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MEETING DOCUMENT

From:	General Secretariat of the Council
To:	Antici Group (Simplification)
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Subject:	Environment Omnibus (Environmental Assessments - Permitting): AGS meeting on 1 June 2026 - Presidency steering note

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

In reaction to the discussions in the AGS on 11 May 2026 and subsequent written comments (WK 7015/26 + ADD), the Presidency has prepared a third revised compromise text, set out in document ST 9694/26. In order to inform the discussion which will take place on 1 June 2026, it is appropriate to explain some of the choices made by the Presidency:

Cross-sectoral approach to environmental assessments / permitting

In the AGS on 11 May, a number of delegations called for even more ambition when it comes to integrating rules on permitting set out in existing or upcoming sectoral legislation, especially in the defence and energy sectors:

- Regarding the RED III and Grids permitting directives, the Presidency suggests to rely on the work currently being carried out in the Energy Working Party where the negotiations on the Council position are very advanced;
- regarding defence projects, new language on military mobility has been included in Article 14 in order to cover projects which combine defence aspects with civilian infrastructure; otherwise, defence projects appear to be duly covered by the newly agreed rules on defence permitting which are about to be formally adopted and enter into force;
- nevertheless, in Articles 14e and 14f, additional paragraphs have been added to the lists of provisions to be deleted from the NZIA and the CRM, in order to maximise the streamlining of provisions.

Article 3: SPOC

Previous discussions have shown major differences amongst member states' positions as to the organisation of SPOC: while some suggest to make Article 3 merely optional, or to delete it altogether, the French delegation suggests creating a fully integrated SPOC, bringing together all provisions concerning this matter (NZIA, CRM, RED / Grids) into a single and unified provision within the RSEA. This provision could be placed in Article 13 (toolbox), in order to only refer to projects considered as strategic, or remain in Article 3 and cover all projects requiring an environmental assessment.

In this situation, the Presidency suggests a compromise solution consisting of the French suggestion, but as a “may” provision to be combined with Article 7 on time-limits in the following way:

- the drafting could be based on the wording proposed as of page 228 of document WK 7015/26, but would be optional;
- the Member States that would make the choice of providing for such a fully integrated SPOC would be authorised to derogate from the time-limits set out in Article 7.

The rationale behind this suggestion would be that a fully integrated SPOC covering all sectoral legislation would in itself be conducive to speedier procedures and a more predictable regulatory environment for project developers, thereby justifying the possibility to derogate from the proposed time-limits. This could be accompanied by further safeguards to prevent circumvention (e.g. Commission review of the functioning of the SPOC after a certain period). At the same time, such a construction would allow the Member States who wish to make the SPOC optional to simply make sure that acceleration of procedures is achieved through the time-limits set out in Article 7.

Should the above compromise suggestion not obtain sufficient support, the current drafting of Article 3, as first presented in document ST 8791/26 could be used as a fallback.

Article 7: Time-limits

Besides the abovementioned possibility to derogate from the time-limits on the basis of the Presidency compromise suggestion on the SPOC, the Presidency suggests the following adaptations in Article 7 at the request of a number of Member States who find the time-limits in the original proposal unattainable:

- for projects subject to the EIA Directive, the time-limits in paragraph 1 points b) and e) have been extended and the wording has been further aligned with Article 10(3) of the NZIA
- for projects subjects to the SEA Directive, the time-limits in paragraph 2 points b) and d) have been extended

Articles 8 / 14b / 14c: Amendments to the Habitats and Birds Directives

Based on the discussions in the AGS on 11 May, the provisions in Articles 14b and 14c have been further amended to clarify under which conditions the killing or disturbance of species may be considered as not deliberate, especially through the use of best available techniques and other safeguards such as monitoring by the Member States in order to prevent significant adverse impacts on the population of the species concerned.

The Presidency also suggests adding a new paragraph to Article 6 of the Habitats Directive in order to allow for necessary derogations in cases of civil emergencies such as natural disasters (e.g. floods) or infrastructure failures. The provision maintains obligatory mitigation obligations, compensatory measures and oversight by the European Commission, and pursues the same objective as Article 1(3) of the EIA Directive.

Article 10: Digitalisation of the environmental assessments

Based on a number of requests, the Presidency suggests extending the time-limits provided for in this Articles in order to facilitate its implementation. A new paragraph 5 has also been inserted in order to clarify the relationship with similar obligations in other legislative instruments.

Other changes in the text

- Several adjustments have been made in Articles 1 and 13 to clarify that the provisions of the RSEA may affect both procedural rules and elements of substance in the various other legislative instruments.
- It has been clarified, by removing the square brackets, that the word “major” should be retained in the text of Article 14a(2).