Council of the European Union
General Secretariat

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Interinstitutional files:
2025/0391 (COD)

Brussels, 10 April 2026

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MEETING DOCUMENT

From: To:	General Secretariat of the Council Antici Group (Simplification)
N° Cion doc.:	ST 16755/25 + ADD 1
Subject:	Environment Omnibus (Environmental Assessments - Permitting): WP meeting on 17 April 2026: Presidency steering note

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

With a view to the discussion on the draft Regulation on speeding up environmental assessments, scheduled to take place on 17 April 2026 in the Antici Group on Simplification (AGS), the Presidency is submitting the following steering note to the delegations.

The Presidency has taken stock of previous discussions in the AGS and in the informal workshop of 20 March 2026, as well as of the written comments submitted by the delegations and the replies to Member States' questions submitted by the Commission, both orally and in writing.

Based on that analysis, the Presidency is submitting a first set of wording suggestions in order to incorporate clarifications, corrections and flexibilities requested by the Member States. The main reasons for the proposed changes are outlined below in part I of this note. On the other hand, certain provisions are left unchanged for the time being, as they require more significant work in terms of legal drafting, or a more substantial discussion regarding the architecture of the proposal as a whole, including its interaction with other legislative instruments. This is further explained in part II of this note.

I. First set of drafting suggestions to amend the proposed Regulation

The text of the proposed Regulation in document 8103/26 contains a number of compromise suggestions by the Presidency:

- In **Article 2**, definitions of coordinated and joint procedure have been added instead of the text initially included in Article 4 on the streamlining of procedures, and definitions of major works and measures to ensure decarbonisation have been added to increase legal certainty;

- In **Article 3**, a number of changes have been introduced to clarify the coordination character of SPOC, and the fact that its organisation is a matter of national law, including the decision whether or not the SPOC should be vested with any decision-making authority;

- In **Article 4**, it has been clarified that **scoping shall only be mandatory when this is already provided for by the sectoral Directive, and additional flexibilities** have been introduced to address the concerns of the Member States;

- In **Article 5**, besides **additional flexibility** (may/shall), it has been clarified that by derogation from Article 4(1) of the EIA Directive, **changes or extensions of projects falling under point 7(a) of its Annex I shall be exempt from the requirement to carry out an environmental impact assessment;**

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- The **time-limits in Article 7 have been substantially simplified**, and further safeguards have been added to clarify under which conditions they shall be suspended;

- **Article 9 has been clarified** in order to reflect that the cross-border character pertains to the need for assessment by the authorities of more than one Member State, rather than mere transboundary effects of a project;

- **Additional clarifications and flexibilities** have been introduced in **Articles 10 and 11**, and the Presidency suggests to **delete Article 13** as it is sufficiently covered by the current wording of Recital 29.

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II. Issues requiring further discussions and/or more thorough legal drafting

The following provisions are left unchanged for the time being:

- The Presidency is of the opinion that provisions in **Article 7(1) points a) to c), as well as Article 8 in its entirety**, effectively amend the existing EIA and Birds Directives, respectively. The Presidency is reflecting on a **new wording of these provisions to be proposed at a later stage, taking the form of an amending provision** to the underlying instrument (i.e. for instance "*new Article XX: amendments to Directive 2011/92/EU*");

- **Article 5** on substantial preclusion appears to have **significant support on the substance, as long as its use remains an option** and not an obligation for the Member States, but the **Presidency intends to propose additional safeguards in the corresponding recital** to clarify that the relevant information needs to be genuinely accessible, made available at an early stage and the time limits have to be reasonable, in line with the requirements of the Aarhus Convention;

- **Article 14 will be subject to a thorough separate discussion**, as it has a significant impact on the relationship between the proposed Regulation and a number of other existing or recently proposed legislative instruments; this future discussion **requires further guidance from COREPER which will discuss the entire Environment Omnibus on 22 April 2026**; for this reason, **Article 1** on the scope of the proposal is also left unchanged, but likely to require corresponding adjustments at a later stage.

During the AGS meeting on 17 April 2026, delegations are invited to indicate whether they can support (1) the Presidency's proposed approach and (2) the changes proposed to the text as described in part I.

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