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NOTE

From:	General Secretariat of the Council
To:	Delegations
Subject:	Regulation for Industrial Accelerator Act - Technical note on permitting provisions in relevant European legislations

Technical note on permitting provisions in relevant European legislations.

Context

In the context of the discussions on the Commission's proposal for an industrial accelerator act (COM(2026)100), several Member States' delegations have asked the Commission to present an overview of the permitting provisions covered by different relevant legislations.

The tables below summarise the state of play on different Commission initiatives with an impact on permitting provisions at MS level. Environmental legislation, while widely relevant for numerous sectors, only affects certain environmental permits/assessments, while evidence[1] suggests that the issues in the permit-granting process affect all types of permits. This is why the European Commission has put in place certain sector-specific initiatives (some already in force, while others have been recently proposed) to improve the permit-granting process as a whole, while also streamlining the existing environmental legislation via the Proposal for a Regulation on Speeding up Environmental Assessments (RSEA).

As seen below:

- Table 1: Explains the interactions between the recently presented RSEA and sectoral legislation. The dark green fields are permitting provisions covered by RSEA proposal, and light green fields present provisions covered by sectoral legislation. When some elements are covered by sector-specific legislation (instead of RSEA) it follows simply a "grandfathering" rule, respecting the permitting frameworks that were already in force.
- Table 2: Presents a deep-dive on the timelines introduced via the RSEA proposal, and how it aligns with sectoral legislation. RSEA only targets intermediate timelines for environmental legislation procedures such as screening, scoping, etc while the general timelines are applied from start to finish of the entire permit-granting process (including screening, scoping, etc). The dark green fields are provisions covered by RSEA proposal, and light green fields present provisions covered under sectoral legislation.

Table 1: Overview permitting provisions in Union legislation

	Sector covered	Exemptions from environmental assessments	Presumption OPI (Overriding public interest) /Public interest	Tacit approval	Priority dispute settlement	Streamlining of environmental assessments	SPOC/ OSS*	Digitalization	Coordination of environmental cross-border procedures
Legislation in force									
EIA Dir.		For defence, at the discretion of MSs[2]	Covered by RSEA	Covered by RSEA	Covered by RSEA	Yes	Limited		Yes
SEA Dir.		For defence[3].	Covered by RSEA	Covered by RSEA	Covered by RSEA	Yes (optional)	Covered by RSEA	Covered by RSEA	Covered by RSEA
Habitats Directive		No	yes	Covered by RSEA	Covered by RSEA	Covered by RSEA	Covered by RSEA	Covered by RSEA	Covered by RSEA
Birds Directive		No	Yes	Covered by RSEA	Covered by RSEA	Covered by RSEA	Covered by RSEA	Covered by RSEA	Covered by RSEA
WFD		No	Yes	Covered by RSEA	Covered by RSEA	Covered by RSEA	Covered by RSEA	Covered by RSEA	Covered by RSEA
Chips Act		No	Yes	Covered by RSEA		Covered by RSEA	Yes		Covered by RSEA
REDIII	Deployment renewable projects and co-located storage projects	For certain renewable projects, incl. linked energy infrastructure And for grid and storage projects in dedicated areas of art 15e (may clause)	Yes	Yes	Yes in part. (Art 16(6))[4]	Yes	Yes, SPOC exists for permitting process (Art.16(3)).	Yes (Article 16(3))	Covered by RSEA
CRMA	Critical raw material projects	No	Public interest for strategic	Covered by RSEA	Covered by RSEA	Yes	Yes in CRMA	Yes	Covered by RSEA
NZIA	Net-zero manufacturing and energy intensive industries	No	Public interest for all through reference in IAA to RSEA	Reference to RSEA in NZIA	Reference to RSEA	Yes	Yes in NZIA (net zero and all EIIs through reference in IAA)	Yes	Covered by RSEA
TEN-T	Deployment transport infrastructure					Yes	Yes		
TEN-E	Deployment of cross-border	No	Yes (but no presumption)	No	Yes	Yes (to be delivered by MS after	Yes (called National	No	Covered by RSEA

[1] 2025 Annual Knowledge Sharing Report of the Innovation Fund

[2] Art.1 (3) EIAD: Member States may decide, on a **case-by-case** basis if so provided under national law, not to apply this Directive to projects serving national defence purposes, if they deem that such application would have an adverse effect on those purposes

[3] Art. 3(8) SEAD: The following plans and programmes **are not subject** to this Directive:
- plans and programmes the **sole** purpose of which is to serve national defence or civil emergency,

[4] Article 16(6) of RED3: Member States shall ensure that administrative and judicial appeals in the context of a project for the development of a renewable energy plant, the connection of that plant to the grid, and the assets necessary for the development of the energy infrastructure networks required to integrate energy from renewable sources into the energy system, including appeals related to environmental aspects, **are subject to the most expeditious administrative and judicial procedure that is available at the relevant national, regional and local level.**

	Energy infrastructure					national assessment)	Competent Authorities)		
Electricity Market Directive	Deployment of electricity infrastructure and generation	No	No	No	No	No	No	No	Covered by RSEA
Gas Market Directive	Deployment of gas infrastructure and generation	No	No	No	No	No	Yes	No	Covered by RSEA
Gigabit Infrastructure Act (GIA)	Deployment of elements of very high capacity networks (VHCNs)			Yes		Yes	Yes	Yes	
Legislation under ordinary legislative procedure									
IAA	Industrial manufacturing (NACE Code C except manufacturing of tobacco)	No	Reference to RSEA	Reference to RSEA in IAA	Reference to RSEA	Covered by RSEA	No, but competent authority to coordinate one procedure between authorities. (See NZIA above for EII SPOC**)	Yes, and digital portal	Covered by RSEA
RSEA		No	Yes	Yes		Yes	Yes		Yes
Critical Medicines Act		No	Yes	Covered by RSEA		Yes	Covered by RSEA		Covered by RSEA
Defence Readiness Act		No	Covered by RSEA	Yes		Covered by RSEA	Yes	Yes	Covered by RSEA
REDIII+ (Permitting Directive in Grids Package)	Permitting FWK for renewable energy, storage projects and recharging stations	Yes	Yes, Presumption OPI	Yes	No, new rules proposed	Yes, already established under existing RED III	Yes	Yes	Covered by RSEA
Electricity Market Directive (Permitting Directive in Grids Package)	Deployment of electricity infrastructure and generation	Deployment of electricity infrastructure and generation	Yes (for refurbishment and modernisation projects)	Yes	No	Yes	Yes	Yes	Covered by RSEA
Gas Market Directive (Permitting Directive in Grids Package)	Deployment of gas infrastructure and generation	Deployment of gas infrastructure and generation	No	Yes	No	No	Yes	Yes	Covered by RSEA
TEN-E Regulation (Grids Package)	Deployment of cross-border Energy infrastructure	Yes	Yes	Yes		Yes	Yes	Yes, and digital portal	Covered by RSEA
Biotech Act I	Health biotechnology strategic projects		Reference to RSEA	Reference to RSEA		Yes	Yes	Yes	
Defence readiness Omnibus	Defence readiness projects	Yes	Yes	Yes			Yes		

***Single Point Of Contact/ One Stop Shop: Those covered by RSEA only cover permits relevant to Union environmental legislation, while those that have sector specific legislation, such as NZIA/CRMA/Chips Act cover the entire permit-granting process, beyond environmental permitting. The Point of Contact in RED covers the entire permit-granting process including the steps relating to the protection of the environment.**

**** All energy intensive decarbonisation projects would have the same Single Point of Contact, those designated under the Net Zero Industry Act. This is done through a reference to NZIA in the Industrial Accelerator Act.**

Table 2: overview of timelines relevant for the permit-granting process at large, and specific intermediate timelines for environmental assessments.

	Timelines for environmental assessments				**Overall permit-granting timeline**
	Screening	Scoping	Public consultation	Reasoned conclusion	
Legislation in force					
Environmental Impact Assessments (EIA) Directive	Currently: max 90 days	RSEA: 30 days	Currently: min 30 days	RSEA: 90 days	-
	RSEA: 45-60 days		RSEA: 30-90 days		

Strategic Environmental Assessment (SEA) Directive	RSEA: 90 days	RSEA: 40 days	RSEA: 30-60 days	RSEA: publish SEA report – 7 months	-
Habitats Directive*	RSEA: 45-60 day for **EIA**	RSEA: 30 days for EIA	RSEA: 30-90 days for EIA	RSEA: 90 days for EIA	-
	RSEA: 90 days for **SEA**	RSEA: 40 days for SEA	RSEA: 30-60 days for SEA	RSEA: publish SEA report – 7 months	
Birds Directive*	RSEA: 45-60 day for **EIA**	RSEA: 30 days for EIA	RSEA: 30-90 days for EIA	RSEA: 90 days for EIA	-
	RSEA: 90 days for **SEA**	RSEA: 40 days for SEA	RSEA: 30-60 days for SEA	RSEA: publish SEA report – 7 months	
WFD*	RSEA: 45-60 day for **EIA**	RSEA: 30 days for EIA	RSEA: 30-90 days for EIA	RSEA: 90 days for EIA	-
	RSEA: 90 days for **SEA**	RSEA: 40 days for SEA	RSEA: 30-60 days for SEA	RSEA: publish SEA report – 7 months	
Chips Act	RSEA: 45-60 day for **EIA**	RSEA: 30 days for EIA	RSEA: 30-90 days for EIA	RSEA: 90 days for EIA	-
	RSEA: 90 days for **SEA**	RSEA: 40 days for SEA	RSEA: 30-60 days for SEA	RSEA: publish SEA report – 7 months	
REDIII					
In dedicated grid and storage areas (Art 15e – may clause)	30 days	Not applicable - adoption of further mitigation measures, if not appropriate compensatory measures which may take the form of a monetary compensation for species protection programmes			No overall deadline
in RAAs[5]	45 days 30 days for installations with an electrical capacity of less than 150 kW and new applications for the repowering of renewable energy power plants	overall duration of the EIA procedure - 6 months			12 – 24 months 6 – 12 months for the repowering of renewable energy power plants, for new installations with an electrical capacity of less than 150 kW, for co-located energy storage
outside RAAs	RSEA: 45-60 day for **EIA**	RSEA: 30 days for EIA	RSEA: 30-90 days for EIA	RSEA: 90 days for EIA	2 – 3 years 1-2 years for the repowering of renewable energy power plants, for new installations with an electrical capacity of less than 150 kW and for co-located energy storage[6]
	RSEA: 90 days for **SEA**	RSEA: 40 days for SEA	RSEA: 30-60 days for SEA	RSEA: publish SEA report – 7 months	
CRMA	RSEA: 45-60 day for **EIA**	45 days	min 30 days max 85 days	90 days	12 – 27 months
	RSEA: 90 days for **SEA**				
NZIA	RSEA: 45-60 day for **EIA**	45 days	min 30 days max 85 days	90 days	12 – 18 months
	RSEA: 90 days for **SEA**				
TEN-E	RSEA: 45-60 day for **EIA**	RSEA: 30 days for EIA	RSEA: 30-90 days for EIA	RSEA: 90 days for EIA	42-51 months overall procedure (but for authorities assessments 18-27 months)
	RSEA: 90 days for **SEA**	RSEA: 40 days for SEA	RSEA: 30-60 days for SEA	RSEA: publish SEA report – 7 months	
Gas Market Directive	RSEA: 45-60 day for **EIA**	RSEA: 30 days for EIA	RSEA: 30-90 days for EIA	RSEA: 90 days for EIA	24 months (extendable to 36)
	RSEA: 90 days for **SEA**	RSEA: 40 days for SEA	RSEA: 30-60 days for SEA	RSEA: publish SEA report – 7 months	
Legislation in preparation					

5 The deadlines set in the SEA Directive are applicable for SEA necessary to designate plans with RAAs.

6 In or out of RAAs, shorter deadlines and simplified processes for solar installations and heat pumps in accordance to articles 16d and 16e of RED3.

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RSEA					-
for EIA	45 – 60 days	30 days	min 30 days max 90 days	90 days	-
for SEA	90 days	40 days	min 30 days max 60 days	publish SEA report – 7 months	
Critical Medicines Act	RSEA: 45-60 day for **EIA**	RSEA: 30 days for EIA	min 30 days max 85 days	45 days	-
	RSEA: 90 days for **SEA**	RSEA: 40 days for SEA			
Defence Readiness Act	RSEA: 45-60 day for **EIA**	RSEA: 30 days for EIA	RSEA: 30-90 days for EIA	RSEA: 90 days for EIA	60 days
	RSEA: 90 days for **SEA**	RSEA: 40 days for SEA	RSEA: 30-60 days for SEA	RSEA: publish SEA report – 7 months	
REDIII+ (Permitting Directive in Grids Package) Outside RAAs	RSEA: 45-60 day for **EIA**	RSEA: 30 days for EIA	RSEA: 30-90 days for EIA	RSEA: 90 days for EIA	Overall deadlines mentioned above remain unchanged. Changes for solar installation (in and o of RAAs) and new deadlines for stand-alone storage and recharging stations. See footnote[7]
	RSEA: 90 days for **SEA**	RSEA: 40 days for SEA	RSEA: 30-60 days for SEA	RSEA: publish SEA report – 7 months	
Electricity Market Directive ((Permitting Directive in Grids Package)	90 days (for screening and scoping of necessary assessments but this related to all information for the development permit and not only the environment permit)	90 days (for screening and scoping of necessary assessments but this related to all information for the development permit and not only the environment permit)	RSEA: 30-90 days for EIA	RSEA: 90 days for EIA	24 (extendable to 36 in exceptional circumstances)
			RSEA: 30-60 days for SEA	RSEA: publish SEA report – 7 months	
Gas Market Directive ((Permitting Directive in Grids Package)	90 days (for screening and scoping of necessary assessments but this related to all information for the development permit and not only the environment permit)	90 days (for screening and scoping of necessary assessments but this related to all information for the development permit and not only the environment permit)	RSEA: 30-90 days for EIA	RSEA: 90 days for EIA	24 (extendable to 36 in exceptional circumstances)
			RSEA: 30-60 days for SEA	RSEA: publish SEA report – 7 months	
TEN-E Regulation **(Grids)**	45 days (for screening and scoping of necessary assessments but this related to all information for the development permit and not only the environment permit)	45 days (for screening and scoping of necessary assessments but this related to all information for the development permit and not only the environment permit)	RSEA: 30-90 days for EIA	RSEA: 90 days for EIA	42 months for all procedure (for authorities 18 -24)
			RSEA: 30-60 days for SEA	RSEA: publish SEA report – 7 months	
IAA	RSEA: 45-60 day for **EIA**	RSEA: 30 days for EIA	RSEA: 30-90 days for EIA	RSEA: 90 days for EIA	Covered by RSEA
	RSEA: 90 days for **SEA**	RSEA: 40 days for SEA	RSEA: 30-60 days for SEA	RSEA: publish SEA report – 7 months	

* RSEA timelines applicable when appropriate/applicability assessments are joint or coordinated with EIA/SEA

[7] No permits for solar installations, stand-alone projects and recharging stations up to 100 kW, 3 months for solar installation above 100 kW on rooftops, 6 months for recharging stations and storage above 100 kW and 2 years for pumped storage projects.

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