



Council of the European Union
General Secretariat

Brussels, 12 January 2026

Interinstitutional files:

2025/0391 (COD)
2025/0393 (COD)
2025/0394 (COD)
2025/0395 (COD)
2025/0396 (COD)
2025/0397 (COD)

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CONTRIBUTION

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| From: | General Secretariat of the Council |
| To: | 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 BE, BG, CZ, LV and SI.

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BELGIUM

Technical questions on the environmental omnibus

A. EPR

COM(2025) 986 Article 1(1) - Amendments to Directive 2008/98/EC

- Could the Commission clarify whether the proposed amendment to Article 8a(1), point (c) of Directive 2008/98/EC—introducing a maximum reporting frequency of once every 12 months—applies to (a) the reporting to the competent authorities by producer responsibility organisations (PROs) or the producer in the case of individual compliance, or (b) the reporting to the PRO by their members (producers)?

COM(2025) 982 Article 1 - Suspension of Article 56(3) of Regulation (EU) 2023/1542 (authorised representative)

- With regard to producers established in third countries, could the Commission provide some examples of “**alternative means**” in relation to the proposal **COM(2025) 982** stating “*they shall ensure traceability and enforcement with regard to battery producers established in third countries through **alternative means***”
- Could the Commission explain why this option “alternative means” is provided?
- Could the Commission explain the rationale for the **date 1 January 2035** in the proposal **COM(2025) 982** stating “*The application of Article 56(3) of Regulation (EU) 2023/1542 shall be suspended until 1 January 2035*”.

B. SCIP Database

- In the current proposal of simplification: In the Explanatory Memorandum, the Commission states that “*The use of digital product passports and in the future more comprehensive product labels will further limit the future additional benefit of the database*”. The requirement to submit information to the SCIP database will end as soon as the revised Waste Framework Directive enters into force: Article 9, paragraph 1, new point (ia): “*ensure that any supplier of an article as defined in Article 3, point 33 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council provides the information pursuant to Article 33(1) of that Regulation to the European Chemicals Agency from 5 January 2021 until [date of entry into force of this Directive]*”. At that time, digital product passports will not be in place for most product groups. There will therefore be a period during information on the substances contained in products will not be accessible to the public and to actors in the value chain, such as waste management operators. **Are there any temporary measures foreseen?**
- Article 10 and recital (34) of the ESPR Regulation (2024/1781), stipulate that, where feasible, the DPP should be interoperable with existing databases such as SCIP or EPREL. Interoperability is established as a principle, but the technical method for synchronizing data has yet to be defined.

When and how will the transfer of information from the SCIP database to other interfaces be technically organised?

- The operational details for implementing the DPP remain to be specified. The EPR legislation stipulates that delegated acts will specify in concrete terms which data, at which level of detail, with which thresholds and in which format will be required for each product category, etc. At this stage, these acts have not yet been finalised, which means that the exact implementation of chemical information in the DPP has not yet been determined. Furthermore, the DPP will be developed by product category with a staggered timetable.
 - **So, will the DPPs cover all products that may contain substances of concern (as defined in article 2.29 - EPR regulation) ?**
 - **When and how will chemicals information be integrated into the DPP?**
 - **Could there be articles/products that will not be covered by the DPPs?**
- In the current proposal of simplification: Article 9, paragraph 2 is replaced by the following: “*The European Chemicals Agency shall maintain the data submitted to it pursuant to paragraph 1, point (ia).*” **What is intended by “maintain”? Does this mean integrating the data into the new Common Data Platform on Chemicals? (OSOA) How can the usability of the information be guaranteed if it is no longer updated?**

C. Batteries

1. Amending producer definition for distance contracts

For producers not established in the Member State where they sell batteries, Regulation (EU) 2023/1542 currently covers solely producers using distance contracts. It is necessary to ensure that all operators irrespective of the selling technique used are covered by the definition of producer in Regulation (EU) 2023/1542. The proposal therefore clarifies that a manufacturer, importer or distributor or other natural or legal person that sells batteries in a Member State and is established in another Member State or in a third country, qualifies as a producer, irrespective of the selling technique used, including by means of distance contracts.

Questions on 1 : Article 1(1)(a)

2. Adding a definition for substances of very high concern

Article 13 of Regulation (EU) 2023/1542 currently requires that batteries should bear a label indicating the presence of hazardous substances. However, the definition of those substances for labelling is unclear since the corresponding recital specifies that batteries should be labelled with the amount of certain hazardous substances present. Therefore, the proposal adds further precision on the scope of the substances that need to be labelled by referring to substances of very high concern identified in accordance with Regulation (EC) No 1907/2006 and Regulation (EC) 1272/2008.

Questions on 2 : Article 1(1)(b) et Article 1(4)

Clarification requested on the scope and implications of the proposed changes to labelling requirements under the Omnibus VIII initiative

As background context, the Commission services are currently preparing an *implementing regulation laying down rules for the application of Regulation (EU) 2023/1542 as regards format and harmonised specifications for certain labelling requirements*. This draft implementing regulation is currently subject to public consultation and aims to operationalise Article 13 of the Batteries Regulation by specifying the content, format, placement and prioritisation of battery labels.

In particular, the draft implementing regulation provides in its Article 4(2) that batteries containing substances classified as hazardous are to be labelled with the chemical name of those substances. This obligation is based on the definition in Article 3(1)(52) of Regulation (EU) 2023/1542, according to which a “hazardous substance” is any substance classified as hazardous pursuant to Article 3 of Regulation (EC) No 1272/2008. In practice, this would entail labelling based on the full scope of hazard classifications under the CLP Regulation.

In parallel, the Commission has introduced the Omnibus VIII proposal, which seeks to amend the basic Regulation by substantially narrowing the scope of substances subject to labelling under Article 13, by focusing on substances of very high concern identified in accordance with Regulation (EC) No 1907/2006 and Regulation (EC) No 1272/2008.

Against this background, **clarification would be welcome on the following points:**

1. What is the rationale for introducing this substantive change to the scope of substances subject to labelling through an amendment of the basic Regulation via the Omnibus VIII, rather than addressing it through the implementing regulation currently under preparation, whose purpose is precisely to specify and operationalise the labelling requirements under Article 13?
2. Is the proposed narrowing of the scope of hazardous substances under the Omnibus VIII initiative intended to affect only the physical labelling requirements on batteries, or would it also lead to corresponding changes to the information to be provided through the battery passport ?
3. *Exclusion of battery packs from removability and replaceability requirements*

Regulation (EU) 2023/1542 currently requires light means of transport (LMT) batteries to be removable and replaceable at cell level. This may create unexpected safety concerns when faulty battery cells are not replaced in the right conditions. Thus, in order to achieve the right balance between safety and repairability, LMT battery packs should be removable and replaceable by independent professionals, but at module level instead of cell level.

Questions on 3 : Article 1(2)

4. *Simplification of redundant reporting*

The Commission is obligated to review and report every four years about the quality of the information reported annually by the Member States concerning battery waste management. In addition, the Commission should assess the organisation of data collection, data accuracy and reliability and may make recommendations for improvement. The requirement for the Commission to review and publish a report on data from Member States should be deleted to allow for a more adaptable data review process. The Commission should retain the ability to assess data as needed and discretionarily

determine the appropriateness of the publication of a report, considering data sensitivity, confidentiality, and alignment with evaluation and review timelines.

Questions on 4 : Article 1(3)

Clarification requested on the proposed removal of mandatory Commission reporting obligations under the Batteries Regulation

The Omnibus VIII proposal includes a measure to delete several provisions requiring the Commission to periodically review and publish reports on data reported by Member States, including the obligation under Article 76(4) of Regulation (EU) 2023/1542 to publish, every four years, a report on the quality of information reported annually by Member States in relation to battery waste management.

According to the proposal's justification, these reporting obligations are considered overly prescriptive and redundant, as they may require analysis at sub-optimal moments and may not be aligned with evaluations carried out in accordance with the Commission's better regulation guidelines. The Commission would instead retain the ability to review data on a more flexible and discretionary basis.

In this context, clarification would be welcome on the following points:

1. Does the Commission intend to ensure a consistent and transparent assessment of data reported by Member States?
2. The proposal refers to a "simplification of redundant reporting". Could the Commission clarify with which other instruments, processes or obligations the reporting requirement under Article 76(4) of the Batteries Regulation is considered redundant?

D. INSPIRE

In order to obtain further clarification on the Commission's proposals COM(2025) 985¹¹ included in the Environmental Omnibus package for the revision of the INSPIRE Directive, we would like to raise the following technical questions:

Gouvernance

- Article 22 is completely replaced by a new one with the empowerment for the Commission to adopt delegated and implementing Act for several aspects (e.g. data themes, metadata, standards):
 - **DATA THEMES:** in new Article 4(7), the Commission is empowered **to adopt delegated acts** in accordance with new Article 22a to amend Annexes I, II and III by adapting the description of the existing data themes in the light of technological and economic developments. Following new Article 22a(2), this power shall be conferred on the Commission for a period of five years. Before adopting a delegated act, the Commission shall consult experts designated by each Member State
 - **METADATA:** Empowerment for the Commission **to adopt implementing acts** laying down rules for the implementation of Article 5 of Directive 2007/27EC.
 - **Article 22** is completely replaced by a new one. Previously, the Commission shall be assisted by the INSPIRE Committee.

Technical questions:

1. **Could the Commission clarify the proposed governance model**, how it differs from the current INSPIRE governance structure?
2. **What will be the future role of the INSPIRE Committee** under the new framework? Will it be replaced, expanded, or integrated into a broader horizontal committee from the Digital boards?
3. **Who will be designated as the experts mentioned in Article 22a?**
4. **What will be the impact on the INSPIRE Maintenance and Implementation Group (MIG and MIG-T)** currently operating as Commission experts groups composed of representatives appointed by the INSPIRE National Contact Points?

Datasets

- The proposal indicates that “**the HVD Annex includes 33 out of the 34 spatial datasets set out in Annexes I, II and III to Directive 2007/2/EC**”, and uses this to justify specific deletions from the current INSPIRE Directive.

It seems that several INSPIRE themes — *Coordinate Reference Systems (CRS) (Annex I)*, *Geographical Grid Systems (Annex I)*, *Agricultural and Aquaculture Facilities (Annex III)*, *Human Health and Safety (Annex III)*, *Population Distribution and Demography (Annex III)*, and *Statistical Units (Annex III)* — are not clearly, or only partially, reflected in the list of High-Value Datasets defined in Regulation (EU) 2023/138.

Technical questions:

1. **Could the Commission confirm this number?**
2. For themes that are not included in the HVD list, **how does the Commission envisage their treatment under the new legal framework?**

Reporting

1. Directive 2007/2/EC has a distinction between **reporting** and **monitoring requirements** (Article 21), whereas the HVD Regulation refers only to **reporting** (Article 5).
Moreover, an alignment of the INSPIRE Directive was recently introduced through **Decision (EU) 2024/2829**, adopted in October 2024, to ensure consistency in INSPIRE reporting with broader EU data strategies such as **Directive (EU) 2019/1024** and **Implementing Regulation (EU) 2024/903**.

Technical questions:

1. **Could the Commission clarify the rationale behind the deletion of Article 21** of Directive 2007/2/EC considering the Decision (EU) 2024/2829?
2. **Are the objective and content of the initial INSPIRE reporting requirements and those of Article 25 of the HVD Regulation equivalent**, in terms of scope and content, Members states obligations, administrative burden and potential valorisation?
3. **Could the Commission clarify the status of the INSPIRE monitoring obligations and Decision (EU) 2019/1372** which defines the current monitoring rules not addressed under the proposal?

Network services

The repeal of Article 11 of the INSPIRE Directive would render **Implementing Regulation (EU) No 976/2009** (network services) and **Implementing Regulation (EU) No 1089/2010** (interoperability and related technical obligations) obsolete, as their legal basis would no longer exist. This change is presented as a measure to ensure consistency with **Directive (EU) 2019/1024** on Open Data.

The INSPIRE network services concerned include **discovery, view, download and transformation services**. However, Directive (EU) 2019/1024 refers only to the concept of APIs and the **HVD Regulation** adds the possibility of **bulk download**.

As a result, **no clear alternative mechanism is defined** for the technical provision of these INSPIRE services, raising uncertainties about the future of existing spatial data services (e.g. WMS/WFS, OGC API, ATOM feeds).

Technical questions:

1. **Does this imply that the APIs described under the Open Data Directive and the High-Value Datasets Implementing Regulation will fully assume the roles currently covered by INSPIRE network services (visualisation and download)?**
2. **What will be the expected solution for view services, given that the Open Data Directive does not set any requirement for data visualisation?**

INSPIRE Geo-portal

- The proposal indicates the **discontinuation of the INSPIRE Geo-portal maintained by the Commission** (Article 15 deleted). To justify this, the proposal lists a limited set of functionalities

currently available on the EU INSPIRE Geoportal that are duplicated and provided by the *data.europa.eu* portal (monitoring, dataset availability and descriptions/metadata, and their access through view and download services (cf. recital (12), p. 14 of the proposal).

However, the current INSPIRE Geoportal provides Member States with additional essential components supporting INSPIRE implementation, including the **INSPIRE Reference Validator**, the **INSPIRE Registry**, the **INSPIRE Knowledge Base** and the **MIG Collaboration Platform**.

Furthermore, in contrast to the INSPIRE Geoportal, the current *data.europa.eu* portal does not provide any spatial data visualisation capabilities (vectorial or raster spatial data).

Technical questions:

- 1. Could the Commission clarify the future of the other tools and components accessible through the INSPIRE Geo-portal?**
- 2. Does the proposal also imply that the Commission intends to discontinue the development and accessibility of these additional components?**
If the case, will a transition plan be developed in coordination with Member States to ensure continuity of implementation activities?
- 3. Could the Commission confirm whether the capabilities of the *data.europa.eu* portal will be extended to allow the visualisation of spatial data, ensuring continuity of service when the INSPIRE Geoportal will be discontinued?**

^[1] - COM(2025) 985 Proposal for a Directive on simplification of certain requirements for the establishment of the Infrastructure for Spatial Information

E. Speeding up environmental assessments

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| <p>Chapter I General provisions</p> | |
| <p><i>Article 1</i> Scope</p> | <p>Could the Commission clarify the exact relationship between this proposed regulation and the directives mentioned, in particular how the provisions of this proposed regulation would affect specific provisions from each of these directives?</p> <p>Could the Commission clarify the relationship between this proposed regulation and other EU legislation (other than the directives mentioned within scope) which deal with the same issue of streamlining of assessment such as Critical Raw Materials, Net Zero Industries Act, Fast Track Permitting Defence Omnibus, Critical Medicines Act, Gigabit Infrastructure Act, Transeuropean Energy Infrastructure Act, Renewable Energy Directive, Grid Package?</p> |
| <p>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.</p> | <ol style="list-style-type: none"> 1. We would welcome clarifications on the scope of the regulation. When is it meant to be applied? Is this regulation only applicable when a plan, programme or project falls under the scope of <u>all</u> listed directives (cumulatively) or when a plan, programme or project falls under the scope of one of these directives? If the Water Framework Directive is applicable or an appropriate assessment according to the Natura 2000 directives is required, is this regulation applicable? Is it correct to understand this article 1 as stating that this regulation only applies when a plan, programme or project falls at least under the scope of the EIA/SEA dir, and optionally under the scope of WFD, BD, HD? 2. In case the WFD directive (2000/60/EC) is applicable, which articles of the WFD (2000/60/EC) are within scope of this regulation (which articles of the WFD directive prescribe an environmental assessment that is in the scope of this regulation)? 3. Please explain for each of the directives mentioned in article 1 which plans/projects are within the scope of the aforementioned directive? |
| <p><i>Article 2</i> Definitions</p> | |
| <p>1. For the purposes of this Regulation, the definitions in Directives 2001/42/EC and 2011/92/EU shall apply, except where a term</p> | <p>1) Art 2.1 only mentions directive 2001/42/EC and directive 2011/92/EU. Can the European Commission confirm that this proposed</p> |

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| <p>defined in those Directives is defined otherwise in this Regulation.</p> | <p>regulation does not affect any definitions included in the other directives mentioned within scope?</p> <p>2) A question on non-defined terms:</p> <ul style="list-style-type: none"> - If this proposed regulation contains the term that is also included in one or more of the directives mentioned under the scope (art 1), and that is not defined in art 2 of this proposal, does this mean that the interpretation as given under the directives of art 1 will also be the interpretation under this regulation? - Does article 2 1) entail that the definitions of the EIA and SEA directives also apply to the Natura 2000 dir and WFD dir for the articles under this regulation? <p>3) Is the term ‘environmental assessment’ interpreted following the definition of ‘environmental assessment’ according to the SEA directive (‘environmental assessment’ art 2b) and EIA directive (‘environmental impact assessment’ art 1 (2)g) applicable, or is ‘environmental assessment’ an umbrella term that refers to the environmental impact assessment (EIA) and the strategic environmental assessment (SEA) and the preparation of the appropriate assessment (following 92/43/EEC) and the assessment following the water frame work directive (2000/60/EC) (AA and water assessment even if no EIA or SEA is necessary)? In case it is an umbrella term, can it be defined what falls under the umbrella?</p> |
| <p>2. The following definitions shall also apply:</p> <p>(a) ‘reasoned conclusion’ means the opinion or decision of the competent authority finalizing its examination of the environmental effects of a project;</p> <p>(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;</p> <p>(c) ‘screening’ means the procedure to be carried out by the competent authority determining whether plans, programmes or projects are to be subject to an environmental assessment because of their likely significant effects on the environment.</p> | <p>On ‘reasoned conclusion’:</p> <p>1) To what extent does the definition of reasoned conclusion affect what is stated about the reasoned conclusion in directive 2011/92/EU? In dir 2011/92/EU the reasoned conclusion considers the <i>significant</i> effects of projects.</p> <p>2) Is the reasoned conclusion solely a decision/opinion on the environmental effects of a project, taking into account the conclusions of the EIA, AA and water assessment and the consultations, or is it a permit decision (a decision on the environmental aspects of the permit, hereby including the environmental assessment opinion or decision)?</p> <p>3) Does this regulation amends the Natura 2000 directives and WFD by adding extra steps (screening, scoping and reasoned conclusion) irrespective if the directives 2011/92/EU and 2001/42/EC are applicable ?</p> |

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| | <p>4) Is the ‘competent authority’ mentioned in the definition of reasoned conclusion the licensing authority, or can it be an advice or decision by the authority responsible for the quality of the EIA report and process of the environmental assessment or the advisory authority on nature and water?</p> <p>On ‘scoping’:</p> <p>1) What is meant with ‘environmental assessment report’? Is it the EIA report or SEA report? What if the directives 2011/92/EU and 2001/42/EC are not applicable?</p> |
| <p>Chapter II Common provisions on streamlining environmental assessments</p> | |
| <p><i>Article 3</i> Environmental single point of contact</p> | |
| <p>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.</p> | <p>1) Does this provision also apply to SEA? The initiator drafting a SEA is the planning authority. There is no issue of lacking contact points during the SEA procedure.</p> <p>2) In case only the WFD and natura 2000 directives are applicable and not the EIA nor SEA directive, is this provision also applicable?</p> <p>3) paragraph 1 allows for more than one EA SPOC, whereas paragraph 2 refers to the EA SPOC. Please clarify.</p> <p>4) Can a single point of contact be a contact in a digital portal system or must it be a physical person at an authority?</p> <p>5) What is meant with ‘all aspects of the environmental assessment under this regulation’? Does it correspond with art 1 (g) ‘environmental impact assessment’ of the EIA Dir points (i)-(iii) or is the reasoned conclusion (point ‘iv’) also part of this process?</p> <p>6) Is it allowed under these provisions that the SPOC differs from the SPOC of the permitting process (in case MS have a system of a permitting SPOC)?</p> |
| <p>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.</p> | <p>1) Does this para allow MS to establish an environmental assessment SPOC under sectoral legislation that is different from SPOC from the overall permit granting process under sectoral legislation?</p> |

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| <p>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.</p> | |
| <p>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.</p> | <ol style="list-style-type: none"> 1) What is meant with the comprehensive decision? This is not defined in the EIA directive. 2) What does 'the outcome of the comprehensive decision' mean? 3) Is the comprehensive decision a different decision than the reasoned conclusion? 4) Is the comprehensive decision the same as an overall permit-granting decision? (in relation with the second paragraph of article 3) |
| <p><i>Article 4</i> Streamlining of environmental assessment procedures</p> | |
| <p>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.</p> | <ol style="list-style-type: none"> 1) Is article 4 applicable if no EIA or SEA is necessary, but an appropriate assessment and when the WFD is applicable? 2) Does this also apply when an EIA and an SEA have to be carried out at the same time for a project that is part of a strategic plan? There are different levels of detail for those EA's which can hardly be combined. |
| <p>Under the coordinated procedure referred to in the first subparagraph, a competent authority shall coordinate the various individual assessments of the environmental impact of a particular plan, programme or project required by the relevant Directives.</p> | <ol style="list-style-type: none"> 1) How does this competent authority relate to the environmental assessment (EA) SPOC to be established under article 3 and the SPOC to be established under other EU legislation? 2) Should this be a competent authority or rather an expert steering committee? |
| <p>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.</p> | <ol style="list-style-type: none"> 1) How does this competent authority relate to the EA SPOC to be established under article 3 and the SPOC to be established under other EU legislation? 2) Should this be a competent authority or rather an expert steering committee? |
| <p>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</p> | <ol style="list-style-type: none"> 1) How does this competent authority relate to the EA SPOC to be established under article 3 and the SPOC to be established under other EU legislation? 2) 'at strategic level' means 'at plan and programme level'? |

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| <p>assessment under both Directives 2001/42/EC and 2011/92/EU, the procedural steps under those Directives shall be combined.</p> | <ol style="list-style-type: none"> 3) How does this obligation relate to the obligations in article 6(1) of Directive 2011/92/EU and in article 6 of Directive 2001/42/EC 4) Should the procedural steps of different competent authorities be combined, also in case only one of these Directives is applicable? 5) Does this also apply when an EIA and an SEA have to be carried out at the same time for a project that is part of a strategic plan? There are different levels of detail for those EA's which can hardly be combined. SEA and EIA proceed at different speeds, often making it impossible to run the procedures simultaneously. |
| <p>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.</p> | <ol style="list-style-type: none"> 1) Does this article provide for a mandatory scoping even if this is no obligation from the applicable directives? 2) In case only the WFD and natura 2000 directives are applicable and not the EIA nor SEA directive, is this provision also applicable? 3) Does the phrase 'one single opinion on the scope and level of detail of the information to be included in the environmental assessment report' refer to 'scoping' as defined in article 2 (2)? Why is the term 'scoping', as defined in article 2, not used in this article, given that it is used in art 7 1b) and art 7 2b)? 4) What is meant with 'environmental assessment report', for which reports a single scoping is required? 5) Why is stated that the 'Member States' shall issue one single opinion on the scope and level of detail and not 'competent authority' or 'SPOC'? This concerns a regulation which is in itself implementable without further measures. |
| <p>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.</p> | <ol style="list-style-type: none"> 1) Does this article also imply that the public consultation must take as much time as the consultation with authorities with specific environmental responsibilities? 2) From paragraph 4 it follows that nor the 'environmental assessment' SPOC nor the 'permit granting process' SPOC have tasks regarding public participation, with the exception of coordinating and facilitating the submission of the relevant documents? 3) Does this mean you can't invite other government bodies to preparatory meetings or steering committees that precede the public consultation as stipulated in the current procedures? In such |

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| | cases, these governments would implicitly be informed before the public. |
| <p>5. Member States shall ensure that the results of other relevant environmental assessments under Union or national legislation are made available to developers for their preparation of the environmental reports referred to in Article 5 of Directive 2011/92/EU within reasonable timelines, respecting the limitations with regard to commercial and industrial confidentiality, including intellectual property, data protection and the safeguarding of the public interest. When preparing an environmental assessment report, the developer of a project shall be allowed to use data or information as old as five years, provided that the data into the report take into account the site-specific conservation objectives of Natura 2000 sites where relevant, more recent data is not available, and the environmental conditions in which the data were collected have not substantially changed in a way that is likely to influence the environmental impact assessment.</p> | <ol style="list-style-type: none"> 1) Does Article 4(5) mean that this information must be provided on request, or that it must be available online to everybody? What are the responsibilities of the competent authority: making information publicly available or actively searching for specific useful information for a developer? 2) What are the environmental conditions in which the data were collected? 3) What has to be understood by a change in environmental conditions, does this refer to deterioration and improvement? |
| <p><i>Article 5</i> Changes to projects</p> | |
| <p>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.</p> | <ol style="list-style-type: none"> 1) Does this article only apply provided that the EIA directive is applicable? Or is this article applicable to projects that are not in the scope of the EIA directive? 2) Paragraph 1 seems to establish a scheme that deviates from the scheme on changes and extensions that is included in the directives mentioned under scope. 3) What entails major works? Is 'major' overlapping with the criterion of 'risks that are similar to or greater than, in terms of their effects on the environment, to those posed by the original project'? 4) Does this paragraph establish a scheme based in risks instead of effects? 5) What if the risks/effects caused by the change are new and no comparison to original risks/effects is possible? 6) What if the project as changed has significant environmental risks/effects although the effects/risks of the change are less than the effects/risks of the original project? In that case where significant effects on the environment will continue to exist or will pop up for the first time or will increase there will be no assessment? |

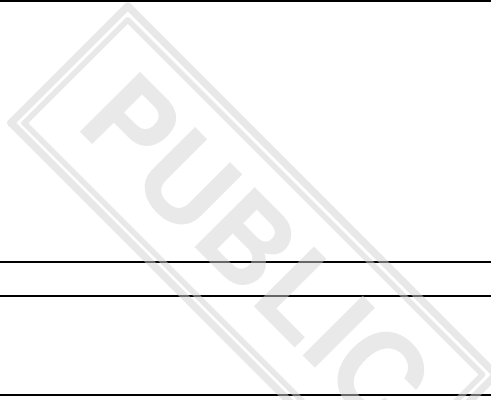
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| | <ul style="list-style-type: none"> 7) If the changes involve major works, an environmental assessment is necessary, does this mean that an appropriate assessment or assessment according to the WFD is only necessary in case of major works? In case the changes do not involve major works, but are likely to have significant effect on Special areas of conservation, no appropriate assessment is necessary? 8) What is included in 'decarbonisation' projects? 9) Does the last sentence mean that a screening is sufficient in cases where significant effects are expected, if the changes or extensions are not considered major works? Does it contradict the definition of screening? 10) Is an up to date assessment of the original project necessary to determine whether the changes or extensions can be considered 'major works' or should the original (old) EIA or screening be used as a basis? To what extent is a change in the surroundings or a change in methodology factors that have to be taken into account to consider major works compared to the original project? 11) Does this article imply that new criteria are added to the annex III of the EIA directive? |
| <p>2. For changes or extensions of projects which are likely to have significant effects on the environment in another Member State or where a Member State that is likely to be significantly affected so requests, the Member State in whose territory the project is intended to be carried out shall ensure that Article 7 of Directive 2011/92/EU is applied.</p> | <ul style="list-style-type: none"> 1) Does this article mean that transboundary consultation is necessary on a screening in case no major works are involved for changes or extensions of projects? 2) Does this article mean that transboundary consultation on a screening is necessary when only the natura 2000 dir or WFD is at stake (and not the EIA directive) for changes or extensions of projects? 3) Is an environmental assessment required if an extension of the operation period requires major works that in themselves do not represent risks that are similar to or greater than, in terms of their effects on the environment, those posed by the original project, but where the extension in itself does represent similar effects on the environment than the original project? |
| <p><i>Article 6</i> Substantial preclusion</p> | <p>Is this provision compatible with the obligations of the Member States under the Aarhus Convention (also in the light of the EU & MS court's rulings)?</p> <p>Could the Commission provide clarification on how this would practically work?</p> |
| <p>In the context of judicial proceedings relating to environmental assessments within the meaning of this Regulation, Member States may preclude</p> | <ul style="list-style-type: none"> 1) Does this provision entail that a member of the public should during the public consultation not only assess the information provided by the |

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| <p>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.</p> | <p>competent authority, but also simultaneously assess all input from all other members of the public submitted during the public consultation?</p> <p>2) Why is the obligation to make available the necessary information confined to the competent authority? Why is this obligation not applicable to the project developer since the developer also holds information on the project that could be relevant for the consultation of the public?</p> <p>3) Does this provision apply at the level of the individual person or is it a provision about which arguments could be raised in court irrespective who has raised them during the public consultation?</p> |
| <p><i>Article 7</i> Duration of screening and environmental assessments</p> | |
| <p>1. Where a project falls within the scope of Directive 2011/92/EU Member States shall ensure that:</p> | |
| <p>(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;</p> | <p>1) Does this article amend article 4 (6) of 2011/92/EU (90 days timeline)?</p> |
| <p>(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;</p> | <p>1) Does this article require scoping to be a mandatory step?</p> <p>2) This article imposes a 30-day deadline for scoping. Article 5(2) of the EIA dir states that the competent authority shall consult the authorities referred to in Article 6(1) before it gives its opinion. Does this proposal means that both steps must be completed within 30 days: consultation with the authorities and issuing a scoping opinion?</p> <p>3) Preamble 31 explains that the first step of the environmental impact assessment is not integrated in the timelines defined within this Regulation. Does this article contradict the preamble?</p> |
| <p>(c) the time-frames for consulting the public concerned on the environmental report referred to point (b) is between 30 and 90 days;</p> | <p>Belgian federal legislation often provides for the suspension of the statutory period for public consultation between the 15th of July and the 15th of August to provide an effective opportunity for the public to participate. Are this kind of suspension period compatible with the current drafting of this provision?</p> |
| <p>(d) within 30 days following the completion of the respective consultations under Articles 6 and 7 of Directive 2011/92/EU, the competent</p> | <p>1) Does this article add an additional mandatory step, the completeness check, to the EIA directive? Does this acknowledgement of the</p> |

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| <p>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.</p> <p>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.</p> | <p>completeness of the information must be implemented by member states as a formal stage of the assessment procedure?</p> <ol style="list-style-type: none"> 2) The ‘informed decision’ is the ‘reasoned conclusion’ or an additional formal step in the procedure? 3) Does this article imply that the public participation needs to be repeated if the information provided by the project developer is incomplete? 4) Does this article contradicts the EIA directive, namely that the public shall be given early and effective opportunities to participate in the environmental decision-making procedures, when all options are open to the competent authority and before the decision on the request for development consent is taken (art 6 EIA Dir)? 5) The competent authority acknowledges the completeness of the information: can it be clarified whether the acknowledgement is limited to the information provided by the developer or extends to all information, including other assessments, that is necessary to take an informed decision? |
| <p>(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).</p> | <p>Could you explain how this relates to the deadlines set out in RED III, which make a distinction between offshore and onshore renewables projects in terms of shorter time limits?</p> <p>Isn't there an overlap with the first declaration that has to be issued within 30 days ? As it must be declared within 30 days whether a study is complete it is already known whether the impact study can be accepted or not.</p> |
| <p>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.</p> <p>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.</p> | <ol style="list-style-type: none"> 1) The extension of deadline applies to each deadline? |
| <p>2. Where a plan or programme falls within the scope of Directive 2001/42/EC, Member States shall ensure that:</p> | |

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| <p>(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;</p> | <ol style="list-style-type: none"> 1) From what date do the 90 days count? 2) The term “competent authority” is not used or defined in the SEA directive. Depending on the legal and administrative system in different countries, it might not be clear which entity would qualify as the competent authority. In Belgium, at the federal level, there is an advisory committee in addition to the public administration who is drafting the plan or programme. It is unclear if this set-up which entity would be the competent authority. |
| <p>(b) the competent authorities carry out the scoping under Article 5(3) of that Directive and publish its results within 40 days;</p> | <ol style="list-style-type: none"> 1) From what date do the 40 days count? 2) Why are ‘competent authorities’ written in the plural? |
| <p>(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;</p> | <ol style="list-style-type: none"> 1) Is the period required to announce the public consultation included in this timeframe? |
| <p>(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.</p> | <ol style="list-style-type: none"> 1) Does this article add an additional mandatory step to the SEA directive, namely the conclusion on the environmental report? 2) Does the conclusion on the environmental report entail a formal decision on the environmental report? 3) Which authority decides on the conclusion of the environmental report, can it be the same authority as the planning authority? |
| <p>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.</p> <p>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.</p> | <ol style="list-style-type: none"> 1) The extension of deadline applies to each deadline? |
| <p>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</p> | <ol style="list-style-type: none"> 1) 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 assessments for the |

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| <p>Directive 2011/92/EU, the deadlines set out in paragraph 1 shall apply.</p> | <p>plan and the project as a whole must be finalized within the time frame for an assessment under directive 2011/92/EU? This requires simultaneous assessments and prohibits subsequential assessments?</p> |
| <p>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.</p> | |
| <p>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.</p> | <p>1) is it in this particular case up to the member state to decide where deadlines in the environmental assessment procedure are shortened to fit the timeline that applies to the overall PGP?</p> |
| <p>5. 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.</p> | <p>1) What is the point of setting minimum harmonized timeframes, which should be presumed to be identified on the basis of what is best practice, through this regulation when member states are allowed to set shorter deadlines? 2) Does paragraph 5 state that article 7 does not include deadlines about access administrative or judicial procedures to review?</p> |
| <p><i>Article 8</i> Protected species</p> | |
| <p>1. When the implementation of plans or when the construction, operation or decommissioning of projects result in the occasional killing or disturbance of birds protected under Directive 2009/147/EC or other species protected under Directive 92/43/EEC, such killing or disturbance of protected species shall 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.</p> | <p>1) The application of the provisions is confined to animal species? 2) Concerning the application of article 5 of Directive 2009/147/EC and article 12(1) of Directive 92/43/EEC: Do these new provision of art 8 para 1 only apply to “killing” and “disturbing”, and are other activities such as destroying nesting sites or damaging or destroying breeding or resting places (cf. Directive 92/43/EEC, Article 12.1.d) outside the scope? 3) Can the Commission give more details on how “occasional” would be defined?</p> |
| <p>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</p> | <p>1) How does article 8 relate to the derogation clause in Article 16.1 of the Habitat directive and art. 9.1 of the Birds directive, with the requirement that there is no satisfactory alternative (Habitat dir) or no satisfactory solution (Bird dir)?</p> |

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| <p>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.</p> |  |
| <p><i>Article 9</i> Environmental assessment of transboundary effects</p> | |
| <p>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 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.</p> | <p>1) Do we understand this proposed article correctly that this article does not apply to projects, plans and programmes planned on the territory of a single Member State with cross-border impact? The title mentions 'transboundary effects' (instead of 'environmental assessment of transboundary projects), causing confusion.</p> |
| <p>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.</p> | |
| <p><i>Article 10</i> Online accessibility of information and digitalisation of the environmental assessments</p> | |
| <p>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.</p> | |
| <p>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:</p> | <p>1) According to Article 2b), is it sufficient to provide general information about the steps and deadlines of the EIA, SEA and screening procedures, or should specific information about the progress and deadlines be provided for each ongoing EIA, SEA and screening?</p> |

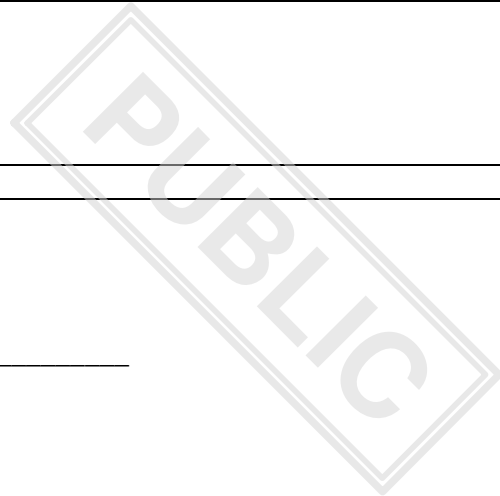
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| <p>(a) The environmental single points of contact referred to in Article 3; (b) the progress of the environmental assessments and screening procedures, including the upcoming steps of the procedure and the timeline of those steps, as well as information on dispute settlement;</p> | <p>2) If no EIA or SEA is drafted, is this article applicable on the procedure of the appropriate assessment and the assessment following the WFD?</p> |
| <p>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.</p> | |
| <p>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.</p> | <ol style="list-style-type: none"> 1) Wat is meant by digitalizing? Is using email to send documents also a form of a digital system? 2) Can the transboundary consultation be carried out by sending information by email? 3) Wat is meant by ‘automated systems’ to enhance the efficiency and effectiveness of the environmental assessment and screening procedures? |
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| <p><i>Article 11</i> Administrative costs of environmental assessments</p> | |
| <p>Member States shall endeavour to waive administrative charges and fees associated with environmental assessments for developers falling</p> | <p>Does this mean that the administrative charges and fees associated with the permitting procedure should be abolished?</p> |

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| <p>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.</p> | |
| <p><i>Article 12</i> Resources and training</p> | |
| <p>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.</p> | |
| <p><i>Article 13</i> Applicability of United Nations Economic Commission for Europe Conventions</p> | |
| <p>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.</p> | <p>1) How does this article relate to the provisions of directive 2011/92/EU and directive 2001/42/EC where these Conventions have been implemented by the EU?</p> |
| <p><i>Article 14</i> Toolbox for strategic sectors or categories</p> | <p>1) What is the legal status of a ‘toolbox’? Why is the term ‘toolbox’ used? 2) Why are the provisions of the annex not included in this art. 14 of this regulation? Why is it in an annex?</p> |
| <p>1. The provisions set out in the Annex shall apply where existing sectoral 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.</p> | <p>1) Why does this paragraph 1 not mention the concrete existing sectoral Union legislation? Existing = at moment of adoption of this regulation by Council and Parliament. 2) Since the contribution to resilience and decarbonisation or resource efficiency is a condition for application of this article, what is</p> |

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| <p>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.</p> | <p>meant by the terms ‘resilience’ and ‘decarbonisation’?</p> <p>3) Why should the Commission be empowered to adopt such implementing act considering the EU has no competence regarding housing as well as considering there is no EU framework act on strategic projects for the construction and renovation of residential affordable or social buildings which needs an implementing act by the Commission?</p> |
| <p>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.</p> | <p>1) Since the term ‘strategic sector’ confines the scope of application of this provision, how is a ‘strategic sector’ defined?</p> <p>2) Does this paragraph apply to each project within a strategic sector or only to projects which are recognized as being strategic?</p> <p>3) Since the contribution to resilience and decarbonisation or resource efficiency is a condition for application of this article, what is meant by the terms ‘resilience’ and ‘decarbonisation’?</p> |
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| <p><i>Article 15</i> Notification of national implementing rules and measures</p> | |
| <p>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.</p> | |
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| <p><i>Article 16</i> Entry into force and application</p> | |
| <p>This Regulation shall enter into force on the 20th day following that of its publication in the <i>Official Journal of the European Union</i>. 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.</p> | |
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| <p>ANNEX Toolbox for strategic sectors or categories</p> | |
| <p>I. Overriding public interest</p> | |
| <p>For projects referred to in Article 14(1) of this Regulation and where Union legislation refers to this provision according to Article 14(2) of this Regulation, then, with regard to the environmental assessments and the obligations referred to in Article 4(7) of Directive 2000/60/EC, Article 9(1), point (a), of Directive 2009/147/EC, Articles 6(4)</p> | <p>1) How does ‘overriding public interest’ relate to the terminology in the Habitat directive 92/43/EEC ‘imperative reasons of overriding public interest’?</p> <p>2) ‘Certain project’ is unclear. Which criterions should be fulfilled for the project to qualify,</p> |

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| <p>and 16(1) of Directive 92/43/EEC, certain projects developed for strategic sectors or categories shall be considered to be of public interest and may be considered to have an overriding public interest and to serve the interests of public health and safety provided that all the conditions set out in those Directives are fulfilled.</p> <p>When assessing the fulfilment of the conditions referred to in paragraph 1, the strategic nature of the project, shall be given specific consideration. In such case, Member States may, in duly justified and specific circumstances, to restrict the application of this paragraph to certain parts of their territory, to certain types of technology or to projects with certain technical characteristics.</p> | <p>with the exception of being recognized as a project developed within a strategic sector?</p> <ol style="list-style-type: none"> 3) Does this paragraph exclude projects which entail by nature very high concerns about public health and safety? 4) In such case, Member States may, in duly justified and specific circumstances, to restrict the application of this paragraph to certain parts of their territory, to certain types of technology or to projects with certain technical characteristics: to which 'case' does this sentence refer? 5) What is the impact of this article on the conditions mentioned in art 4.7 of the WFD directive? Does this article only affects the conditions of c) on overriding public interest, or does this article also have an impact on the other conditions a), b), d) in Article 4.7? |
| <p>II. Tacit approval</p> | |
| <p>For projects referred to in Article 14(1) of this Regulation and where Union legislation refers to this provision according to Article 14(2) of this Regulation, then, in the authorisation procedures for projects developed for strategic sectors or categories, Member States shall ensure that the lack of reply by the relevant competent authorities within the established deadline results in the specific intermediary administrative steps to be considered as approved, except 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.</p> <p>The previous paragraph shall not apply to final decisions on the outcome of the permit granting procedure, which shall be explicit. All decisions shall be made publicly available.</p> | <p>Should decisions at the end of the screening procedure which determine that an environmental assessment is not required also be deemed to be “final decisions on the outcome of the permit granting procedure”?</p> |
| <p>III. Dispute settlement</p> | |
| <p>For projects referred to in Article 14(1) of this Regulation and where Union legislation refers to this provision according to Article 14(2) of this Regulation, then all dispute resolution procedures, litigation, appeals and judicial remedies related to projects within strategic sectors or categories before any national courts, tribunals or panels, including with regard to mediation or arbitration, where they exist in</p> | |

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| national law, shall be treated as most expeditious if and to the extent to which national law provides for such expediated procedures and provided that the usually applicable rights of defence of individuals or of local communities are respected. | |
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BULGARIA

COMMENTS AND QUESTIONS ON THE ENVIRONMENTAL OMNIBUS VIII PACKAGE - SIMPLER AND SMARTER ENVIRONMENTAL LEGISLATION

Bulgaria supports the reduction of regulatory burden, better legislative coherence and effective implementation as key to the Union's environmental and economic objectives.

We reaffirm our position that the permitting regimes should apply to all sectors, as simplified procedures for only certain activities pose environmental and economic risks.

Simplification should be consistent and comprehensive, taking the cumulative effects into account. For instance, lightening the burden on business should not lead to a disproportionate heavier burden on administrations, especially in light of the increasing reporting requirements.

We also believe that a mechanical shortening of deadlines for permitting is not an appropriate approach, as it would place burden on the countries with the most Natura 2000 sites and hinder their further expansion.

In light of the above, here are our comments and questions on the specific proposals from the Omnibus Package:

[Comments from the Republic of Bulgaria on the Proposal for a 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](#)

Attached document 16778/25

Bulgaria welcomes in principle any proposal related to simplifying the administrative burden.

Regarding the proposal to repeal the requirement for reporting of data on the use of water, energy and relevant raw materials by livestock and aquaculture operators, Bulgaria appreciates the proposal and believes that it will provide relief to both the sector and the competent authority.

Bulgaria assesses the proposal to amend Art. 6 of Regulation (EU) 2024/1244, paragraph 9, which allows Member States to decide to quantify data on emissions into air, water and soil of each of the pollutants listed in Annex II of the Regulation on behalf of operators of livestock and aquaculture installations, with a view to reducing the administrative burden.

Comments from the Republic of Bulgaria on the

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

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 electronic equipment and single use plastic waste

Attached documents 16753/25 and 16754/25

Bulgaria considers the need to adopt a regulatory framework at EU level to suspend the application of the rules for the appointment of an authorized representative for extended producer responsibility (EPR) for batteries and battery waste and for packaging and packaging waste under the first proposal, respectively for textile waste, electrical and electronic equipment and single-use plastic waste under the second proposal.

Simultaneously, we also recognize the importance of the role of an Authorized Representative for the EPR, who acts on behalf of an economic operator (producer) selling products in a Member State where the producer is not established or, if established, in a third country, which role ensures and guarantees both - that producers offering products on the territory of a Member State comply with the rules on extended producer responsibility and that the costs of waste management will be covered on the territory of the country where they place their respective products.

According to local and European legislation, producers should be registered in a register and report the quantities of products placed on the market in the relevant MS, respectively, to take responsibility, including financial, for the waste that results from the placing on the market of the specified products. Registration in this register is in the relevant language of the MS, with the local authorized representative providing producers who are not located in the relevant MS with the opportunity to fulfill the requirements of the legislation, including regarding registration in a register of producers, which is in the specific local language, reporting data, fulfillment of obligations for collection and recycling of waste.

As a result of the suspension of the provisions on an authorised representative in relation to producers from other MS, situations arise where it is necessary to obtain clarity from the EC on the following issues:

1. Does it mean that once the use of an authorized representative is discontinued, the responsibilities and obligations of producers with respect to the EPR for products they place on the market in Member States where they are not established, are eliminated?
2. If not, how could a MS ensure, enforce and control the application of the extended producer responsibility requirements for products placed on its market by producers established in other Member States?
3. If so, what will happen to the costs associated with waste arising from the placing on the market of the relevant products, for which producers are not financially responsible? Who will be responsible for this waste and how will its collection and treatment costs be covered within the Member State in the absence of a responsible entity under its jurisdiction?

4. Is a reduction in waste collection and treatment targets under the relevant acts being considered in cases where financing may be lacking for products placed on the market by producers not established in the relevant Member State?

Comments from the Republic of Bulgaria on the 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

Attached documents 16771/25, 16771/25 ADD 1, 16771/25 ADD 2

Bulgaria welcomes in principle any proposal related to the simplification of the administrative burden for businesses in the sectors concerned and for public authorities. In this regard, we could support the proposed amendments to Directives 2010/75/EU and (EU) 2024/1785 on industrial emissions. We believe that the current proposals achieve a simplification of the application of some requirements, compared to the changes introduced by Directive (EU) 2024/1785, as it is proposed to drop provisions falling within the scope of other applicable legislation.

1. With regard to the proposed changes to Article 14a on the requirements and scope of the Environmental Management System (EMS), Bulgaria considers that the proposed changes facilitate the implementation of the provisions and reduce the administrative burden for enterprises with complex permit. We assess as positive the repeal of the requirements for inventory of chemical substances, since the obligation applicable to economic operators, suppliers of chemical substances on the EU market, including operators of installations with complex permit, is covered by the REACH Regulation and this proposed amendment avoids overlapping requirements under other applicable legislation on the supply chain.

We also consider it appropriate to repeal the requirements for auditing the EMS and transformation plans, as stated in the explanatory memorandum, environmental management systems such as EMAS or ISO 14001 already contain provisions on regular internal and external audits, and that stakeholders would have difficulty complying with the requirements due to a lack of audit capacity.

Bulgaria welcomes the provision of more time for operators to prepare and implement EMS under the revised Article 14a, by postponing the deadline from 2027 to 2030.

In this regard, Bulgaria would like to obtain clarity on whether it is necessary to transpose the requirements of Article 14a of Directive (EU) 2024/1785 by July 2026, given the current proposals for changes and in particular regarding the deadline for the implementation of the EMS until 2030.

2. Regarding the changes in Annex I and Ia – Bulgaria welcomes the Commission's initiative to clarify the scope of the activities included in Annex I, specifically point 2.2, in accordance with the applicable steel production techniques.

The exclusion of organic poultry farms from the scope of the directive (similar to organic pig farming) and the clarification that unweaned piglets are not taken into account when calculating the capacity of the installations are fully justified and scientifically substantiated. In this regard, we consider it important to take into account the average annual capacity of the installations, and not the maximum capacity of the installations, when calculating the capacity of the installations.

The above is justified on the grounds that taking into account the average annual capacity of the installations is particularly important for farms with cyclical production (such as pig and poultry farms) and seasonal fluctuations, thus keeping artificial entry outside the scope of the directive. Last but not least, the presence of epizootics in both sectors should be taken into account, as it prevents farms to reach their maximum capacity.

Last but not least, **Bulgaria insists on extending the deadline for transposition of Directive (EU) 2024/1785** amending Directive 2010/75/EU, in view of the current proposals for changes that are within the transposition deadline, considering it appropriate to combine this proposal and the transposition of Directive (EU) 2024/1785 in a single amendment. It is unjustified to introduce requirements in national legislation that will have to be repealed after a year or two.

We take this opportunity, in view of the present proposal for amending Directives 2010/75/EU and (EU) 2024/1785, to propose the repeal of certain provisions of Directive (EU) 2024/1785, which we consider to be duplicative requirements and make implementation more difficult/complicated. In the spirit of the initiative to simplify environmental legislation and reduce administrative burdens, we propose the following changes:

1. To repeal Article 14 ab) of Directive (EU) 2024/1785 amending Directive 2010/75/EU as regards the requirements for assessing the need to prevent or reduce emissions of substances meeting the criteria in Article 57 or of substances subject to the restrictions in Annex XVII to Regulation (EC) 1907/2006 (REACH). The main reason for the proposal is duplication of requirements under the REACH Regulation. The Regulation requires economic operators – suppliers of chemical substances on the market – to comply with the adopted restrictions on the production and use of substances listed in Annex XVII to the Regulation.

Directive (EU) 2024/1785 assigns a role to ECHA, based on its expertise in the implementation of REACH, in the Information Exchange Forum for the preparation and updating of BAT reference documents. The adopted BAT conclusions applicable to activities under the Industrial Emissions Directive contain requirements on the prevention or reduction of emissions of substances restricted under REACH.

2. The requirement for the preparation and implementation of EMS (Article 14a) should be completely repealed.

This is supported by the facts that the current requirements under Directive 2010/75/EU contain environmental management system requirements for installations within the scope, based on BAT.

3. To repeal the provision introduced by Directive (EU) 2024/1785 (Article 79) regarding 3% penalties for the most serious violations.

The method of determining the amount of the 3% penalty hinders implementation and makes it difficult for the supervisory authority to access the information on the annual turnover of the operator. Also, according to the current legislation implementing the requirements of Directive 2010/75/EU, maximum penalties have been set, which in percentage terms may reach or exceed 3% of the operator's annual turnover.

4. The requirement for „animal units“ for the capacity of poultry and pig installations/activities under Annex Ia of Directive (EU) 2024/1785 to be replaced with the „number of animals“, as is currently the practice.

We face difficulties in calculating and recalculating capacity to determine the scope of affected farms. The inconsistency in the approach to calculating capacity under the various regulations in the agro-industrial sector will complicate matters for both operators and competent authorities.

In connection with the proposed amendments and supplements to Directive 2010/75/EU and Directive (EU) 2015/2193, we have the following concerns:

1. It is noteworthy that the proposal in both directives includes the elimination of compliance with the NO_x ELVs when burning gaseous fuel (other than natural gas) with the addition of more than 20% by volume of hydrogen. At the same time, when using this relief, Member States must ensure that the total amount of nitrogen oxide emissions released into the air for one year would not increase compared to that emitted by a given installation for a period of 1 year, provided that they are determined in compliance with the NO_x ELVs when burning natural gas.

It should be noted that when burning gases other than natural gas, ELV emissions of nitrogen oxides are inherently higher than when burning pure natural gas. The same is stated in the document with a proposal for amending the directives (page 13) - when hydrogen content in the fuel increases, NO_x emissions also increase.

Considering the above, it can be concluded that regardless of the proposed waiver of compliance with the NO_x ELVs, provided that hydrogen-enriched gaseous fuels are burned, combustion plant operators will need to either reduce their annual load or install purification facilities to reduce emissions of this pollutant, similar to those from natural gas combustion.

In this case, it is not financially justified for combustion plant operators to burn gas fuel with more than 20% hydrogen by volume to support the transition to clean energy and low-carbon technologies.

2. Directive (EU) 2015/2193 also proposes to link the performance of control measurements (own periodic monitoring) to the annual number of operating hours for medium combustion plants with a rated thermal input greater than or equal to 20 MW that meet the requirements for "category NRG" (engines for generating sets) with emissions that meet Stage V according to *Regulation (EU) 2016/1628 of the European Parliament and of the Council on requirements relating to gaseous and particulate pollutant emission limits and type-approval for internal combustion engines for non-road mobile machinery, amending Regulations (EU) No 1024/2012 and (EU) No 167/2013, and amending and repealing Directive 97/68/EC*. It is not clear how the proposal corresponds to Art. 2 "Scope", par. 3, letter "g" of the directive, according to which the same does not apply to technical equipment used in the propulsion of a vehicle, ship or aircraft.

CZECH REPUBLIC

9 January 2026

CZ preliminary comments/questions on the Environmental Omnibus (Simplification of administrative burdens in environmental legislation)

The Czech Republic still has scrutiny reserve on all legislative proposals due to the ongoing formulation of the national position. CZ generally welcomes the simplification initiative and all efforts to lower the administrative burden.

Proposal for a Regulation on speeding up environmental assessments (16755/25)

• Article 3

It is not clear from this provision whether a single point of contact should also be established for the strategic level (SEA), i.e. plans and programmes. If so, this could be considered a systemic challenge. Plans and programmes are prepared at different hierarchical levels, i.e., with varying degrees of detail for areas of varying sizes, and there are significant differences between them, which are reflected mainly in the requirements for the SEA process. The knowledge the competent authority has of the affected area, regional and local conditions, links to other strategic documents, and the real context of spatial development present a major advantage. It therefore does not seem practical to establish a single point of contact capable of covering such a wide range of issues. Furthermore, unlike in the case of projects, developers are not the main actors that would communicate with this single point of contact in the case of plans and programmes as this role is generally played by public authorities submitting them for assessment.

The Czech Republic therefore requests clarification of this issue, or rather of the scope of this provision.

• Article 4

The proposed provision allowing, or even requiring, some form of merging of the SEA and EIA processes, or the issuance of a single joint opinion by the SEA and EIA authorities, may pose a risk to preserving the main purpose of the SEA process. SEA is a strategic process whose aim is to prioritize the identification and assessment of the key environmental impacts of plans and programmes, which are to serve as input for the subsequent EIA process. The draft regulation allows the SEA and EIA authorities to determine the scope and content of the respective assessments (environmental reports) simultaneously in a single opinion, which runs counter to the meaning and principle of the SEA process. This proposal may lead to the EIA process starting at the same time as the SEA process (or even earlier), thereby jeopardizing the strategic importance and usability of the SEA outputs. Therefore, it does not seem appropriate for the regulation to support this practice, which is not in line with the objectives of the SEA Directive. The coordination or integration of the SEA and EIA processes is not clearly defined in the proposal, which may pose a risk to the strategic importance of SEA.

The Czech Republic therefore requests clarification on how the coordination or combination of the SEA and EIA processes should proceed in order to preserve their distinct roles and functions.

• Article 5

It is not clear from the provision whether it applies only to certain selected types of projects (listed here as examples) related to "decarbonization," or whether it should apply to all projects within the scope of this regulation.

The Czech Republic therefore requests the clarification of this provision.

• **Article 7**

Shortening the deadlines, e.g., for conducting screening or scoping procedures, both in the SEA and EIA processes, may not necessarily be the most appropriate solution. Under the current legislation and the resulting practice in the Czech Republic, the public and the authorities concerned are effectively involved in these phases, and the deadlines are set so that the EIA and SEA authorities can properly assess the content of all statements and comments and subsequently issue a proper conclusion to the screening and scoping procedure. Shortening these deadlines could adversely impact not only the quality and completeness of the relevant assessments, but also the standard of protection of the rights of members of the public under international law, and thus the purpose of the SEA and EIA processes. At the same time, setting different deadlines for screening and scoping may hinder their effective integration into a single procedure, which has proven very successful in the Czech Republic and is ultimately more effective in all respects than if these steps were separated.

It should also be noted that not only in the Czech Republic, the environmental report pursuant to the SEA Directive as well as the assessment of impacts on NATURA 2000 sites pursuant to the Habitats Directive (which is already fully integrated into the SEA process), is not prepared by the SEA authority itself, but by an entity with the relevant authorization. Relevant consultations are therefore carried out on the basis of, inter alia, the published environmental report (including the NATURA 2000 assessment), not before the environmental report is prepared and published. The specified 7-month period for the preparation of the environmental report and the NATURA 2000 assessment cannot cover, for example, situations where more complex surveys involving year-round data (linked to the growing or nesting season etc.) need to be carried out, or cases where the SEA authority requests additional information. The same applies at the project level within the EIA process, and thus for periods needed for preparation of the relevant assessments.

The Czech Republic therefore requests clarification of the reasons that led the EC to propose the provisions of this article, and the calculations that justify the proposed deadlines and procedures. Furthermore, the Czech Republic requests clarification on how to proceed in the event that it is necessary to supplement the environmental report or the NATURA 2000 assessment, which would require more time than that specified in the regulation.

• **Article 9**

It is not entirely clear from this provision whether it applies to "standard" plans/programmes and projects subject to transboundary assessment (i.e., with one party of origin) or to plans/programmes and projects actually implemented in the territory of several states (i.e., with multiple parties of origin), such as plans for joint management of border areas or linear transport infrastructure projects.

If the latter option is intended, as the Czech Republic assumes, it would be appropriate to specify this more clearly in the provision.

• **Article 10**

Although the Czech Republic considers the central digital portal proposed in this provision to be a beneficial measure for future practice, its establishment in the full form envisaged here will require very significant and long-term financial, personnel, and time costs. In this light, the Czech Republic considers the deadlines set for the implementation of this portal to be completely unrealistic. At the same time, the Czech Republic believes that a more appropriate solution would be to establish a basic portal at EU level

(i.e. by the EC), to which the portals of individual Member States would connect and form "national extensions." This solution could ensure both a reduction in costs for Member States and at least a partial elimination of the challenges of interconnecting national portals due to the incompatibility of different legal frameworks, etc.

The Czech Republic therefore asks the EC to reconsider the proposed model, including extending the relevant implementation deadlines.

- Article 14

It is not entirely clear from paragraph 1 of this provision what sectoral EU legislation is meant by it – whether, for example, it refers to legislation in the area of simplifying the authorization of projects in the field of critical raw materials (CRMA), climate-neutral technologies (NZIA), etc., or some other legislation. In any case, the Czech Republic considers it necessary to clarify the reference here. At the same time, the Czech Republic has doubts as to whether housing falls within the exclusive or shared competence of the EU, so that the EC can adopt the delegated acts announced here, recognizing the strategic nature of projects for affordable and social housing.

The Czech Republic therefore requests clarification in this regard or, if necessary, an amendment to the provision in question.

- Annex

It is not entirely clear what the purpose of the tacit consent referred to in point II of the Annex is, if it cannot be applied in the case of projects subject to assessment under any of the above-mentioned environmental directives, and it is questionable in which cases it will be possible to apply it, or rather, to which situations this provision is intended to apply.

At the same time, we would like to point out the inappropriateness of using the concept of deemed consent in any form – a tacit approval does not, by its very nature, contain any justification and is therefore, in the vast majority of cases, contrary to the requirements of the legal regulations governing its (normal) issuance. If such an act becomes the subject of administrative or judicial review, it cannot stand, which ultimately does not lead to the acceleration of permitting processes, but rather to their delay.

The Czech Republic therefore requests an explanation in this regard or an amendment to the provision in question.

INSPIRE - Proposal for a Directive on simplification of certain requirements for the establishment of the Infrastructure for Spatial Information (16773/25)

Concerning INSPIRE Directive, the proposed changes are extensive and essentially consist of repealing a large part of the directive's articles and abolishing four out of five related technical regulations. We would **welcome a clarification** whether it is intended that the obligation to publish data is thereby shifted to the area of open data, which might be far less developed. The Czech Republic fears that repealing without any other meaningful solution may not lead to simplification. We will provide concrete suggestions at later stages.

Proposal for a Directive on simplification of some requirements and reduction of administrative burden (16771/25)

We would like to propose additional changes in **medium combustions plants directive (article 3)**, specifically about the clarity of the status of so-called indirect process heating in relation to the wording

of Article 2 of Directive (EU) 2015/2193 (MCPD) combined with the definition of a combustion plant in Article 3, point 5. The essence of the problem identified by the Czech Republic is that the scope of the indirect process heating according to the Directive is rather broad and in some specific combustion installations used for technological heating, such as melting or firing furnaces, very high operating temperatures are required or the combustion occurs in excess air. As a result, compliance with the emission limit values under the MCP Directive may not be achievable. As we understand neither within the Industrial emission directive nor in the legislative praxis of some of the Member states, these combustion processes would not be considered as combustion plants falling under the scope of Chapter III of IED or combustion installations corresponding to the MCPD, but the legislative basis for such exclusion is not clearly set in the MCP Directive itself. We would like to draw attention to this issue and indicate that in the next stages of discussion on the proposal, we will likely present a specific solution to clarify the status of these combustion processes in relation to the MCP Directive.

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 (16753/25)

1. In explanatory memorandum, it is written „This specific proposed Directive aims to reduce the administrative burden” – it is not a directive, but a regulation.
2. The proposal is unclear in terms of the scope of entities to which it would apply. **Can the Commission clarify which entities are covered by the proposed regulation and which are not? Does the suspension of the obligation apply only to manufacturers established in the EU? Will this be explicitly stated in the operative text of the regulation?**
3. It is unclear what the possible 'alternative means' are, i.e. what measures a Member State can implement. **What specific procedures are meant by the term "alternative approaches"?**
4. We point out to the fact, that some legislative acts, which are to be simplified by this package, were only adopted last year. In general, rapid changes to recently adopted legislation are not in line with the overarching legal clarity objective.
5. The proposed regulation shall enter into force twenty days after its publication in the Official Journal of the European Union. This regulation is binding in its entirety and directly applicable in all Member States. Therefore, it does not allow Member States time to adapt their national regulations, although it stipulates that manufacturers from outside the EU must either appoint an authorised representative or that Member States must ensure 'traceability and enforceability in relation to battery manufacturers established in third countries by alternative means'. The same applies to packaging. **It is impossible for Member States to implement the relevant measures within 20 days of publication in the Official Journal of the European Union.**
6. If the Commission states that it is preparing a legislative proposal for comprehensive reform of the extended producer responsibility system (see recital 9), the Czech Republic believes that all aspects should be included in a single proposal. Changes to extended producer responsibility must be implemented in a conceptual and comprehensive manner. **Why is the Commission proposing a partial proposal when it has also declared that a comprehensive proposal on the EPR will be presented this year as part of the Circular Economy Act?**
7. **Why was no regulatory impact assessment prepared for the proposal?** Given the focus of the proposal, an impact assessment should have been prepared.
8. We do not consider the proposal to be a significant simplification of the obligations arising from the aforementioned regulations. **Will the Commission submit further proposals that would, for example, reflect the suggestions made by Member States as part of various**

simplification initiatives last year? In our opinion, the Packaging Regulation in particular should undergo more substantial amendments in order to be more beneficial.

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 electronic equipment and single use plastic waste (16754/25)

1. We point out to the fact, that some legislative acts, which are to be simplified by this package, were only adopted last year. In general, rapid changes to recently adopted legislation are not in line with the overarching legal clarity objective.
2. It is unclear what the possible 'alternative means' are, i.e. what measures a Member State can implement. **What specific procedures are meant by the term "alternative means"?**
3. The proposal is unclear in terms of both implementation and the scope of entities to which it would apply. In its explanatory memorandum, the European Commission briefly states that the repeal of the obligation will only apply to European companies because the obligation negatively impacts SMEs. However, it will continue to apply to companies from third countries (see recital 6 of the preamble). **However, this exemption is not mentioned in the text of the amending directive itself, which states that the suspension of the obligation will apply to all manufacturers. For the obligation to continue to apply exclusively to companies from third countries outside the EU, this must be explicitly stated in the binding part of the regulation.**
4. If the Commission states that it is preparing a legislative proposal for comprehensive reform of the extended producer responsibility system, the Czech Republic believes that all aspects must be included in a single proposal. Changes to extended producer responsibility must be implemented in a conceptual and comprehensive manner. **Why is the Commission proposing a partial proposal when it has also declared that a comprehensive proposal on the EPR will be presented this year as part of the Circular Economy Act?**
5. **Why was no regulatory impact assessment prepared for the proposal?** Given the focus of the proposal, an impact assessment should have been prepared.
6. We do not consider the proposal to be a significant simplification of the obligations arising from the aforementioned regulations (specifically single-use plastic directive). **Will the Commission submit further proposals that would, for example, reflect the suggestions made by Member States as part of various simplification initiatives last year?**

LATVIA

Written comments
Omnibus VIII (Environment)
9th January 2026

1) 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 (ST 16753/25)

Regarding Article 1 (*Suspension of Article 56(3) of Regulation (EU) 2023/1542*) and Article 2 (*Suspension of Article 45(3) of Regulation (EU) 2025/40*) we would like indicate that we are not in favour of this amendment. We would like to ask several questions:

1) We would like to request clarification from the Council's Legal Service regarding the legal nature of the suspension of a legal requirement under a regulation or a directive. In particular, we would like to understand what this entails for Member States and for producers of textiles, electrical and electronic equipment, and packaging who have already appointed their authorised representatives.

2) We would also appreciate clarification on why the suspension is envisaged until 2035, and in particular why this specific year has been chosen. We would be interested to understand what benefits such a temporary suspension is expected to bring for Member States.

3) We are seeking clarification if sentence "where Member States do not require the appointment of an authorised representative for extended producer responsibility" means that Member States are given the discretion to require a manufacturer established in the third countries to appoint an authorised representative for the EPR? And does this mean that the Member States should not require a battery manufacturer established in another Member State to appoint an authorised representative for EPR? We would like to seek clarification why there is such different approach regarding producers from the third country and producers from other Member State?

4) We would appreciate clarification on which alternative measures Member States may use to ensure the tracking of, and compliance with, the requirements by producers of batteries established in third countries

5) We would appreciate clarification on how Member States will be able to obtain information regarding manufacturers established in another Member State who place batteries on their market, and on how these manufacturers are expected to fulfil their obligations under producer responsibility.

2) 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 (ST 16754/25)

We would like indicate that we are not in favour of this amendment. We would like to ask several questions:

1) We would like to request clarification from the Council's Legal Service regarding the legal nature of the suspension of a legal requirement under a regulation or a directive. In particular, we would like to understand what this entails for Member States and for producers of textiles, electrical and electronic equipment, and packaging who have already appointed their authorised representatives.

2) We would also appreciate clarification on why the suspension is envisaged until 2035, and in particular why this specific year has been chosen. We would be interested to understand what benefits such a temporary suspension is expected to bring for Member States.

3) Regarding suspension of the Article 22a(3) of Directive 2008/98/EC we would like to clarify if it is indeed intended that the Member States should not require a textile manufacturer established in another Member State to appoint an authorised representative for EPR, while producers from the third country are allowed to appoint their authorised representative. We would also welcome an explanation as to the rationale for this differing approach between producers from the third country and producers from other Member State.

4) We would appreciate clarification on how Member States will be able to obtain information on manufacturers established in another Member State who place textile products on their market, and on how these manufacturers are expected to fulfil their responsibilities. In particular, we are concerned about how these amendments might impact compliance with the requirements of the proposed Council Decision on the system of own resources of the European Union, repealing Decision (EU, Euratom) 2020/2053, specifically with regard to E-waste.

5) Regarding suspension of Article 17(2) of Directive 2012/19/EU we would appreciate clarification on why the suspension of Article 17(2) of Directive 2012/19/EU does not provide a similar explanation regarding the obligations of producers of EEE from third countries. We would also welcome guidance on how Member States are expected to obtain data from producers established in other Member State who do not have an authorized representative.

6) Taking into account that amendments to national legislation and producer registration procedures will be required, we would suggest that a longer transposition period be considered under Article 2, preferably of at least 18 months.

3) Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on speeding-up environmental assessment (ST 16755/25, 16755/25 ADD 1)

Article 3 – environmental single point of contact

At present, Latvia has a single competent authority responsible for environmental impact assessment (EIA), and therefore already operates a single contact point for environmental assessments. We kindly ask the Commission to clarify the provision in paragraph 2 of this Article, which states that where other Union legal acts refer to a single point of contact for the overall permitting granting process, this should be the same contact point. By way of example, under Regulation (EU) 2024/1735 of 13 June 2024 establishing a framework of measures for strengthening Europe's net-zero technology manufacturing ecosystem and amending Regulation (EU) 2018/1724 (the

Net-Zero Industry Act), as well as Regulation (EU) 2024/1252 establishing a framework for ensuring a secure and sustainable supply of critical raw materials and amending Regulations (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1724 and (EU) 2019/1020, the designated single point of contact is the Investment and Development Agency of Latvia (LIAA). In addition, the permitting process also includes a construction permit. In this context, we would like to express our concerns and request clarification in order to be able to assess the impact of this provision on the Latvian regulatory framework governing EIA authorities.

Article 6 – substantial preclusion

We kindly request clarification of Article 6 of the proposal, in particular whether it is intended to remove the possibility of administrative appeal and require parties to bring cases directly before the courts. We also ask how the requirements of this Article are compatible with the public's rights of access to environmental information and justice, notably in light of the Aarhus Convention. Furthermore, we seek clarification as to who would have the authority to prevent the public from bringing certain matters before a court, whether such a provision could be applied by a court upon receipt of an application or claim, and which authority would be responsible for rejecting a claim or determining that it is inadmissible on the grounds that the issue could have been resolved at the administrative stage of the project.

Article 7 – duration of screening and environmental assessments

Latvia has concerns regarding the provision set out in point (d) of paragraph 2 of the Article, which provides that, for plans and programmes falling within the scope of Directive 2001/42/EC of the European Parliament and of the Council on the assessment of the effects of certain plans and programmes on the environment, the competent authorities shall publish the environmental report. In particular, clarification is requested as to whether it is envisaged that the competent authorities would also be responsible for preparing the environmental report, as in Latvia the environmental report is currently prepared by the plan or programme developer. In addition, it is not clear from which moment the seven-month time limit starts to apply, nor whether the environmental report itself is required to be prepared within that seven-month period. Latvia therefore expresses concerns that this time limit may not always be sufficient for the preparation of the environmental report.

Article 10 - online accessibility of information and digitalisation of the environmental assessments

We kindly request clarification of Article 10 of the proposal. In particular, is it envisaged that Member State authorities would be required to establish a separate central online portal? In Latvia, environmental reports are already published on the developers' websites and are publicly accessible, while information on the procedures for specific projects, together with links to the developers' websites, is available on the website of the competent authority. In the Commission's view, would this existing arrangement be considered equivalent to a central online portal?

If, however, the proposal refers to the establishment of a completely separate central online portal, Latvia wishes to draw attention to the significant costs associated with such digital portals, including the need for extensive data storage servers to ensure long-term storage of large volumes of information. Moreover, within the EIA framework the data are not only very voluminous, but also highly diverse in type and generated in

different systems. In such a case, Latvia would not support the establishment of a separate central online portal, as it would be very resource-intensive.

Furthermore, in Latvia's view, the obligation to publish EIA-related information as set out in the proposal, without defining a minimum scope of information to be published and merely stating that published information must not infringe commercial confidentiality or copyright requirements, does not ensure the achievement of the intended objective and instead creates risks of inconsistencies and litigation at national level, since (1) the scope of information published may differ significantly between Member States, and (2) at national level it may be very difficult to determine the extent of information to be published, as operators are likely to invoke commercial confidentiality. Latvia therefore suggests establishing, at EU level and within the proposal, a harmonised approach with clear criteria and a defined scope of information to be published in the context of EIAs.

Article 11 – Administrative costs of environmental assessments

Latvia would appreciate further clarification regarding the administrative costs referred to in Article 11, which are envisaged to be borne by public authorities rather than by the project promoter. In particular, it would be helpful to understand whether these costs relate to official state fees or to other types of administrative expenditures.

Article 12 – Resources and training

Latvia agrees that, within the EIA framework, it is essential to ensure appropriate expert qualifications and a sufficient number of experts to carry out EIAs in a timely and high-quality manner. At the same time, we note that implementing the requirements set out in the proposal entails the need for additional financial resources, including regular training of experts. Moreover, this type of provision is rather unclear and partly declaratory, as it is not specified which criteria will be used to determine what constitutes “effective task performance.”

Latvia therefore invites the Commission to provide information on whether it also plans to support efforts in this area, for example through guidance clarifying terminology. In Latvia's view, active involvement by the Commission is crucial to ensure a harmonised approach to EIAs across all Member States.

Article 14 – Toolbox for strategic sectors or categories

Latvia wishes to express its concerns regarding Article 14 of the proposal. In our view, the approach to different strategic sectors and projects across various EU instruments is becoming very complex, which may make it challenging for Member States to ensure consistent implementation at the national level. Latvia suggests that the Commission consider the possibility of including references to other EU acts that also address strategic projects. The formulation “projects contribute to resilience and decarbonisation or resource efficiency” is very broad. It would be preferable to harmonise all strategic sectors and projects within a single EU-level approach, identifying common priorities that would then benefit from streamlined treatment across all relevant EU instruments, rather than having strategic importance applied selectively in different regulations – e.g., certain raw materials in one regulation, decarbonisation in another, and other activities or sectors in yet another. Before Latvia is in a position to conduct a more detailed assessment of this Article and of the Commission's mandate to adopt an implementing act, further clarification would be appreciated regarding the specific sectors and categories envisaged.

Annex

Latvia is unable to support the provisions in the Annex providing for tacit approval of strategic projects solely on the basis of the competent authority not responding within the specified timeframe (which could, for instance, involve only a short delay). We believe that such a mechanism could pose significant risks to the quality of environmental impact assessments for these projects, potentially placing undue pressure on the competent authorities and encouraging a rushed or insufficiently thorough review, which may compromise the overall effectiveness and reliability of the EIA process.

4) 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 (ST 16771/25, ST 16771/25 ADD 1, ST 16771/25 ADD 2)

Amendments to Directive 2008/98/EC

1) With regard to amendment in Article 8a(1), point (c) we are concerned that reducing reporting to annual reporting will hinder the quality and accuracy of data on products made available for the first time on the market of Member States and on collected and treated waste. This amendment will also decrease possibility for competent authorities to detect non-compliance of producer responsibility organisations and to take corrective actions in good time. In our opinion, the amendment is also contradicting the principle of subsidiarity, since Member States have to ensure that waste collection and treatment targets are met, therefore Member States are most likely to apply reporting frequency what ensures meeting these targets. It is also not clear when this requirement will enter into force, and what will be the order of reporting for the relevant calendar year.

2) Regarding amendments of Article 9 (1) (7) we still would prefer that Commission adopts implementing acts to establish indicators to measure the overall progress in the implementation of waste prevention measures since it would help Member States to measure their progress in this area.

Amendments to Directive (EU) 2024/1785

We would appreciate if the Commission could provide clarification on the reasoning behind the exemption of the requirement for operators to develop a chemical inventory as part of the Environmental Management System (EMS).

Amendments to Directives 2010/75/EU and 2015/2193

1) We have concerns about how administrative burden is reduced regarding combustion plants firing gas with more than 20 % (by volume) of hydrogen (large and medium combustion plants in Directive 2010/75/EU and Directive (EU) 2015/2193). We believe that chosen approach sets additional administrative burden for competent authorities.

Member States shall ensure that the overall load of NO_x eventually released into the air over one year is not increased compared to the situation where the emissions from the installation concerned remained compliant with emission limit values set out in this point. This means that each MS will have to develop additional approach and set

requirements on how to ensure that emission limit values are ensured thus creating additional administrative burden for operators and competent authorities.

We would appreciate clarification on how administrative burdens are expected to be reduced in this case, and on the role and actions envisaged for the competent authority in ensuring and verifying compliance with the emission limit values laid down in Directive 2010/75/EU and Directive (EU) 2015/2193, in particular for combustion plants firing gas with a hydrogen content exceeding 20 % by volume.

2) We see the existing approach with regulating large combustion plants in many documents as confusing and creating additional administrative burden at national level.

Currently, requirements are included in Directive 2010/75/EU, Commission Implementing Decision (EU) 2021/2326 establishing best available techniques (BAT) conclusions for large combustion plants. At the same time Commission shall by 1 September 2026 adopt an implementing act establishing the method for assessing compliance under normal operating conditions with emission limit values set out in the permit with regard to emissions to air and water. All those documents interfere with each other thus creating confusion and very complex transposition at national level.

We would appreciate clarification on whether options have been assessed to revise existing legislation, for example by excluding Chapter III and Annex V from Directive 2010/75/EU and regulating these requirements instead through Commission implementing decisions. Such an approach could help reduce confusion, avoid potential duplication of requirements and limit unnecessary administrative burdens related to transposition at national level.

5) Proposal for a 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 (ST 16778/25)

Amendments to Regulation (EU) 2024/1244

Could the Commission clarify whether Regulation (EU) 2024/1244 provides that, if the operator of livestock production or aquaculture installations does not submit data on the use of water, energy and relevant raw materials, there is no reporting obligation at all, or whether the reporting obligation should instead be fulfilled by the Member State on behalf of the operator?

In our view, the proposal for Member States to quantify deliberate releases on behalf of livestock production and aquaculture operators would increase the administrative burden for Member States, even though it reduces the reporting requirements for operators. Also in the context of administrative burden, Member States may exempt 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 the number of operating hours, provided that this information can be gathered by other means. However, we believe that this may potentially increase the administrative burden for Member States.

Amendments to Regulation (EU) 2023/1542

Regarding amendment of Article 3(1) (47)(d) of Battery regulation (amendment of definition of producer) we would rather argue that the distance contract would be

retained in the definition as an example. At the same time, it should be noted that the term “producer” is also used in the WEEE Directive, Waste Framework Directive (for textiles) – such corrections should also be made in these laws and regulations.



SLOVENIA

Comments following the Antici Group on Simplification (AGS), Monday, 15 December 2025: Omnibus VIII proposals on simplifying for sustainable competitiveness (environmental omnibus)

Slovenia maintains its general scrutiny reservation, as the proposals are still under examination and pending the adoption of a national position.

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

As a preliminary remark, we welcome simplification efforts, however, such measures should not come at the expense of a lower level of environmental protection, nor should they result in increased burdens for competent authorities.

In this context, we have some concerns regarding the proposed amendments to the Industrial Emissions Directive. Member States are currently in the process of transposing the revised Directive, with the deadline set for 1 July 2026. The proposal (COM (2025) 986) would introduce further changes and, in this regard, we would like to flag the importance of taking into account the timing and work already underway at national level.

We would therefore urge that any amendments to the requirements introduced by Directive (EU) 2024/1785 be adopted before the transposition deadline, in order to avoid duplication of transposition procedures resulting from additional changes that would need to be transpose/implemented through national law adopted by the Parliament. While such additional changes may reduce administrative burdens for industry, their adoption after the transposition deadline in question would lead to duplication of legislative procedures for competent authorities and create legal uncertainties for industry.

Regarding the concrete proposed amendments, we would like to share some of our preliminary observations while keeping a scrutiny reservation:

Amendments to Directive 2010/75/EU

Article 2, paragraph 1:

Changes to Article 14.a (Environmental management system):

- To our opinion, current paragraph 1 should not be deleted. General obligation on preparation and implementation of the EMS should remain included. However, we welcome the proposed additional possibility to enable two or more installation under specific conditions to be covered by a single EMS. To our opinion this additional possibility should be included as a new paragraph (1a).
- We welcome the proposed deletion of current paragraph 2, point (f), on the inclusion of a transformation plan referred to in Article 27d.
- We do not support the proposal for deletion of paragraph 4, second subparagraph, on the adoption of an implementing act on which information (of the EMS) is relevant for publication. To our opinion, such implementing act is needed.
- Special scrutiny reservation on the proposed simplification regarding auditing of the EMS.

- If transitional provisions moved to Article 82 of the Directive 2010/75/ES (see comments below in this regard), reference to Article 82 in paragraph 4, third subparagraph, should be amended – the correct reference would be Article 82(13).

Article 2, paragraph 2 and 3:

Changes to Article 27d and related amendments in Article 27e:

- We support the proposed deletion of provisions on indicative transformation plan.

Article 2, paragraph 5:

Changes to Article 82:

- We would like to express our concerns regarding the proposed moving of transitional provisions from Directive 2024/1785/EU to Article 82 of Directive 2010/75/ES. To our understanding this could cause gaps and uncertainties regarding the start of application of obligations, that are addressed in those transitional provisions. To our opinion the consequence of such change is strongly dependant on the date of the adoption of such amendments (before or after the deadline for transposition of Directive 2024/1785/EU). To our understanding adoption of the proposed amendments before 1 July 2026 would mean, that certain legal obligations from Directive 2024/1785/EU would already be transposed into national legislation and applicable with no delay, since transitional provisions on those obligations would only have to be transposed to national law 24 months after the adoption of the proposed amendments (Article 3 of Directive 2024/1785/EU is proposed to be deleted, thus, there would be no transitional provisions to be transposed by 1 July 2026). On the other hand, if the proposed amendments would be adopted after 1 July 2026, transitional provisions of Directive 2024/1785/EU (current Article 3) would already be transposed to national law at the same time as relevant main obligations; moving of Article 3 of Directive 2024/1785/EU to Article 82 of Directive 2010/75/ES in such case seems to have no sense.
- We would like to express similar concerns regarding the proposed new transitional periods, not yet included in Directive 2024/1785/EU. If this amendment would be adopted after 1 July 2026, the main provisions would already be transposed into national law and applicable from 1 July 2026 and it is not clear how competent authorities or industry should act in this regard, namely, how the transitional provisions, adopted only after that date and transposed into national law only 24 months after adoption of such amendments, should be applied. On the other hand, if this amendment would be adopted before 1 July 2026, the main provisions would still have to be transposed by 1 July 2026 (and applicable immediately after that date), but relevant transitional provisions would only be transposed by 24 months after their adoption (and applicable only after that date). To our opinion this would cause legal uncertainties on what should be applied by which date.
- We would appreciate clarification on that.
- To our opinion, main provisions should have the same deadline for transposition as relevant transitional provisions; thus, the deadline for transposition of the relevant requirements of the Directive 2024/1785/EU should be postponed to the same date as transposition of the proposed omnibus.

Article 2, paragraph 6:

- Regarding changes to Annex V, we ask for clarification why similar changes do not apply to Annex VI.

- Considering Paragraph 4 of Article 15 of Directive 2010/75/ES (02010L0075-20240804), the competent authority shall set, for normal operating conditions, binding ranges for environmental performance that are not to be exceeded during one or more periods, as laid down in the decisions on BAT conclusions referred to in Article 13(5).
- Please clarify weather changes made to Annex V are relevant for installations, covered by Article 15, for which binding ranges for environmental performance are determined using BAT conclusions and not Annex V.

Amendments to Directive (EU) 2017/2193

Article 3:

Regarding changes to Annex II to Directive (EU) 2015/2193, paragraph 2, changes to Annex III to Directive (EU) 2015/2193, (c): Please clarify how can medium combustion plants prove compliance with requirements applicable to 'category NRG' in respect to Stage V controls under Regulation (EU) 2016/1628 of the European Parliament and of the Council. Is any certification needed, or can competent authority decide?

Amendments to Directive 2008/98/EC

Article 1:

Amendment of Article 8a(1), point (c) envisages a harmonised reporting frequency across relevant legislation to reduce the administrative burden and avoid adverse impacts on the functioning of the internal market, in particular for producers which sell products in multiple Member States and for SMEs. This proposal would place an additional burden on the national authority. At least three national regulations would need to be amended due to the change in the frequency of reporting by the producers of products subject to extended producer responsibility. Given that reporting is done in digital format, we believe that the frequency of reporting should not represent an administrative burden for producers.

Proposals COM(2025) 982 and COM (2025) 983 suspending the application of the rules on the appointment of an authorised representative for EPR (for batteries and waste batteries packaging and waste packaging, waste, WEEE, SUP)

Slovenia maintains a general scrutiny reservation regarding the proposed acts suspending the application of the rules on the appointment of an authorised representative for EPR (for batteries and waste batteries and packaging and waste packaging, waste, WEEE and SUP), while expressing concerns about the proposed measure itself and the appropriateness of such an approach.

Slovenia generally supports efforts aimed at reducing administrative burdens for producers in the implementation of EPR system, but the effectiveness and proper functioning of EPR systems cannot be subordinated to administrative simplification alone.

In the Commission staff working document accompanying the proposals, the reasons and objective of the proposal are defined as reducing administrative burdens for EU producers, while it is stated that the provisions concerning the appointment of an authorised representative for EPR in the case of producers established in third countries should remain unchanged, as laid down in existing sectoral legislation. The proposed measure does not achieve this objective in practice.

With the proposed changes, the obligation to appoint an authorised representative for EPR would be temporarily suspended not only for producer established in the EU, but also for producers established third countries. At the same time, the proposal introduces additional obligations to fulfill EPR in the case of producers from third countries by shifting responsibility to individual Member States. Member States would be expected to establish new national systems to ensure traceability and enforcement regarding producers from third countries at national level. Slovenia considers this approach inappropriate and that the possibilities of individual Member States to effectively ensure compliance and enforcement vis-à-vis producers from third countries is very limited.

Slovenia expresses concern that such a measure could jeopardize the implementation of EPR systems, lead to their distortion, and consequently could also distort competitiveness among producers, while potentially negatively affecting the competitiveness of the EU. These risks are particularly worrying because the share of distance sales, directly to end users, for the products in question is significant.

Furthermore, by introducing divergent national solutions for traceability and enforcement, the proposal would undermine the conditions for the later adoption of a harmonised EU-level EPR system, as announced in the forthcoming Circular Economy Act. Instead of paving the way towards harmonisation, the proposal risks entrenching fragmentation and increasing long-term complexity.

Therefore, we believe that a unified, harmonized EU-level approach is necessary. At least with regard to producers from third countries, the obligation to appoint an authorised representative for EPR should remain uniformly and harmoniously regulated under EU legislation.

Finally, Slovenia notes with particular concern that, in the case of the WEEE Directive, the proposal targets a mechanism that has already been established for more than ten years. Suspending this mechanism could have a direct and disruptive impact on established producer registers, the existing EPR system, its implementation, and especially on the implementation of Article 18 of the WEEE Directive (the cooperation of Member States in monitoring the compliance of EPR obligations in case of distance sales and enforcement of non-compliance in this case).

Proposal COM(2025) 984 for a Regulation of the EP and of the Council on speeding-up environmental assessments

Article 3

Article 3 provides for the so-called single environmental contact point at the appropriate administrative level for environmental assessments. Given the fact that responsibilities for conducting certain administrative procedures are currently divided among various ministries and expert institutions (currently divided among ZRSVN, DRSV, MNVP, MOPE), we ask for clarification as to whether this means that a single contact point would be designated for each individual environmental assessment and that these contact points would then jointly carry out certain steps in the procedure, or whether it is intended that there will be only one single contact point acting as a kind of coordinator in the administrative procedure.

Paragraph 4 of Article 3 provides that this single contact point also operates in an “intermediary” role—coordinating and facilitating the submission of all relevant documents and information and informing the project developer of the outcome of the comprehensive decision. We believe that this could, in certain cases, also lead to the “loss of explanations” due to insufficient understanding. In our opinion, this is also impractical and at best more time-consuming.

Therefore, we propose that it should be possible for the investor to contact the competent authority directly.

Article 4

This article provides that, in the case of plans, programmes or projects for which the obligation to carry out an environmental impact assessment or screening arises simultaneously from two or more directives referred to in Article 1(1), Member States shall establish a coordinated or joint procedure that fulfils all the requirements of those directives. With regard to this provision, we ask for clarification as to how strategic and project-level assessment can be combined. In our opinion, in such a case the plan would lose its nature as a plan and would merely become an adjustment of the plan to the intended project. In addition, problems may arise with the submission of information and data relating to the plan—at the project level, more detailed data are required than at the “planning” level, which may result in certain data for the plan not being available in such a “joint” procedure.

Article 5

In our opinion, the provision of the first paragraph is too general and unclear, especially in relation to Annex I of the EIA Directive (and also Annex II). We therefore propose that the wording be clearly linked to the wording of the EIA Directive. In particular, the legally indeterminate concept “if they involve major works that present risks similar to or greater than the risks” is problematic, as differing interpretations of this concept may arise.

Article 6

We ask for clarification as to whether this interferes with the established case law of the Court of Justice of the EU, which has taken the position, with regard to the EIA and SEA Directives, that such substantive limitations (i.e. being limited to objections raised in the administrative procedure) are not permissible. If this is the case, we agree with the proposal, as it is consistent with the general national logic of administrative-judicial protection.

Article 7

1.(a) We point out that the deadlines set out in this point are not realistic for us, especially if third parties enter the procedure. In our system, the preliminary procedure includes a 30-day public display, during which non-governmental organisations and the interested public may also submit a request to participate in the specific procedure. If such a request is submitted, the procedure certainly cannot be concluded within 60 days of receipt of a complete application.

1.(b) The deadlines set out in this point are not realistic—participating authorities do not provide opinions in a timely manner, and it should also be noted that we ourselves are limited in terms of staffing capacities.

1.(d) We note that the deadline specified in this point is often unattainable for us.

2.(a), (b), (d) – the deadlines specified in these points are also unattainable.

In addition, we ask for clarification as to whether the time for consultation with the public and with other authorities is included in the time foreseen for issuing the final decision. If it is not, these deadlines are absolutely too short from our perspective.

Article 8

It is essential that nature also be included in this article, as currently only animal species are included (and not the protected areas themselves, i.e. Natura 2000).

Article 10

Article 10(2)(b) provides that Member States shall ensure that developers and the public have online access, in a centralised and easily accessible manner, to the following information relating to plans, programmes or projects, including the progress of environmental assessments and screening procedures, upcoming procedural steps and the timetable of those steps, as well as information on dispute resolution. With regard to this provision, we point out that such electronic tracking of individual procedures is not feasible in the envisaged manner (i.e. publicly planning individual steps of the administrative procedure, as after receipt of documentation and also during the procedure it is not known how many supplements and clarifications are/will be required). In particular, the six-month deadline is, in our opinion, not realistic.

Article 10(3) provides that Member States shall ensure that reports and data resulting from environmental assessments and screening procedures, related decisions, and the monitoring of environmental impacts and procedures are published and remain publicly accessible in digital form via a central web portal in a manner compatible with the protection of business secrets and Union or national data-protection requirements. We note that it is not possible to ensure such a system within one year, and that it may also be problematic from the perspective of the capacity to store all this data online.

Article 10(4) provides that Member States shall ensure that environmental assessment and screening procedures are fully digitalised and enable the re-use of data and documents held by public authorities at national level, as well as the seamless exchange of such data between Member States, developers and the public. With regard to this provision, we express concerns about the deadline set for the implementation of this system. From our perspective, this deadline is not realistic.

Article 11

We ask for clarification as to whether this will be binding—i.e. whether certain exemptions or reductions regarding the payment of administrative fees for small and medium-sized enterprises will be mandatory. In our system, we already have very low administrative fees for submitting an application and issuing a decision, which are the same for all investors (especially when compared to fees for issuing building permits).

Article 12

Given that we are already facing staffing shortages, it will be necessary, for the purpose of carrying out the new tasks laid down in this proposal, to recruit new staff and also to secure additional financial resources.

Article 13

We ask for clarification as to whether this provision also relates to the right of one Member State to have access to environmental information, participation in decision-making and access to justice in relation to plans, programmes or projects, or whether it refers only to the public as such.

Article 14

We ask for clarification as to whether the provision of this article means that any deterioration of the state of the environment nevertheless requires the carrying out of an assessment for a plan,

programme or project. If so, we believe that this constitutes a major conceptual intervention. Our proposal is that we do not support this provision—we do not see this as an acceleration; MNVP would have to clarify this.

ANNEX

The Annex provides for so-called tacit approval—it is not clear what this instrument actually is. In other words, what is being referred to here at all, if these are not procedures under the aforementioned directives.

