

Brussels, 21 April 2026

**To: Coreper II, Permanent Representatives of EU Member States**

Dear Ambassadors,

In advance of your meeting on 22 April to discuss the **European Commission's proposal for a Regulation on speeding-up environmental assessments**, we would like to share with you our concerns regarding the European Commission proposal and call on you to take a strong stance in defence of EU rules on environmental assessments and permitting.

Clear and strong permitting rules are essential to ensuring a resilient and durable transition in a volatile geopolitical context. Environmental assessments help prevent damage to critical ecosystems, protect water resources, and safeguard the health and livelihoods of communities. Ecosystem services effectively underpin Europe's prosperity, while biodiversity loss threatens food security and water scarcity is increasingly a source of geopolitical tension.

Robust and comprehensive environmental assessments are essential for science-based decision-making and a high level of environmental protection, ensuring that the benefits of projects truly outweigh their long-term cost for society and that public administrations are empowered to make informed decisions<sup>1</sup>. While the proposal's stated aim is to "accelerate planning and permit granting procedures whilst ensuring high environmental standards", our analysis finds that, as it stands, it would weaken environmental rules with potentially irreversible consequences for Europe's ecosystems and human health. Weakening environmental laws will not make financial risks disappear, but rather shift them to society and public administrations. If projects cause pollution or environmental damage, it is often local administrations who ultimately bear the cost of clean-up and remediation.

Instead of accelerating procedures, the proposed measures will complexify, and potentially slow down, existing systems, generalise derogations and heighten legal risk and uncertainty for Member States, public authorities and project developers alike, all while causing avoidable harm to ecosystems that are already in critical condition.

We are concerned that the proposal will...

**...not tackle the root causes of lengthy procedures:** When environmental assessments are well-prepared and properly resourced, they are not seen as a driver of slow permitting procedures. Delays stem instead from structural sources, such as insufficient administrative capacity (including lack of technical expertise), lack of standardized criteria and guidance, insufficient upstream planning, as well as governance fragmentation and sectoral or ministerial coordination failures<sup>2</sup>. As these elements, which represent the real bottlenecks currently observed, remain unaddressed, permitting procedures are not expected to accelerate significantly.

**...heighten legal risk for Member States, public authorities and project developers:** The proposal, its national implementing measures and any activities greenlit in line with it, carry significant risk of being challenged in court due to potential incompatibilities with the EU Treaties. Several

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<sup>1</sup> Environmental assessments help to avoid impacts on the environment that could lead to massive ecological and socioeconomic costs. They de-risk projects for operators and public authorities, by making sure that sound scientific evidence is included, local communities consulted, that projects comply with legal frameworks and that they are authorised only where they do not have an adverse environmental impact. They are also an important tool for local actors, including landowners and municipalities, to receive full information on the impact of certain projects on their properties and activities.

<sup>2</sup> For more information, see the study Kiss, V., Kovacs, T. and Zolyomi, A. (2026). Nature in EU's energy transition ([Link](#)).

provisions contradict well-established case law from the EU Court of Justice and may also lead to violation of international law, such as the Aarhus Convention, exposing Member States to legal risk. In addition, the proposal creates legal uncertainty for permitting authorities by departing from decades of jurisprudence from the EU Court of Justice. Compounded by other ongoing proposals on permitting<sup>3</sup>, it also increases legal uncertainty and confusion for project developers as it will create multiple, parallel regulatory regimes, leading to instability for businesses and investors who depend on clear, predictable rules.

**... increase administrative burden on Member State authorities:** The proposal limits the interpretation capacity of national authorities, for example on how derogations are applied and when and how environmental impacts are assessed. The combination of rigid EU-level deadlines, tacit approval mechanisms for parts of the process, and a very broad definition of “strategic sectors” risks significantly increasing the workload of competent authorities without any corresponding increase in capacity or funding. Without such support, these reforms risk leading to mass project refusals and further delay permitting processes, rather than speeding them up.

**We therefore invite you to consider the following elements in your upcoming discussion:**

- **Restriction of Access to Justice:** Article 6 on substantial preclusion allows Member States to bar legal arguments in court if they were not raised during the administrative phase. This would effectively restrict access to justice, all the more so given the potentially stricter timelines under Article 7. This provision is **in clear contradiction with case law of the EU Court of Justice and international obligations under the Aarhus Convention**, and will undoubtedly lead to numerous cases of litigation across Europe. In addition, [evidence](#) shows that this measure would have no significant impact on the speed of court cases<sup>4</sup>.
- **Introduction of a broad category of strategic sectors and projects:** Article 14 and its Annex expand a beneficial permitting regime, previously reserved for specific sectors, to an **undefined number and type of projects**. Experience from the Critical Raw Materials Act shows that the label of “strategic” can lead to a bias in how competent authorities handle permit applications, as they tend to rush assessments and derogation tests. This risks an erratic use of the concept of “public interest”, a generalization of derogations, and rushed and low-quality assessments.
- **End of strict protection:** Article 8 would lead to an overall reduction in the level of species protection under EU law. The proposed changes are incompatible with the current strict protection regime **designed to preventively avoid the killing or disturbance of strictly protected species**. The Article converts what is a carefully balanced derogation system that serves a necessary function, into a general norm.
- **Changes to existing projects:** Article 5 changes the conditions under which changes to, or extension of, existing projects require a screening or environmental assessment. In practice, major industrial facilities could indefinitely avoid an environmental assessment unless major works are undertaken, preventing the assessment of ageing infrastructure and the inclusion of new technical knowledge and local concerns. This is particularly important for Member States where some installations have, for different reasons, never been subject to an EIA. In addition, the provision is not in line with the Aarhus Convention, which requires full public

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<sup>3</sup> E.g. Proposal for a Directive on the acceleration of permit granting or proposal for an Industrial Accelerator Act.

<sup>4</sup> A [study](#) by the German Environment Agency found that the removal of preclusion rules did not slow down court cases in Germany, which in turn indicates that introducing them would not speed them up.

participation procedures for changes or extensions of projects that will not be feasible without an environmental assessment.

The concerns are compounded by the lack of an impact assessment for the proposed Regulation, contrary to the Commission's own "Better Regulation" Guidelines. According to the Commission's assessment of stakeholder positions for this proposal, only 3 contributions by public authorities were made to the [Call for Evidence on environmental simplification](#), compared to 43 contributions from businesses. Ex-post evaluations and roundtable consultations should have been especially mindful to reflect the views of public and competent authorities, as they will implement the legislation and are best placed to identify measures that would allow them to speed up permitting processes.

The proposal, as currently drafted, risks creating lasting damage on Europe's ecosystem, while delivering none of its promised benefits. We therefore urge you to take a strong stance at the Coreper II meeting in favour of a continued commitment to robust environmental assessments and permitting rules. We remain available to provide further analysis if needed.

Yours faithfully,



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European Environmental Bureau