental assessments** pursuant to paragraph 1 shall be the sole contact point of the developer for environmental assessments pursuant to this Regulation. It shall coordinate and facilitate the submission of all relevant documents and information and notify the project promoter of the outcome of the comprehensive decision.”

Article 6: The preclusion of the right of appeal for arguments not raised during the administrative phase exceeds the Spanish legal framework on the right to appeal to courts. In fact, we consider that this provision could collide with article 9 of the Aarhus Convention and article 6 of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC, as it hampers the access of the public concerned to courts of justice. We consider that article 13 is not a safeguard in itself. We also ask COM to detail its opinion on the principle of subsidiarity applied to this article.

Article 7: We recall our general comment on the compatibility of this article with the recent legislative acts adopted with a view to accelerating the permit-granting process in certain sectors of the economy, in order to clarify its scope in relation to Directives 2011/92/EU and 2001/42/EC, as these Directives also cover the economic sectors that are dealt in the recent acts. Namely, how will work article 7 (lex posterior generalis) in relation to each of these acts (lex anterior specialis).

ES is in favour of simplification and reducing procedural deadlines. In fact, ES effectively reduced deadlines of EIA procedures in 2021 (Royal Decree-Law 36/2020, 30 December).

ES has experienced difficulties in the field of EIA for renewables, as the fixation of maximum deadlines has exponentially increased litigation before State and regional administrations and courts. Many of these litigious cases are based on alleged infringements of the procedural guarantees of public participation and the contents of reports from the different administrative levels concerned by each EIA. Based on this experience, we ask COM to closely examine the real consequences of article 7.

Article 8. Protected species: According to the proposal, the death or disturbance of protected species during the implementation of plans or the construction, exploitation or decommissioning of projects will not be considered deliberate for the purposes of the prohibitions on these species laid down in the Birds and Habitats Directives, provided that appropriate and proportionate mitigation measures have been taken to prevent them. In addition, it is for the competent authority to assess whether the mitigation measures are appropriate to avoid adverse effects on the population of the species concerned, assuming that there may be negative effects on individual specimens of those species.

They extend, therefore, assumptions that had already been proposed in other regulatory proposals, which we understand differ from the criteria that have been established in this regard by the courts and defended by the European Commission to recognize mortality as deliberate. Basically, if a significant mortality is foreseeable from the implementation of a project, it should be considered as deliberate. This additional mortality generated could only be authorized on the basis of compliance with the requirements for the derogation, in application of the Habitats Directive. Therefore, this provision, incorporating the general assumption of public interest of the first order, means to exempt, in a general way (and not on a case-by-case basis as several judgments of the CJEU have also been recognizing) the protected species from the development of several groups of projects. This would de facto reduce the existing protection regime for species.

Article 14 on measures for strategic sectors: Strategic sectors defined by sectoral legislation or identified by the Commission, and contributing to resilience, decarbonisation or resource efficiency, shall be considered to be in the public interest. Member States may limit the application of this consideration to certain parts of their territory, to certain types of technology or to projects with certain technical characteristics, but such limitation shall be duly justified. For these projects, and provided that they are not subject to an environmental impact assessment, the lack of timely response in any intermediate administrative procedure shall be deemed to

be approved. It would not apply to the granting of the ultimate authorisation, which must be explicit.

This provision, and its annex, imply the general application of the concept of public interest of the first order, which combined with the provision to consider the mortality generated as accidental poses a situation of complicated deregulation, in addition to conflicting with the criteria that the European Justice has been defending (exclusions case by case, concept of purpose in deaths, etc.).

In particular, the widespread application of this consideration does not correspond to the criteria laid down, both in the Commission Guides (Commission Guide Art. 6 and Commission Guide Art. 12 and 16 of the Habitats Directive) and in the judgments (e.g. Case C-674/17), which clearly state that such measures must be considered on a case-by-case and ad hoc basis. In addition, they all expressly state, with regard to exceptions, that consideration of overriding reasons of public interest must be considered, on a compulsory basis, after the existence of viable alternatives has been ruled out.

In this regard, the "Guidance document on the general system of protection of bird species under the Birds Directive" emphasises (paragraphs 69 and 70) the need for derogations to be made on a case-by-case basis and, in any event, not to pose a risk to the achievement of the objectives of the Directive (Case C 557/15).

On the other hand, "tacit approval" is incompatible with the Spanish legal system. The reduction of deadlines combined with positive silence in environmental procedures generates, on the one hand, a risk of reduction of environmental standards, although it can also mean an increase in refusals of authorization that, with a longer period, could include additional preventive measures or specific modifications that would allow authorization. It is one of the relevant provisions of this proposal that incurs in our general comment, as it displaces the effectiveness of the provisions of EIA Directives. Finally, this tacit approval could lead to environmental dumping within the EU.

5. Proposal for a Directive of the European Parliament and the Council amending Directive 2007/2/EC as regards simplification of certain requirements for the establishment of the Infrastructure for Spatial Information in the Union. COM(2025) 985 final.

On the replacement of the obligation for Member States to establish specific network services, including discovery, display, download and transformation services, by a reference to the parallel provisions of Directive (EU) 2019/1024, it is considered that no reference to the implementation of visualisation services, which are essential for access to spatial data and are currently widely used by both the public and private sectors, neither is currently included in Directive (EU) 2019/1024 nor in Implementing Regulation (EU) 2023/138.

With regard to download services, with the repeal of Regulation (EC) No 976/2009 there are no service specifications, which will make it more difficult to achieve interoperability.

Finally, as regards location services, their removal would lead to the impossibility of interoperability between machines unless it is defined in some parallel provisions of Directive (EU) 2019/1024.

ES agrees with the suppression of transformation services due to their low implementation.

The repeal of Commission Regulation (EU) No 1089/2010 on the interoperability of spatial data sets and services will remove the current data specifications (geographical objects, attributes, relationships, ...) of the different INSPIRE topics, since only a brief definition of the topics appears in Directive 2007/2/EC. This lack of definition will hinder semantic interoperability, and the exchange of spatial data and ES considers that it would therefore be necessary to specify these models in some parallel provision of Directive (EU) 2019/1024 or to simplify the Regulation (EU) No 1089/2010 rather than its complete repeal.

It is considered essential that this transition be carried out in an orderly manner and with clearly defined deadlines. A sharp shift from strict regulation to a near-total absence of regulation could lead to problems that are difficult to resolve later, as explained above.

In addition, it is essential to assess the impact of the proposal on the end-user as well as on the quality of the data. The Administration must be the guarantor of the reliability and quality of the information, an aspect that should be expressly contemplated in the standard. Making large volumes of data available without ensuring their quality could be counterproductive.

6. **Proposal for a Directive of the European Parliament and the Council amending Directives 2008/98/EC, 2010/75/EU, (EU) 2015/2193 and (EU) 2024/1785 of the European Parliament and of the Council as regards simplification of some requirements and reduction of administrative burden. COM(2025) 986 final.**

Article 8a.1.c) is amended to include the figure of the authorized representative to report in the Register of Product Producers and establishes a maximum frequency of 12 months.

This affects the Spanish Register of Producer of products of EEE, for which the frequency is quarterly, instead of 12 months and batteries because ES also wanted to establish it as in WEEE.

ES would prefer to maintain the quarterly frequency because in order to be able to exercise control over the quantities that are imported, we need a frequency higher than the annual one. The producers and SCRAP have voiced that in a single declaration there may be deviations. The quarterly frequency reduces loading errors and the annual closure is much better in terms of data.

- **Article 9(a)(i)** is amended to separate that paragraph into two, one relating to the promotion of the reduction of the content of dangerous substances, without making any changes; and another concerning any supplier of an article providing the information in accordance with Article 33(1) of that Regulation to the European Chemicals Agency only from 2021 until the entry into force of the new regulation, i.e. such communication will no longer be necessary once the Directive is adopted.

  With regard to the section 'Reducing administrative burden under waste legislation' and the proposal to remove the obligation to notify the SCIP database of substances of concern in the articles, it is considered that it will not have an impact on the waste sector because this database was not used. This database design does not allow the information to be aggregated by waste streams, so it did not help the waste sector much.

  The amendment of **Article 37(6)** on the review of data by the Commission sent to it by the Member States by reducing the original text so as not to include certain aspects that the COM would have to assess. However, as the obligation to review by the COM, we would like to ask for what purpose such a review would be targeted. We also propose maintaining the option to provide recommendations to Member States to improve the quality of the data. In our opinion, the COM should review that all countries report in the same way and avoid that data can be given without any rigour or applying questionable criteria that benefit the country in question.

ITALY

Comments

EU Regulation on the Register (EU Regulation 2024/1244)
Italy proposes to amend Article 6(2) of the Regulation in order to clarify that installations which do not exceed pollutant or waste thresholds are required to submit a report only once, in the first reference year, and no reporting in subsequent years (until the thresholds are exceeded), including with regard to ancillary data such as the use of raw materials, energy consumption, water consumption, opening hours, etc.

Italy proposes to add the following sentence to Article 5(2):
“Member States may decide to report the information submitted by installations for which all releases and all off-site transfers remain covered by the first subparagraph only in the first report.”

Industrial Emissions Directive (Directive 2010/75/EU as amended by Directive (EU) 2024/1785)
With regard to industrial emissions, the proposal appears to have a very limited impact and fails to seize the opportunity to introduce significant simplifications that seem desirable and appropriate.

The Commission’s proposals are generally acceptable, but in some cases raise concerns. In particular:
• no longer requiring chemical substance analysis appears largely ineffective, as such analysis is, and will continue to be, part of the Environmental Management System (EMS) in the implementation of the BAT Conclusions; Italy would prefer to retain the chemical management framework within the Directive;
• the fact that operators are no longer required to carry out health impact assessments means that this assessment would have to be conducted exclusively by the competent authority, increasing administrative burdens, reducing opportunities for discussion on the matter, and relieving operators of responsibility;
• the removal of third-party EMS verification substantially changes the role of the administration with regard to EMS, transforming, for example, the meaning of Article 14(1), second subparagraph (d)(iii), from a largely declaratory requirement into a task involving validation of the EMS, approval of its objectives and assessment of their level of achievement. Furthermore, it implies that EMS checks would have to be carried out during IED inspections, and non-compliance would constitute a breach of permit conditions. Therefore, Italy suggests retaining third-party audits, but without certification. During transposition, each Member State would decide how to verify the work of non-certified auditors. In particular, Italy proposes amending the last sentence of Article 14a(4) of the IED by deleting the wording “accredited in accordance with Regulation (EC) No 765/2008 or an environmental verifier accredited or authorised as defined in Article 2(20) of Regulation (EC) No 1221/2009”.

Furthermore, Italy proposes additional amendments to the IED in order to simplify procedures, without altering the principles of IED 2.0. In detail:
• Article 7(c) is too broad, as it appears that the IED competent authority would also have competence over industrial risks and occupational health and safety. It is important to clarify that these measures are limited to the scope of the IED.

Italy proposes amending Article 7(c) as follows:
“(c) the competent authority requires the operator to take all appropriate complementary measures which the competent authority considers necessary to limit the consequences for human health or the environment caused by the environmental impacts of production and to prevent further possible incidents or accidents.”

• Further consideration of Article 15(1) appears appropriate. Point (d) of that paragraph not only modifies the guidance provided so far in the BAT Conclusions (which have so far required optimised treatment under IPPC activity 6.11 with respect to the prevailing pollutant flow), but also creates a market distortion, as the same production plant asset would be required to deliver substantially different wastewater treatment performance depending on whether the units generating the wastewater are administratively all within the same installation or, conversely, in different installations. Therefore, Italy proposes deleting point (d) of Article 15(1).

• Article 15(3) should be reworded, as the use of the wording “to analyse the feasibility of complying with the most stringent end of the BAT-AEL range” is already causing significant implementation problems. The drafting of BAT Conclusions is in fact heavily burdened by the need to verify that the lower end of the BAT-AEL range is not only ambitious but also effectively applicable in common contexts and not only in particularly favourable individual cases. In the absence of detailed information in the BREFs on the situations in which such a lower level can actually be achieved, such analyses would have to be carried out on a case-by-case basis (or, at best, through BAT-associated general binding rules for groups of installations with similar characteristics) by the competent authority or the Member States, significantly increasing the implementation burden. An appropriate level of ambition is nevertheless ensured by requiring demonstration that the chosen ELV, especially if aligned with the less stringent end of the range, leads to the best overall environmental performance.
Therefore, Italy proposes deleting the wording “to analyse the feasibility of complying with the most stringent end of the BAT-AEL range” in Article 15(3).

• Italy would welcome a rewording of Article 15(4), as the current wording is unclear and gives rise to different interpretations, which could lead to inconsistent application and difficulties in aligning with BAT-AEPLs in the BAT Conclusions.

The proposed rewording of Article 15(4) is as follows:
“Without prejudice to Article 9(2), the competent authority shall, for normal operating conditions, set:
(a) environmental performance limit values relating to water, taking into account possible cross-media effects, which shall not be exceeded over one or more periods and which shall not be less stringent than the binding ranges set out in the decisions on BAT

Conclusions referred to in Article 13(5);
(b) indicative environmental performance levels relating to waste and resources other than water, which shall not be less stringent than the binding ranges set out in the decisions on BAT Conclusions referred to in Article 13(5).”

• As it is case-specific, Article 15(5) should allow the competent authority to decide when to review the derogation, without setting a fixed deadline (four years), which appears clearly disproportionate and therefore an unnecessary administrative burden where the derogation is justified by a persistent geographical or environmental situation.
Therefore, Italy proposes amending the fifth subparagraph of Article 15(5) as follows:
“The competent authority shall reassess whether the derogations granted in accordance with this paragraph are justified, as part of each reconsideration of the permit conditions pursuant to Article 21,”
by deleting the words “every four years or” and “where such reconsideration takes place earlier than four years after the granting of the derogation”.

• Annex II is quite explicit: derogations are exceptions, not the rule. Establishing detailed rules for a few exceptions is a difficult and inefficient task. Therefore, it does not appear necessary to devote resources to adopting an implementing act laying down a standardised methodology for assessing the disproportionality between the costs of implementing the BAT Conclusions and the potential environmental benefits referred to in the first subparagraph. Instead, it would represent a significant simplification to obtain clear guidance on how the introduction of the health issue into the IED should be assessed by the competent authority (i.e. whether compliance with the levels set in the BAT Conclusions and/or quality standards is sufficient and/or whether statistical data-based assessments of emission effects are adequate, or whether a more in-depth, case-specific analysis should be carried out).
Therefore, Italy proposes replacing the sixth subparagraph of Article 15(5) as follows:
“The Commission shall adopt an implementing act laying down a standardised methodology for the integrated assessment of cross-media effects on human health and the environment, updating accordingly the Reference Document on Economics and Cross-Media Effects published in July 2006. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2).”

Proposal for a Directive and proposal for a Regulation suspending obligations relating to authorised representation under extended producer responsibility
It is noted that the suspension, albeit for a defined period, of certain obligations relating to the designation of authorised representatives under extended producer responsibility schemes could be inconsistent with the overall objective of monitoring the placing on the market of the various value chains. It is therefore hoped that the defined period will be of short duration.

In this regard, it is further noted that, in the draft Italian EPR regulation for the textile products value chain, it is provided that a producer having its registered office in another Member State of the European Union or in a third country shall, for the purposes of

complying with the obligations laid down in the draft regulation, designate, by written mandate, an authorised representative, understood as a legal or natural person established in Italy, responsible for fulfilling the obligations incumbent on the producer.

Italian amendment proposals

Regulations Proposals	COMMENTS
Art.3	**In favour**
Art.4	**It is necessary to provide justification for the existence of the conditions that allow the use of previous data, namely: • the unavailability of more recent data; • unchanged environmental conditions.**
Art.7 comma 1 lett. (a)	**The indicated timelines have a significant impact on the management of procedures. In particular, Italian legislation provides for a 30-day public consultation also for the screening phase (which is not considered by the EIA Directive); this results in a total procedure duration of 90 days.**
Art.7 comma 1 lett. (b)	**In favour**
Art.7 comma 1 lett. (c)	**In favour**
Art.7 comma 1 secondo periodo	**In favour**
Art.7 comma 2 lett. (a)	**In favour**
Art.7 comma 2 lett. (b)	**In favour**
Art.7 comma 2 lett. (d)	**In favour**
Art.7 comma 2 secondo periodo	**In favour**
Art.7 comma 4	**In favour**
Art.9	**It would be appropriate to hold a discussion within the framework of the Espoo Convention, as focal points for each individual Member State are already in place.**
Art.10	**In favour**
Art.10	**In favour**
Art.11	**Currently the procedures are burdensome for all types of project proponents; therefore, it is necessary to assess the**

	economic and financial sustainability of the proposal also in relation to the different competent authorities (MASE, Regions and Autonomous Provinces).

LITHUANIA

Comments and questions on the OMNIBUS VIII (Environment)

Proposal for a **REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on speeding-up environmental assessments** (2025/0391 (COD)

General comments

According to the title of the proposed Regulation and the accompanying documents, this Regulation does not amend the Directives governing environmental impact assessment, but to supplement them through additional provisions with the aim to speed-up environmental assessments across the European Union since they are at the core of the planning and permit-granting process.

However, an analysis of the proposed draft Regulation raises concerns as to the compatibility of its provisions with the applicable related Directives and Regulations, such as Directive 2001/42/EC, Directive 2011/92/EU, Regulation (EU) 2024/1735, Regulation (EU) 2024/1252, even though the accompanying material indicates that the proposal is coherent with the existing environmental legal framework.

In our view, the most critical issue concerns the proposal to introduce a system that is entirely different from that currently laid down in the SEA Directive. Taking into account that, in accordance with the requirements of Directive 2001/42/EC, no environmental decision is adopted within the SEA procedure and that environmental assessment in the planning process consists solely of consultations with the authorities concerned (Article 6(3) of Directive 2001/42/EC), we are of the view that the proposal of the Regulation (Article 3(1)) to assign responsibility for coordinating the environmental assessment to the Responsible Authority constitutes the creation of a new system, since, under Directive 2001/42/EC, this responsibility lies with the plan-making authority.

It should be noted that one of the provisions of the Regulation causing the greatest concern for Lithuania is the possible proposal to integrate the EIA and SEA procedures, as, under the provisions set out in the Regulation, this would be difficult to implement in practice due to the scope of the assessments, the authorities involved and their respective responsibilities, as well as the differences in the decisions adopted.

It should be noted that changes of this magnitude would fundamentally alter the existing legal framework for SEA and EIA, as well as the structure of the SEA/EIA processes and the functions and responsibilities of the participants, particularly in the case of SEA. Such changes would require the creation of new administrative units, necessitating a thorough analysis of the existing system, a comprehensive review of legislation, structural reorganization, an increase in administrative capacities, a sufficient transitional period, and significant financial resources.

In view of this, and taking into account the costs of developing IT tools and the time required to implement such projects, there are also reasonable doubts regarding the feasibility of the deadlines set out in the Article 3(1), Article 10 (3) and Article 10 (4) of the Regulation.

It should be noted that, based on Lithuania's experience and taking into account the creation of a new legal framework, its adoption, system restructuring, and the development of an online portal, the provisions of Articles 10(3) and 10(4) of the proposed Regulation regarding the creation of a central online portal and full digitalization, including GIS functionality, could be implemented over a period of 5–10 years.

Comments or questions on specific provisions

1. The provision of Article 5 of the proposed Regulation, which aim to establish that only a screening for environmental impact assessment is carried out for project modifications or extensions, directly contradict the provisions of Article 1(24) of Directive 2011/92/EU, which establish that modifications or extensions of the projects listed in the Annex must undergo an assessment without a screening procedure in cases where the modification or extension itself meets the thresholds set out in that Annex.

2. The provision of Article 6 of the proposed Regulation allowing Member States to prevent arguments from being presented in court if they were not submitted at the administrative stage raises serious doubts regarding its compatibility with the right to an effective judicial remedy under Article 47 of the Charter of Fundamental Rights of the European Union and with the Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (Aarhus Convention).

3. The provision of Article 7 (1a)[1] of the proposed Regulation is not in line with the provision of the Article 4(6)[2] of the Directive 2011/92/EU. As according to the title of the proposed Regulation and the accompanying documents, this Regulation does not amend the Directive 2011/92/EU a conflict of law arises between separate legal instruments.

Similar inconsistencies exist between the deadlines established in following provisions:

1) The provision of Article 7 (1b)[3] of the proposed Regulation and Article 12 (1)[4] of the Regulation (EU) 2024/1252 or Article 10(1)[5] of the Regulation (EU) 2024/1735;

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[1] 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 authorities 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**;

[2] Member States shall ensure that the competent authority makes its determination as soon as possible and within a period of time not exceeding **90 days** from the date on which the developer has submitted all the information required pursuant to paragraph 4. 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.

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

[4] 1.Where an environmental impact assessment is required for a Strategic Project in accordance with Articles 5 to 9 of Directive 2011/92/EU, the relevant project promoter shall request, no later than 30 days after the notification of the recognition as a Strategic Project and before submitting the application, an opinion from the single point of contact concerned on the scope and level of detail of the information to be included in the environmental impact assessment report under Article 5(1) of that Directive.
The single point of contact concerned shall ensure that the opinion referred to in the first subparagraph is issued as soon as possible and within a period of time not exceeding **45 days** from the date on which the project promoter submitted its request for an opinion.

[5] 1. Where an environmental impact assessment is required pursuant to Articles 5 to 9 of Directive 2011/92/EU, the project promoter concerned may request, before submitting the application, an opinion from the single point of contact on the scope and level of detail of the information to be included in the environmental impact assessment report

2) The provision of Article 7 (1c)[6] of the proposed Regulation and Article 12(5)[7] of the Regulation (EU) 2024/1252;

There is explanation in the Article 7(4) of the proposed Regulation that "where other Union legislation establishes shorter timelines than the ones set out in paragraphs 1 and 2 of this Article, those shorter deadlines shall apply", however it is not clear what timelines should be applied in opposite situations – if shorter timelines are set in the proposed Regulation.

4. How should be applied the provision stated in the last paragraph oh the Article 7(1)[8] of the proposed Regulation? Is the envisaged extension of deadlines is applicable overall or to each stage separately?

5. The provisions of Article 11 of the proposed Regulation, which propose the elimination of administrative fees and charges related to environmental assessments, not only conflict with the 'polluter pays' principle but also shift the costs to society. If the developer, i.e., the polluter, does not pay administrative fees and charges, the functions performed by the authorities are financed from the state budget, which, among other sources, is funded by ordinary taxpayers. Consequently, the financial burden is transferred to society, thereby distorting the 'polluter pays' principle.

6. Would the provisions of Article 14 of the Regulation on speeding-up environmental assessments apply to construction permit issuance procedures if, under the national system, environmental impact assessment procedures are not part of the construction permit issuance process (i.e., during the issuance of a construction permit, it is only assessed whether the building project complies with the environmental impact assessment documents)?

Lithuania is still evaluating the proposal, but considers that a comprehensive assessment should be carried out regarding the compliance and consistency of the provisions of the Regulation with Directives 2001/42/EC and 2011/92/EU, as well as the effectiveness of the proposed Regulation and the added value versus the costs incurred, particularly concerning the amendments related to Directive 2001/42/EC. This is necessary because serious doubts arise regarding their

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pursuant to Article 5(1) of that Directive. The single point of contact shall ensure that the opinion is issued as soon as possible and no later than **45 days** from the date on which the project promoter submitted its request for an opinion.

[6] (c) the time-frames for consulting the public concerned on the environmental report referred to point (b) is **between 30 and 90 days**;

[7] 5. In the case of Strategic Projects, the timeframe for consulting the public concerned as referred to in Article 1(2), point (e), of Directive 2011/92/EU and authorities referred to in Article 6(1) of that Directive on the environmental impact assessment report referred to in Article 5(1) of that Directive shall **not be longer than 85 days** and, in accordance with Article 6(7) of that Directive, **not shorter than 30 days**. In exceptional cases, where the nature, complexity, location or size of the proposed project so require, the Member State concerned **may extend the timeframe by up to 40 days**. The single point of contact concerned shall inform the project promoter of the reasons justifying such an extension.

[8] In exceptional cases, where the nature, complexity, location or size of the proposed project so require, the competent authority may extend the deadlines 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.

added value, given that the creation of a new legal system and the adaptation to it would impose a significant burden on both the authorities and the developers.

Proposal for a **DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive 2007/2/EC as regards simplification of certain requirements for the establishment of the Infrastructure for Spatial Information in the Union**

1. Please COM to explain why the definition of "spatial object" (Article 3(5)) has been deleted from the directive?
2. As it is proposed to delete the requirements in Article 7 of the Directive regarding the accessibility of national spatial data sets, please COM to clarify under what terms and conditions newly collected and extensively restructured spatial data sets become accessible?
3. Since the recital (10) of the proposal for a directive state that Directive (EU) 2019/1024 sets the legal framework for open data and introduces the concept of high-value datasets, please clarify to which of them spatial datasets corresponding to the themes of Annexes I-III of the INSPIRE Directive should be attributed.
4. Since it is proposed to remove more than a half of the content of the Directive, doubts arise about the purpose of INSPIRE Directive and the compliance of the remaining provisions with the objective set out in Article 1. Would it not make more sense to completely repeal the INSPIRE Directive, supplementing the general provisions of Directive 2019/1024 on spatial data and/or supplementing Regulation 2018/1724 by establishing a list of specific high-value datasets on the topics of Annexes I-III to the INSPIRE Directive?
5. If the obligation to submit national reports to the EC is no longer needed, please COM to clarify the purpose of the committee composed of representatives of the Member States as stated in Article 22b. Does the committee necessary?

Proposal for a **REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL suspending the application of the rules on the appointment of an authorised representative for extended producer responsibility for batteries and waste batteries and packaging and packaging waste**

Questions regarding the **Regulation (EU) 2023/1542** of the European Parliament and of the Council of 12 July 2023 concerning batteries and waste batteries, amending Directive 2008/98/EC and Regulation (EU) 2019/1020 and repealing Directive 2006/66/EC:

1. It remains unclear how sanctions application mechanism should work for producers established in another Member State who will not comply with the extended producer responsibility obligations in the Member State where they sell batteries (other Member

State producers are established). What Member States' administrative cooperation mechanism should be applied in such cases?

2. What is the scope of responsibility of appointed authorized representative for fulfilling producers obligations? e.g. fulfilling (not fulfilling) obligations to establish a waste battery take-back and collection system, attain and maintain collection targets for waste batteries, cover the costs of separate collection of waste batteries, to provide reports to the competent authority?
3. Also, there should be established unified mechanism of enforcement and applying sanctions for producers established in third countries.
4. We also have a question regarding the **proposal to amend the definition of producer**: what is the main objective and expected result of amendment of producer definition by deleting provisions on distance selling? If producers are established in other country (other Member State or third country) doubtful whether they could sell batteries in other way than by means of distance contracts.

Proposal for a **DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL suspending the application of the rules on the appointment of authorised representatives for extended producer responsibility for waste, waste electrical and electronical equipment and single use plastic waste**

1. Is there sufficient evidence of the impact of the proposal:

- on the natural and legal persons established in one MS and selling electrical products in another MS, linked to participation in the extended producer responsibility (EPR) schemes.
- on the PROs (Producer Responsibility Organizations)?
- on the national control mechanisms?
- on the competitiveness of the EU business?

2. Please provide more clarification on the scope of proposal – will there remain a flexibility for the MS to foresee/maintain in their national legislation a provision on the appointment of authorised representative? What mechanism should be used for an administrative cooperation in terms of the supervision of national requirements (e.g. to have an authorised representative in MS, where his/her goods are sold) for the business, established in my country, but selling electronical goods in another MS? And vice versa. If this is a case, it seems that we will end up with more fragmentation in the EU Internal market and more uncertainty for the enforcement authorities.
3. Could you please provide more information about what changes in the EU regulation are envisaged for the third country producers, selling electric good to the EU market?

LUXEMBOURG

Preliminary Remarks and questions on the Omnibus VIII package

Please find below our preliminary remarks and questions regarding the Omnibus VIII package. Lu places a scrutiny reservation on the entire package.

1. Authorized representatives

- COM(2025) 981 - Proposal for a Regulation amending Regulation (EU) 2023/1542 and Regulation (EU) 2024/1244 as regards simplification of some requirements and reduction of administrative burden
- COM(2025) 982 Proposal for a Regulation suspending the application of the rules on the appointment of an authorised representative for extended producer responsibility for batteries and waste batteries and packaging and packaging waste
- COM(2025) 983 Proposal for a Directive suspending the application of the rules on the appointment of authorised representatives for extended producer responsibility for waste, waste electrical and electronical equipment and single use plastic waste

The authorized representative is a crucial contact and information point for the implementation of extended producer responsibility (EPR).

The authorized representative plays a pivotal role, and Member States rely on them to implement EPR obligations towards producers.

LU believes that the Omnibus packages should reinforce the competitiveness of European producers and not further harm them or put them in a worse position than producers outside the EU.

The suspension of this obligation would not only be detrimental to competent authorities but would also confer a competitive advantage to producers from third countries. This would contradict the goal of the proposal, which is to increase European competitiveness.

At this point, we cannot agree with suspending the obligation for producers established in a third country to appoint an authorized representative.

Possible compromises could include requiring producers established in a third country to appoint at least one authorized representative within the European Union, while only suspending the obligation for producers established in the European Union.

2. Reporting and SCIP database

- COM(2025) 986 - Proposal for a Directive amending Directives 2008/98/EC, 2010/75/EU, (EU) 2015/2193 and (EU) 2024/1785 as regards simplification of some requirements and reduction of administrative burden simplification of some requirements and reduction of administrative burden

The repeal of the SCIP Database could be detrimental, as it contributes to promoting the circular economy and ensures that consumers are adequately informed about risks related to the presence of substances of very high concern. It also supports toxic-free circular streams.

Although the use of digital product passports and, in the future, more comprehensive product labels will reduce the additional benefits of the database, it would be problematic if the data in the SCIP Database were lost. Moreover, it remains unclear how the interim period until the digital product passport is fully implemented will be managed. We request clear information and reassurance from the Commission on how this transition will be handled and how it will ensure that waste streams remain toxic-free.

3. Directive 2010/75/EU on industrial and livestock rearing emissions

- COM(2025) 986 - Proposal for a Directive amending Directives 2008/98/EC, 2010/75/EU, (EU) 2015/2193 and (EU) 2024/1785 as regards simplification of some requirements and reduction of administrative burden simplification of some requirements and reduction of administrative burden

Deletion of art 27d

Even though this might reduce the administrative burden on the industry, we cannot assess whether it hampers the goals of the Green Deal. Furthermore, it is not clear to us whether this measure is proportionate. We would like further information from the Commission to ensure that this measure does not set us back in achieving sustainability objectives or reaching a good environmental status.

4. Regulation on speeding-up environmental assessments

- Recital 32, Article 7(d)

It is surprising that the acknowledgment of the information occurs only after the consultations under Articles 6 and 7 of Directive 2011/92/EU. Lu sees a risk that this could lead to a situation where substantial information is missing and the consultations must be repeated.

- Arricle 3 (4)

LU believes that it is contrary to the objective of simplification that the developer can only contact the single point of contact and not the competent authorities involved in the procedure. This creates an unnecessary complication and does not allow for flexibility. We therefore oppose this mandatory consultation of the single point of contact and believe that the proposal should not forbid Member States from maintaining informal information exchanges between administrations and developers.

- Article 4 (2)

It is not clear what is meant here by “competent authority.” This might be a duplication or could contradict Article 3(4).

- Article 7, 1. (a) and (b), (2)

LU believes that the deadlines set out are unrealistic and do not provide sufficient time for competent authorities to carry out screening and scoping decisions that could withstand a court challenge.

In Luxembourg, the current timeframes are 90 days and 45 days for files that fall under the RED Directive.

- Article 7, 3.

This paragraph results in timeframes for SEAs being longer (paragraph 2) than those where an SEA and an EIA are carried out simultaneously. The timeframes should be the same as those set out in paragraph 2.

- Article 7, 4.

This provision is superfluous and should be deleted for sound legislative drafting reasons.

- Article 10, 3.

The proposed timeframes for achieving full digitalisation appear highly ambitious. Recent experience with the rollout of the EUDR has demonstrated the complexity of establishing digital procedures that function reliably and avoid significant implementation challenges.

- Article 14, Annexe

We welcome the clarification in Annex II that tacit approval does not apply to “final decisions on the outcome of the permit-granting procedure, which shall be explicit. All decisions shall be made publicly available.” However, we note a possible contradiction with the Defence Readiness Omnibus, where this clarification is missing. This inconsistency could lead to legal disputes regarding which provisions apply and whether certain installations have a valid permit.

HUNGARY

QUESTIONS ON OMNIBUS VIII – ENVIRONMENT

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2023/1542 and Regulation (EU) 2024/1244 as regards simplification of some requirements and reduction of administrative burden

Adding a definition for substances of very high concern
The criteria for substances of very high concern (SVHC) are set out in Article 57 of the REACH Regulation, and the formal procedure for identifying them is regulated by Article 59.

SVHCs identified under the REACH Regulation are listed on the European Chemicals Agency's website in a dedicated list (called the Candidate List of substances of very high concern for Authorisation), which is published in accordance with Article 59(10) and can be updated twice a year. The procedure and the identified substances are easily traceable by interested parties. In contrast, substances listed in Annex VI to the CLP Regulation are not grouped in this way according to the endpoints concerned.

- Why is it necessary to extend the definition of SVHC substances beyond those already identified under the REACH Regulation in this proposal?
- Has the Commission examined how the different application of the same definition could affect companies' compliance?
- If it is necessary to extend the obligation to substances listed in Annex VI to the CLP Regulation, has the Commission considered using a different wording, such as 'substance of concern' as used in the ESPR Regulation?

Industrial Emissions Portal:
We would like to understand which data sources the simplified report proposed by the European Commission can be based on, and under what practical conditions it can be ensured that no additional administrative burden or fragmented data practices are created?

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directives 2008/98/EC, 2010/75/EU, (EU) 2015/2193 and (EU) 2024/1785 of the European Parliament and of the Council as regards simplification of some requirements and reduction of administrative burden

Regarding the proposal on **repealing the requirement to include in the EMS a chemical inventory of the hazardous substances**, as defined in Article 14a of the Industrial Emissions Directive 2010/75/EU (IED), we request further information from the Commission on exactly what parallel legal provisions would continue to ensure the same level of protection for human health and the environment as that provided by the obligation in question.

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on speeding-up environmental assessments

We are asking for clarification regarding Article 4(5). In our view the first sentence does not clearly state the expectations set for the Member States.
The second sentence allows the developer to use "data or information as old as five years" if more recent data is not available. In our view, this contradicts the part of the sentence in the same sentence, according to which it is a condition that there have been no significant environmental changes during this period, since this cannot be stated in the case of a lack of data. We would need clarification on that too.

NETHERLANDS

Initial written comments on Omnibus VIII (environment)

Regulation amending Regulation (EU) 2023/1542 and Regulation (EU) 2024/1244

1. With regards to the Industrial Emissions Portal and the allowance to Member States to report on behalf of livestock and aquaculture operators with respect to releases; could the commission clarify if the MS will also take on the responsibility for the correctness of this reporting, or does this remain with operators?
2. The Netherlands sees a risk that the change to ensure batteries should only be removable on a modular level, instead of cel-level, will hamper refurbishment or negatively impact European refurbishers vis-à-vis (non-EU) producers of new batteries. Could the Commission elaborate on whether it has assessed this? And could the Commission specify which safety risks it foresees related to batteries removable on a cel-level? If there are indications that this would negatively impact refurbishment or pose additional safety risks, the Netherlands is critical of the proposal.
3. Could the Commission elaborate on consumer risks related to the amount of harmful substances in batteries which are not SVHC's and the risk the proposal poses that per the new rules only SVHC's (of 0.1% weight) are to be included on the label?

Regulation suspending the application of the rules on the appointment of an authorised representative for extended producer responsibility for batteries and waste batteries and packaging and packaging waste

1. The Netherlands sees a risk that suspending the obligation to appoint an authorised representative (AR) will negatively impact EUMS ability to enforce the legislation. National authorities do not have the ability to ensure non-national producers adhere to the national EPR-scheme. Could the Commission elaborate on the impact of the proposed changes on national enforcement?

Directive suspending the application of the rules on the appointment of authorised representatives for extended producer responsibility for waste, waste electrical and electronical equipment and single use plastic waste

1. The Netherlands sees a risk that suspending the obligation to appoint an authorised representative (AR) will negatively impact EUMS ability to enforce the legislation. National authorities do not have the ability to ensure non-national producers adhere to the national EPR-scheme. Could the Commission elaborate on the impact of the proposed changes on national enforcement?

Regulation on speeding up environmental assessments

1. **Legal basis and national permitting processes**
   The Netherlands requests further clarification on whether and how the legal basis (Articles 191/192 TFEU) provides sufficient scope to intervene so extensively in national permitting procedures, particularly given that deadlines are introduced for sub-elements that do not constitute formal administrative decisions.

2. **Scope: EIA versus the full permitting process**
   While the scope of the proposal appears to relate to Environmental Impact Assessment (EIA), subsequent articles refer to the entire permitting process. Could the Commission clarify how these elements relate to each other?
3. **Project EIA versus plan EIA**
   The Netherlands requests clarification on whether the acceleration measures and procedural obligations apply only to project EIAs or also to plan EIAs.
4. **Single Point of Contact (SPOC) in the Dutch system**
   In the current Dutch system, the scale and location of a project determine the competent authority. This authority issues a permit for the entire project, including the EIA. The Netherlands is of the view that this already fulfils the requirement of a Single Point of Contact and asks the Commission to confirm this interpretation.
   Can the Commission reflect on how the single digital portal (Article 4) for all steps of the permit-granting procedures for renewable energy, storage, and grid projects differs from the central contact point? Aren't these essentially two solutions (digital or physical) to the same problem? If so, wouldn't it be preferable to assess at national level what the most appropriate approach is?
5. **References to future proposals**
   The proposal contains several references to future legislative initiatives. Could the Commission clarify how this can be regulated in a legally robust manner?
6. **Alignment with previous initiatives (NZIA, CRMA, DEF)**
   The proposal refers to previous negotiations and coordination with the NZIA, CRMA and DEF. Could the Commission clarify which documents and which stage(s) of the negotiations were used to align this proposal? The Netherlands observes some discrepancies between the aforementioned initiatives and the current proposal.
7. **Acceleration through good preparation**
   Does the Commission, like the Netherlands, consider that acceleration of permitting procedures is primarily achievable through proper preparation of the permitting process, and that the central contact point should also play a role in this regard?
8. **Article 4(1): Combination of procedures**
   The Netherlands requests clarification on Article 4(1). Does this provision concern the combination of the EIA with other procedures, such as a project decision, or does it also cover multiple EIA-obliged initiatives within the same area? Is the intention of Article 4 indeed to combine such separate EIAs into a single EIA?
   The Netherlands welcomes the intention behind Article 4 to streamline procedures arising from the different directives. Could the Commission elaborate on how this provision is expected to work in practice, and under which conditions it would indeed lead to efficiency gains rather than additional complexity as it would require changes to the national permitting process?
9. **Article 5: Scope and interpretation**
   The Netherlands seeks clarification on how Article 5 should be interpreted, as the concepts of "decarbonisation" and "establishment and modification" are not operationalised. A concern is that extensive discussions may arise on the applicability of this article in order to avoid EIA obligations.
   In addition, the second part of the first sentence appears open to two interpretations:
   a. either a screening to assess whether there are any effects at all, or

b. a screening only if significant effects are anticipated.

Could the Commission clarify the correct interpretation?

10. **Article 6: Administrative filter and access to justice**
    Article 6 introduces the possibility for a Member State to establish a so-called "grounds filter" between the administrative phase and the judicial phase. Could the Commission clarify how the separation of powers is respected and how these provisions relate to the rules on access to justice in environmental matters under the Aarhus Convention?
11. **Article 7: Deadlines and internal consistency**
    Article 7 contains various deadlines. Could the Commission clarify why paragraph 1 includes a clear reference point for these deadlines, whereas paragraph 2 does not?
    The Netherlands also seeks clarification on paragraph 3. As currently drafted, it appears that in complex cases a longer procedure is possible (paragraph 2), but that where a simpler and a more complex case are combined (paragraph 3), the shorter deadline of the simpler procedure would apply. Is this interpretation correct?
12. **Article 7(8): Limitation of deadlines**
    Article 7(8) further restricts the aforementioned deadlines. How does this relate to the rationale for introducing these deadlines in the first place, and how should the order or interaction of these deadlines be understood?
13. **Article 8:**
    a. Is it correct that Article 8 requires a best-efforts obligation to avoid the killing or disturbance of individual specimens, rather than a strict obligation to achieve a specific result?
    b. Could an assessment focusing 'only' on impacts at population level lead to a mismatch with international obligations to aim for and restore a favourable conservation status (FCS), given that FCS encompasses more than just population (size)? Could it be clarified what is meant by 'significant adverse impacts on the population'?
    c. Is it correct that Article 8 applies only to the killing and disturbance of individual specimens, and not to the deterioration of habitats and/or breeding or resting sites?
    d. Is it correct that Article 8 applies to all types of projects and plans for which an environmental assessment would be required on the basis of the cited Directives (and, for designated or to-be-designated 'strategic projects', Article 14)? If not, what is the scope and delimitation envisaged in the proposal?
    e. Article 8 (1) of the Regulation states that the occasional killing or disturbance of species protected under Directive 92/43/EEC as a result of the construction, operation or decommissioning of projects shall not be considered to be deliberate within the meaning of Article 12(1) of Directive 92/43/EEC, provided that, as stated in article 8.1, mitigation measures are taken.
        i. Could the Commission elucidate whether energy efficiency improvements by cavity wall insulation can be considered "the construction, operation or decommissioning of projects" within the meaning of article 8 (1) of the Regulation?
        ii. Article 8 (1) states that "the occasional killing or disturbance of other species" shall not be considered to be deliberate provided that mitigation measures are

taken. Does the Commission have specific ideas as to what counts as "occasional" in this context?

14. **Article 9: Unique Point of Contact**
    Article 9 refers to a "unique point of contact". Does this refer to the Espoo Point of Contact or to the newly established Single Point of Contact (SPOC)?
15. **Article 10: Digital system**
    Article 10 introduces a digital system, but its scope, level of support and intended end result are not entirely clear. Could the Commission provide further clarification?
    How does the Commission expect Member States to implement this system within two years, given that the proposal is not accompanied by an impact assessment?
16. **Article 14** empowers the Commission to identify strategic projects related to housing.
    a. Could the Commission elaborate on how these projects are selected, on what basis, and how this would work in practice (e.g. would it be possible to identify categories of strategic projects instead of individual projects)?
    b. Could energy efficiency improvements in dwellings count as a strategic project under this regulation (e.g. regarding cavity wall insulation)?
17. **Financial implications and digital obligations**
    Based on the overall assessment and financial statement, the financial effort required from Member States appears to be very limited and mainly related to the establishment of a SPOC. Could the Commission clarify how this assessment relates to the obligation to establish a digital information point under Article 10?
18. **Projects**
    How should Articles 1 and 2, first paragraph together with the Recitals 9 and 13, of the proposal be interpreted in light of the established case law of the CJEU (the PAS-judgment, ECLI:EU:C:2018:882) concerning the interpretation of the term 'project' in the Strategic Environmental Assessment Directive (SEA, 2001/42/EG) and Environmental Impact Assessment Directive (EIA, 2011/92/EU) on the one hand and the Birds and Habitats Directives on the other hand?
19. **Implementation support**
    Could the Commission provide further clarification on the implementation support foreseen for this proposal, in particular with regard to digitalisation?
20. The Directive introduces various instruments to accelerate permitting procedures, in particular tacit approval and substantial preclusion. Could the Commission reflect on how these instruments relate to the principles of the Aarhus Convention?
21. Could the Commission elaborate on the use of tacit approval as proposed in the toolbox, and how it relates to tacit approval provisions in other directives or acts? Not all member states explicitly provide for this instrument in their national legal systems. It may, however, be indirectly introduced by EU legislation. If other EU legislation introduces such a mechanism into national law, would this then mean that member states would be obliged to apply tacit approval under this regulation as well?
22. Could the Commission reflect on ways in which this Regulation might reduce administrative burden by, for instance, extending usability of broader applicability of environmental assessments

Proposal for a Directive on simplification of some requirements and reduction of administrative burden

23. The Commission has previously stated that an impact assessment is not necessary for the omnibus, can she confirm that this holds in the cases of changes surrounding the EMS, changes to Directive 2010/75/EU with respect to organic poultry farms and piglets and the speeding up environmental assessments.
24. At present, the lex silencio positivo cannot apply to a number of activities, partly due to obligations arising from international law, such as the EIA Directive and the Aarhus Convention. These require a prior substantive assessment. In practice, this means that the lex silencio positivo could only apply to a separate “technical” construction activity. However, in many cases, “technical” construction activities for housing are already exempt from the permit requirement under the Building Quality Assurance Act. Could the Commission please reflect on these concerns?
25. To what extent do the current proposals for simplification of requirements and reduction of administrative burden lead to the risk of lower levels of protection for human health and the environment?
26. The Netherlands can support the suspension of the SCIP notification obligation as well as the proposed changes to the reporting obligations of EPR-schemes.
27. The Netherlands is hesitant about the proposal to scrap the possibility to formulate European indicators for waste-prevention measures. The Netherlands is in favour of European targets for reusing waste and waste-prevention. A set of uniform European data and indicators is helpful in this respect. The Netherlands therefore sees more merit in harmonizing these national indicators by developing a binding set of indicators, so that monitoring and reporting (also for private actors) is uniform throughout the EU.

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AUSTRIA

Questions and comments regarding Omnibus XIII - Environment

Please note that the following comments are of preliminary nature. AT is currently analysing the Omnibus VIII proposals and therefore raises a scrutiny reservation.

**ad Environment Omnibus („Proposal for a Regulation amending … Regulation (EU) 2024/1244 as regards simplification of some requirements and reduction of administrative burden"
COM(2025) 981 final):**

Article 2 (Amendments of Regulation (EU) 2024/1244)

- Could the European Commission explain, how the second subparagraph of the proposed new Article 6 para. 9 shall be implemented in practice ("Member States may decide to quantify deliberate releases ... themselves on behalf of the operators of livestock production and aquaculture installations")? If a Member State chooses this option, should this quantifying be done on operator level or on Member State level?

**ad Environment Omnibus Suspension of the appointment of an authorised representative for EPR
(COM (2025) 982 and 983):**

- Member States may in future provide for the appointment of an authorised representative for third countries. However, in our view, the appointment of an authorised representative is lacking for deliveries to end consumers within the EU. The appointment of an authorised representative for all foreign manufacturers is necessary to ensure extended producer responsibility and to cover the costs of waste management. How can the costs be borne or ensured without the appointment of an authorised representative for manufacturers from Member States? How can the 'polluter pays' principle referred to in recital 4 be ensured?

**ad Environment Omnibus ("Proposal for a regulation of the European Parliament and of the Council on speeding-up environmental assessments"
COM(2025) 984 final)**

Article 5 (Changes to projects)

- Article 5 obliges to conduct an environmental assessment for changes or extensions of projects. The normative content of the first sentence of this article as regards environmental impact assessments is unclear: it states that a screening for changes or extensions of projects should only be carried out to determine whether they are *'likely to have significant environmental effects'*. In accordance with the Austrian EIA Act this is applicable law. Will any further normative value be generated by this provision?

- In addition, the first sentence of Article 5 demonstratively lists certain categories of projects ('such as repurposing of pipelines or of industrial sites, and extension of their operation period and modifications to ensure decarbonisation'). In order comply with requirements of certainty, a clarification is needed regarding the projects covered by the scope of this provision: Is Article 5 (para 1 and 2) applicable only to decarbonisation and energy transition projects or shall it be applicable to all possible project categories?

- The second sentence of Article 5 para 1 states that changes or extensions are only subject to an environmental assessment where they involve major works 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. The meaning of this sentence is unclear: Does this mean, with regard to EIA, that a change or extension of an existing project will only have to undergo an EIA if the change or extension accounts for an increase of at least 100% of the projects' approved capacity?

Article 8 (Protected species)

- Art 8 para 2 contains a requirement for the assessment of appropriateness and proportionality of the mitigation measures mentioned in para 1: The competent authority shall take into account whether they (these measures) ensure that significant adverse impacts on the population of the species concerned are avoided, despite the possible existence of negative impacts on individual specimens of those species. This requirement applies equally to the prohibition of disturbance and the prohibition of killing. In this respect, the question arises whether by this requirement a deviation from the individual-based approach of the prohibition of killing is intended?

Annex, II. Tacit approval

- According to the Annex the tacit approval is not applicable where the specific project is subject to an environmental impact assessment pursuant to Directives 2000/60/EC, 2009/147/EC, 2011/92/EU or Directive 92/43/EEC or where the principle of administrative tacit approval does not exist in the national legal system of the Member State concerned. This is welcomed, particularly with regard to the EIA. If this provision is not applicable to any of the project related environmental assessments covered by this regulation which scope of application will remain for this requirement (apart from EAs for plans)?

Additional question:

- Why is there no proposal for simplification of the new Regulation (EU) 2025/2365 (Official Journal 26.11.2025) on preventing plastic pellet losses to reduce microplastic pollution?

ad Environment Omnibus ad Directive amending Directive 2007/2/EC (INSPIRE-Directive) COM (2025) 985

Comments in general:

Most of the proposed amendments are justified on the view that the Directive 2019/1024 (ODPSI-Directive) covers all needed rules. This justification has to be viewed critically, because the ODPSI-Directive does not regulate data-sharing between public authorities, coordination bodies or interface standardisation.
The INSPIRE Directive (Article 17) contains relevant stipulations, but according to the current document, these are proposed to be deleted.
In addition the ODPSI-Directive regulates the reuse of data, but not the access to spatial data. The access to data and their access interfaces are covered in the INSPIRE-Directive as network services. These different scopes of these two Directives have been repeatedly reaffirmed by the European Commission.

The INSPIRE Directive has contributed to the efficient establishment of spatial data infrastructures, re-use of reliant geospatial information and continues to do so. Should significant parts of this directive be withdrawn, as proposed, the foundations for maintaining and expanding the spatial data infrastructure would be lost.

The compliance with open data rules does not replace the need for a spatial data infrastructure. Instead the high value dataset regulation works on the fundament of a standardized authoritative

spatial data infrastructure. Centrally standardized spatial data reduce administrative costs and are more efficient than uncoordinated data provision by single public authorities.
AI applications that make use of spatial data, require higher levels of standardisation than tabular data. Otherwise it risks unreliable AI outputs, which works against trustworthy information and outputs.

Amendment 2, delegated acts instead of implementing acts to describe geodata themes

- Why is amendment proposed, even though it could significantly expand the scope of the INSPIRE-Directive, resulting in additional obligations and costs for the Member States?

Comment:
This amendment is rejected.

Amendment 4, deletion of Article 7

- How to ensure a minimum level of interoperability for spatial data (e.g. identifiers, CRS, temporal reference, geometry standards, code lists) if detailed INSPIRE interoperability specifications are deleted?

Comment:
Spatial data differ massively from "simple" tabular data. A minimum of mandatory interoperability elements are needed. Without these minimum standards, harmonisation efforts and costs are shifted from a single data provider to thousands users of public sector spatial data.
Therefore only the deletion of complex interoperability requirements is supported, but simple data models and registers based on international standards are required.

Amendment 6, deletion of Articles 11 and 12

- How ensure the "once-only" principle and legal certainty if mandatory geospatial network services are removed (e.g. WMS/WFS/OGC API)?

Comment:
Geospatial standards (ISO, OGC) are essential for use of geospatial data. The approach of "generic API" may be sufficient for tabular data but concerning the complexity and dependencies (projections, transformations, semantics), it is insufficient for spatial data.

Amendment 8, deletion of Article 15

- What is the transition plan from INSPIRE Geoportal to the EU open data portal during consolidaton?

Comment:
It is critical to maintain the harvesting of existing spatial metadata and their validation mechanisms until stable mappings to GeoDCAT, a sufficient governance structure and transparent validation procedures are operational.

Amendment 10, deletion of Article 17

- Why should the ODPSI-Directive make the provision of the Article 17 of the INSPIRE-Directive obsolete, even though the ODPSI-Directive does not apply to the reuse of data between public authorities (see also comments in general)?

- How is the accessibility and usability of geodata ensured without network services?

Comment:
Although the ODPSI Directive and the implementing regulations for high-quality datasets encompass many INSPIRE spatial datasets and require their accessibility via "generic API", these data services (in the case of INSPIRE, network services) are only regulated and referenced to OGC standards in the INSPIRE Directive, which ensures their interoperable function according to the proposed uniform technical standards.

Amendment 11, deletion of Article 21

- How to ensure effective implementation tracking and quality assurance if INSPIRE monitoring and reporting are fully removed?

Comment:

To ensure implementation and control across the Union, a simple monitoring framework will likely be needed.

ad Environment Omnibus (Proposal for a Directive amending Directives …. 2010/75/EU … and (EU) 2024/1785 as regards simplification of some requirements and reduction of administrative burden" COM(2025) 986 final)

Article 2 (Amendments of Directive 2010/75/EU)

- In the new Art. 14a para. 1 of Directive 2010/75/EU the following sentence (included in 2024/1785) is deleted: "Member States shall require the operator to prepare and implement, for each installation falling within the scope of this Chapter, an environmental management system ("EMS")." Does the proposed new Art. 14a mean that there is no obligation for activities under Annex I of the Directive to set up an EMS, if there is only one installation under the control of a given operator in a Member State?
- In the new Art. 14a para. 4 of Directive 2010/75/EU the current second subparagraph (included in 2024/1785) is deleted: "The Commission shall, by 31 December 2025, adopt an implementing act on which information is relevant for publication. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 75(2)." Does the proposed new Article 14a mean that the Commission will not adopt an implementing act to facilitate publication on the internet (not even at a later date)?
- In the new Art. 14a para. 4 of Directive 2010/75/EU the suggested third subparagraph refers to Article 82: "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." To which paragraph of Art. 82 does this reference refer (we suppose, it should be the proposed Art. 82 para. 13)?
- In the new Art. 14a para. 4 the last sentence of the current version ("The EMS shall be audited at least every 3 years, by a conformity assessment body accredited in accordance with Regulation (EC) No 765/2008 or an accredited or licensed environmental verifier as defined in Article 2, point 20 of Regulation (EC) No 1221/2009, who verifies the conformity of the EMS, and of its implementation, with this Article.") is omitted. Does this mean that EMS audits or compliance checks with Art. 14a are no longer required? Or, in other words, will not certified EMS without obligatory audits by independent auditors be sufficient?

Article 5

- Art. 5 para. 1 provides a transposition date 24 months from the date of entry into force of the proposed Directive. How does this interact with the fact that the transposition date of Directive 2014/1785 is 1 July 2026?

Article 8a(1)(c) of the Waste Framework Directive COM (2025) 986

- In our view, this restriction to an annual report on the masses placed on the market is only intended to harmonise the reporting of individual manufacturers to the Member States. In our opinion, this does not affect reports from PRO systems, which are used in Austria to automatically determine market shares in order to allocate collection masses fairly. This is done to ensure competition. We request clarification.

Government Offices of Sweden

9 January 2026

Ministry of Climate and Enterprise

Questions to the Commission on the Environment Omnibus

We thank the Commission for the opportunity to submit questions in writing. Please see below questions categorized by proposal.

COM(2025) 981 – The Batteries Regulation and the Industrial Emissions Portal Regulation

Batteries regulation

Why has the Commission chosen a different scope for substances with SVHC properties than both the criteria in REACH (properties independent of harmonised classification under CLP) and the substances formally identified as SVHC under REACH (SVHC on the Candidate List)?

Is it the Commission's intention that the labelling requirements should apply to all classified substances that meet the criteria for substances of very high concern under Article 57 of REACH, or only to substances that have been formally identified as SVHC and are listed on the Candidate List?

Why does the Commission refer in Recital 7 to the CLP Regulation (Regulation (EC) No 1272/2008) when specifying substances of very high concern? Is this a misunderstanding as the CLP does not mention SVHC?

We have not been able to identify how information on physical hazards—e.g., fire, explosion, and corrosive substances—should be handled on the label. Can the Commission clarify how such information is intended to be communicated on the labels?

COM(2025) 982 – Suspending the obligation to appoint an authorised representative for EPR for batteries and waste batteries and packaging and packaging waste

Could the Commission explain why it is proposing to only suspend, and not abolish, the obligation to appoint an authorized representative?

In Article 1 Suspension of Article 56(3) of Regulation (EU) 2023/1542, what is meant by "alternative means"?

As Article 2 differs in its wording, should both articles be interpreted as creating an obligation for MS to require authorised representatives for third country producers, and if they do not require it, ensure traceability by other means?

COM(2025) 983 – Suspending the obligation to appoint an authorised representative for EPR for waste, waste electrical and electronical equipment and single use plastic waste

Could the Commission explain why it is proposing to only suspend, and not abolish, the obligation to appoint an authorized representative?

To our understanding, the WEEE and SUP directives do not regulate MS' rights to require third country producers to appoint an authorised representative. Will the suspension affect this possibility? Will MS still have this right even though it is not explicitly regulated?

COM(2025) 984 – Proposal for a Regulation on speeding up environmental assessments

Please provide more information on how the use of TFEU 192 as legal basis is justified.

Please provide a more detailed problem description as well as more elaborate reasoning concerning the principle of subsidiarity?

According to Article 3(4) the single point of contact shall notify the project promoter of the outcome of "the comprehensive decision". Does this refer to the final outcome in the permit granting procedure (as defined in Net Zero Industry and Critical Raw Materials acts)? According to article 3 the mandate of the SIP according to this Regulation is limited to "facilitating and coordinating all aspects of the environmental assessments".

According to Article 4(5), 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. While the provision clearly allows the use of information not older than five years under certain conditions, it could also be interpreted as prohibiting the use of information older than five years. However, in some cases there may be information or data older than five years that can be reused without affecting the reliability of the environmental assessment. Therefore, such an interpretation does not appear to be consistent with the purpose of the regulation. How should the provision be understood in this regard? In the explanatory memorandum it is established that the regulation is coherent with the Impact Assessment Directive (IAD). However, article 5 seems to contradict IAD. A change or extension of a project which does not represent similar or greater risks than the original project can still have significant effects on the environment and require an impact assessment according to the IAD. Please explain how article 5 is to be understood in order to be coherent with the IAD.

It is stated in Article 5 (1), *Changes to projects*, that "changes or extensions shall be subject to an environmental assessment only where they involve major works 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." This could result in limitations for defence authorities to appeal such amendments that may negatively affect defence capability, for example in relation to wind power projects. Would it be possible to considerate exemptions for defence authorities in the Article? There are also some notions that may raise questions of interpretation, such as the meaning of "changes or extensions of projects" or "major works".

Article 7(2) explicitly refers to the environmental assessment of plans or programmes, in practice introducing time-frames for Member States local planning procedures. In other regulations such as Defence readiness, CRMA and NZIA, local planning procedures were by request of Member States excluded from the definition of permit granting processes and from the time-frame requirements for those permit processes, as local planning fall

under the scope of national competence. In this light, how does the Commission motivate explicitly time-frames that effect local planning procedures?

The proposed provision in Article 8(1) is very similar to the provision in Article 16b(2), third sentence, of Directive 2018/2001/EU (RED). The RED provision reads "Where a renewable energy project has adopted necessary mitigation measures, any killing or disturbance of the species protected under Article 12(1) of Directive 92/43/EEC and Article 5 of Directive 2009/147/EC shall not be considered to be deliberate." Apart from the scope of application of the two provisions (where the proposed provision is generally applicable and the RED provision applies only to renewable energy projects), there are also other differences in wording such as "appropriate and proportionate" vs. "necessary" mitigation measures. How should these differences be understood, or, in other words, are these differences meant to result in differences in interpretation of the provisions? Is the RED provision meant to be applicable in situations where the proposed provision is not applicable, and, if the answer is no, should the RED provision be repealed?

Under Article 8(1), "occasional killing or disturbance" shall not be regarded as "deliberate" if "appropriate and proportionate mitigation measures" are adopted and "best available technologies" are considered. How should competent authorities determine, in practice, (i) what qualifies as "occasional", and (ii) when killing/disturbance is to be considered "deliberate" for the purposes of Article 5 of the Birds Directive?

Article 8(2) indicates that mitigation measures should ensure that "significant adverse impacts on the population of the species concerned" are avoided, "despite the possible existence of negative impacts on individual specimens". Does the Commission confirm that Article 8 establishes a population-level significance test for assessing compliance in this context, and that the proportionality of mitigation measures should be calibrated to risk and vulnerability so as not to exceed what is necessary to avoid significant population-level impacts?

Given that Article 8 links the concept of "deliberate" to mitigation measures, best available technologies and the avoidance of significant population-level impacts, does the Commission consider that the Birds Directive should be

changed so that the same logic should be applied for the prohibitions in Article 5 a) and b) to activities that are not aimed at killing birds or damaging nests/eggs, including in permitting/notification contexts where no formal EIA/SEA is carried out?

Recital 38 and Article 14 empowers the Commission to adopt an implementing act identifying strategic projects for the construction and renovation of residential affordable or social buildings, as well as the necessary infrastructure that directly serves those buildings. What will this act contain? How will this act relate to the upcoming Affordable Housing Act? What is the timetable for establishing the act? How does this implementing act relate to Article 192 as the legal basis of the Regulation?

Article 14 and Annex – II – provides that Member States for strategic projects shall ensure tacit approval of "the specific intermediary administrative steps". Which are those "intermediary administrative steps" and how is this intended to work in a permit granting procedure?

COM(2025) – 985 Proposal for a Directive on simplification of certain requirements for the establishment of the Infrastructure for Spatial Information

What do the changes planned under the heading "Remove four empowerments for interoperability, network services, data sharing and reporting requirements" mean? And what are the real simplifications?

COM(2025) 986 – Proposal for a Directive on simplification of some requirements and reduction of administrative burden (SCIP database, reporting requirements in EPR, IED)

SCIP database

What is meant by 'maintain' in the new wording of Article 9.2?

EPR reporting frequency

To which EPRs (EU, purely national) does the proposal apply and what kind of (reported) information does it apply to, i.e. what is harmonised in practice? Does it regulate MS only or also (private) EPR organisations?

What kind of further harmonizing measures could be achieved as regards to EPR, e.g. in the CEA? Are there other comparable legislation on EPR schemes that the Commission is considering looking at?

Could the Commission provide some more background to the amendments in articles 9.7 and 37.6 (i.e. lifting of certain reporting obligations applicable to the Commission)? How does this affect the Commission's ability to propose future waste reduction measures? What are the consequences for comparability of statistics between how MS report on the achievement of waste reduction targets?

Art. 14a.2.d - Directive 2010/75/EU (Industrial emissions – Chemicals inventory)

Can the Commission elaborate more on the feedback received concerning the proposal on the deletion of the chemicals inventory?

Art. 14a (4) - Directive 2010/75/EU (Industrial emissions – Chemicals inventory)

The Commission deems that the requirement set out in Article 14a(4) of Directive 2010/75/EU for the EMS to be audited should be deleted as other EMS schemes such as EMAS or ISO 14001, already contain provisions regarding regular internal and external auditing. There are no regulations stipulating that EMS shall be certified as EMAS or ISO 14001 and not all BAT-C demands periodical external auditing. Is it the intent of the Commission to eliminate all form of internal and external auditing for those not certified as EMAS or ISO 14001?