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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Antici Group (Simplification)
Subject:	Omnibus V - Defence Readiness - Discussion note for the AGS on 14 April

With a view to the meeting of the Antici Group (Simplification) on 14 April 2026, delegations will find attached a Presidency discussion note on the Omnibus V on Defence Readiness.

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14th of April 2026

Presidency Discussion Note
AGS – Defence Readiness Omnibus

14 Apr 2026 14:30 JL 35.2

Presidency Discussion Note on Defence Readiness Omnibus – AGS 14 Apr 2026

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Dear colleagues,

The last political trilogue on Omnibus V, covering the files on acceleration of permit-granting and on intra-EU transfers and defence procurement, held at the Council on 23–24 March, was constructive both in spirit and in substance. However, a number of issues remain unresolved, and an overall agreement is not yet within reach. While there is scope to continue advancing discussions at the technical level, it is likely that certain key issues will need to be escalated once more to the political level at the next — and, we hope, final — trilogue.

The AGS meeting on 14 April 2026 will provide an opportunity for the Presidency and delegations to exchange views on possible landing zones regarding the main outstanding issues on the two aforementioned files.

At the same time, it is evident that we have reached a stalemate on several sensitive matters. The Presidency has consistently upheld its mandate and has made every effort to convey to our interlocutors the importance of these issues for the Member States.

In light of the clear guidance received from the European Council, and given the urgency surrounding this important file, we invite all delegations to show the necessary flexibility. There remains scope for meaningful compromise and for identifying balanced landing zones. However, this will require a willingness to move beyond initial positions. Only in this way can we create the conditions for a timely and balanced agreement that meets our shared objective of delivering on this political priority.

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Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the acceleration of permit-granting for defence readiness projects

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Exchange of views

Following the second political trilogue on the file on acceleration of permit-granting, the Presidency is exploring possible ways forward.

On the calculation of time-limits, the Presidency is exploring solutions based on a working-days model. On the extension of time-limits, the co-legislators converged towards a single extension and a simplified approach. The European Parliament, however, emphasised that extensions should remain limited to exceptional situations, assessed on a case-by-case basis, in order to avoid extensions becoming the rule.

On tacit approval, no way forward has been identified in the political trilogue. The Presidency would therefore like to explore possible proposals that could be presented in the context of the following technical negotiations.

The Presidency would therefore welcome your feedback on the following aspects:

1. Calculation of time-limits

On the calculation of time-limits, the Presidency, taking note of the flexibility previously expressed by delegations, indicated openness to exploring solutions based on a working-days model, provided that the overall duration of the process is not affected.

In this context, the European Parliament presented a proposal on the number of working days, which slightly shortens the initial period for confirming completeness and requesting additional documents, preserves the duration of the initial time-limit, and shortens the duration of the extension, based on a single extension. Member States are invited to express their views on the following time-limits included in the EP proposal:

- **Row 62d:** change from 20 calendar days to 12 working days.
- **Row 62e:** change from 20 calendar days to 12 working days.
- **Row 64:** change from 60 calendar days to 42 working days.
- **Row 66:** change from 90 calendar days to 58 working days.

2. Extension of time-limits

In particular on the extension of time-limits, discussions with the European Parliament are focusing on a single extension, accompanied by safeguards to ensure that extensions remain

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exceptional. In this context, the European Parliament is insisting on maintaining the possibility to extend the time-limits in cases involving environmental risks or where specific national security clearance is required, and additional time is necessary to confirm that measures to address identified risks have been implemented.

In light of this, the European Parliament shared the following compromise proposal for Row 66, on which delegations are invited to express their views:

- **Row 66**: By way of derogation from paragraph 1, **and on a case-by-case basis**, the competent authority may extend the time limit referred to in paragraph 1 **at maximum twice by up to 58 working days**, where the **exceptional** nature, complexity, location, or size of the project so requires, the project raises **exceptional** risks to the health and safety of workers or the general population, an **exceptional environmental risk, or requires specific national security clearance and additional time is necessary to confirm that measures to address identified risks have been implemented.** In such cases, the total duration of the permit-granting process shall not exceed **100 working days**.

3. Tacit approval

On tacit approval, the Presidency has so far defended the Council mandate and the need to allow derogations where relevant risks are present. The European Parliament has maintained a strict position, stressing the importance of tacit approval for the effectiveness of the proposal and the enforcement of the time-limits. In its view, the Council approach gives too much leeway to Member States, in particular due to the absence of a time-limit for introducing legislation allowing derogations and the broad scope of the exceptions.

In this context, the Presidency is exploring possible solutions that could address the Parliament's concerns while safeguarding the core of the Council mandate. Delegations are invited to express their views on the following options for providing additional safeguards:

1. Addressing the Parliament's concern about limiting the use of the derogation to Member States that currently face identified constraints, by introducing a **cut-off date after which Member States would no longer be able to activate the derogation**. To this end, the Council position could be complemented by a procedural requirement for Member States to notify to the Commission, at the latest before the entry into application of the Regulation, national laws providing for a derogation from tacit approval. [The entry into application is provisionally agreed at three months after adoption (see row 81)].

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2. Limiting the possibility to derogate from tacit approval to permit-granting **procedures involving particularly complex or demanding permits**, for example those requiring an environmental impact assessment. This would restrict the number of projects for which competent authorities may derogate from tacit approval and provide greater clarity for project promoters**.**

4. Monitoring and Reporting

On monitoring and reporting, the Presidency has indicated only limited flexibility to consider light-touch provisions, stressing the need to avoid additional administrative burden. The European Parliament, however, has made clear that monitoring the implementation and impact of the Regulation is indispensable. It has therefore shared the following compromise proposal, on which delegations are invited to express their views and identify possible elements they could accept:

Article 8a

1. For the purposes of transparency, ex-post monitoring and Union-wide comparability, and to promote consistent application of this Regulation, each Member State shall submit to the Commission, annually, a statistical report on the application of this Regulation, including:
   (a) the total number of fast-track procedure permits granted;
   (b) the total number of fast-track procedure permits granted tacitly, pursuant to Article 5(8);
   (c) the number of SMEs benefiting from fast-track procedures;
2. The Member States shall make the aggregated results referred to in paragraph 1 publicly available online, without prejudice to the protection of sensitive information relevant to national security and confidentiality requirements.
3. The Commission shall evaluate the practices of the Members States regarding tacit approvals. In the case of a disproportionately high number of such approvals, the Commission shall request additional information from the Member State concerned and, where appropriate, issue recommendations on how to improve the permit granting process to ensure a uniform application of this Regulation.

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directives 2009/43/EC and 2009/81/EC, as regards the simplification of intra-EU transfers of defence-related products and the simplification of security and defence procurement

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Exchange of views

The second political trilogue on defence procurement and intra-EU transfers took place on 24 March and addressed the progress achieved at technical level since the kick-off trilogue on 26 January. Nevertheless, the co-legislators remain far apart on some of the **key political elements** in the proposal and it is clear that we have reached a stalemate on a number of sensitive issues. The Presidency has consistently **defended the Coreper mandate**, emphasizing that it represents a delicate balance achieved after long and intense deliberations. It will continue to do so, while at the same time **exploring landing zones** for a compromise.

On the way ahead, our leaders called on us to find a political agreement on the Defence Readiness Omnibus as a matter of urgency. In light of this, the Presidency appeals to all of you, to demonstrate the necessary flexibility to make meaningful compromises and find landing zones. But for this we need to shift from our initial positions and only by doing so can we create the conditions for a balanced and timely agreement which would allow us to meet the expectations for this file, which is a political priority. In this context, delegations are invited to **reflect on possible flexibilities**, that could facilitate such a compromise.

In particular, delegates should express their views and positions on the following points:

- **Row 60a**: Delete proposed text by the EP but include in recital a reference to "encouraging MS to make more use of GTLs to promote a well-functioning internal market for defence equipment".
- **Row 73**: Only in the context of an **overall compromise** and provided that the EP drops the empowerments of the Commission in row 64, would MS consider a well-framed Commission empowerment only for the harmonization of the minimum scope of the GTLs that duly takes into account Member States' competences and responsibilities in the area of intra-EU transfers. Such empowerment would take the form of an implementing act, under a committee procedure that includes a no opinion clause. The new empowerment of the Commission would not affect the right of Member States to

withdraw/suspend or limit the use of a GTL and to lay down conditions for registration prior to first use of a GTL under Article 4(9) and Article 5(4) of the transfers directive.

- **Rows 113, 114, 115d, 115e**: Would MS consider a lower value of thresholds in conjunction with the Council proposal on reviewing them, or vice-versa, thus maintaining the thresholds but dropping the proposed review mechanism. On the latter, the higher the thresholds in Article 8 are, the less important becomes a revision mechanism through the Omnibus. The upcoming in-depth review of the Defence Procurement Directive will address the issue of revising thresholds in more detail.
- Regarding the EP's proposal to include eligibility criteria to the direct negotiations without prior publication procedure for R&D and common procurement, the Presidency defended the Council mandate, both during technical discussions and the trilogues. Attaching strict eligibility conditions to its use would defeat the purpose of simplification. However, with a view to avoiding a breakdown in negotiations with the EP, and should a compromise on this matter not be achievable, would Member States consider the inclusion of a very 'light' version of European preference?