Environment Omnibus

Heidi Lettojärvi

10.9.2025

European Commission

Simplification of administrative burdens in environmental legislation

1. Targeted / Article-specific proposals

1.1 Industrial Emissions Directive (Directive on industrial and livestock rearing emissions, 2010/75/EU)

Lightening of the BAT-cycle BAT

In the updated IED (Article 13.1), it is stipulated that BREF documents should aim at an eight-year review cycle.

However, technological development is not that rapid. Data collection and permit updates create a significant administrative burden. Generally, ***an appropriate BAT cycle is about twice as long*** (16 years). Permits can still be reviewed as needed on a case-by-case basis.

The requirement to reassess BAT derogations every four years should be eased

In the updated IED (Article 15.5), it is stipulated that BAT derogations must be re-assessed every four years. Reviewing granted derogations this frequently is unnecessary; it is likely that the criteria for granting dorogations are long-term. ***Reassessment of BAT derogations is appropriate when the permit is reviewed due to new BAT conclusions or if the permit is otherwise reconsidered regarding aspects related to the BAT derogation.***

Removal of the requirement to prepare a transformation plan

In the updated IED (Article 27d), the preparation of a transformation plan is required: *"operators [..] include in their EMS an indicative transformation plan covering their activities [..]. The transformation plan shall contain information on how the operator will transform the installation during the 2030-2050 period to contribute to the emergence of a sustainable, clean, circular, resource-efficient and climate-neutral economy by 2050 [..]"* .

In addition, the IED requires the inclusion of a transformation plan in the environmental management system (EMS) and for the plan to be audited as part of the EMS.

The long-term strategic transformation plan is generally not suitable for the context of environmental permitting; the primary purpose of a permit should be to set clear and enforceable conditions for operations. It is not possible to create a binding plan for several decades into the future. Furthermore, many known investments or plans may be confidential. Transformation plans are already required under several pieces of legislation (CSRD, CS3D, ETS).

The content requirements for a mandatory environmental management system (EMS) should be reduced

The updated IED (Article 14a) requires the preparation and implementation of an EMS. In addition, the directive contains numerous content requirements for the EMS. ***It should***

be sufficient that the EMS meets the requirements of a recognized standard (such as ISO 14001 or EMAS), and the IED should not impose additional requirements.

Regulation of wastewater discharged to external treatment plant should be streamlined

The updated IED (Article 15.1) requires setting so-called indirect wastewater emission limits in such a way that the operation and emissions of the wastewater treatment plant are taken into account in detail. The regulation inappropriately requires the operator to be able to provide information in their permit application regarding a wastewater treatment plant managed by another operator. ***The regulation should be amended so that each operator is responsible for the emissions from their own activities and for complying with their permit conditions.*** It should be sufficient that the characteristics of wastewater discharged to an external treatment plant are approved by the operator of that treatment plant.

1.2 MCP-directive (Directive on the limitation of emissions of certain pollutants into the air from medium combustion plants, 2015/2193)

The directive should allow flexibility for the smallest units

According to the directive, existing units with a capacity of up to 5 MW must comply with emission limits starting from the beginning of 2030. For larger existing units (5–50 MW), the emission limits primarily took effect at the beginning of 2025, but flexibilities allowed by the directive for district heating plants and biomass-fired units postpone the entry into force of these limits until the beginning of 2030.

The use of combustion plants is decreasing as energy production shifts to non-combustion technologies. As a result, more and more combustion plants are used as peak or backup facilities. The operation of such plants is flexible and varies annually, making investments in these facilities not cost-effective. The particle emission limits that will take effect from the beginning of 2030 would require significant investments, especially for smaller units. ***For small-scale units (1–20 MW), the particle emission limit after 2030 should correspond to the aforementioned flexibilities, i.e., 150 mg/Nm^3.***

1.3 Habitat and bird directives (Directive on the conservation of natural habitats and of wild fauna and flora, 92/43/EEC; Directive on the conservation of wild birds, 2009/147/EC)

Interpretation of species protection needs to be more appropriate

The interpretation of species protection under the Habitats Directive and the Birds Directive should focus on populations rather than individual specimens. The protection provided by the directives (Article 12.1 of the Habitats Directive and Article 5 of the Birds Directive) covers the protection of individuals and prohibits their intentional killing and disturbance. It is reasonable to target protection at populations that are significant for the conservation of the species and the achievement of a favorable conservation status. Focusing on individuals may lead to unreasonable and unnecessary outcomes.

Clarification of intent in the Birds Directive related to transmission lines

The Birds Directive (Article 5) prohibits the intentional killing and disturbance of birds. The REDIII Directive (Article 16 b) stipulates that the possible killing or disturbance of protected species related to a renewable energy project is not considered intentional when necessary mitigation measures have been implemented. A similar provision should also apply to energy transmission lines. In this way, also electricity lines could be constructed and maintained without the need for a derogation assessment as per Article 9 of the Birds Directive.

1.4 Urban wastewater directive (Directive concerning urban waste water treatment, 2024/3019)

The administrative burden related to non-domestic wastewaters should be reduced

According to Article 14 of the revised directive, a special permit is generally required for the discharge of wastewater discharged from the exercise of a trade or industrial or economic activities, and these permits must be reviewed at least every ten years.
The Directive should be clarified so that regulations concerning the discharge of these industrial wastewater into urban wastewater treatment plants apply only to harmful wastewater discharges.
In particular, the definition of non-domestic wastewater is ambiguous and may result in the regulation being applied inappropriately. Regulation should target activities that can generate especially harmful wastewater discharges, such as those containing so-called priority substances. A risk-based approach is justified, as the special permit and its review process create a significant administrative burden. ***The directive should allow that, for most industrial wastewaters, discharge can be based on an agreement between the operator and the wastewater treatment plant owner*** without a separately granted special permit. The agreement can be submitted to the authorities for information. The owner of the wastewater treatment plant is responsible for ensuring that the received wastewater is treated appropriately, in accordance with the permit conditions applicable to this activity.

1.5 EIA-directive (Directive on the assessment of the effects of certain public and private projects on the environment, 2011/92/EU)

The overlapping assessments required by the SEA Directive and the EIA Directive should be eliminated

The overlapping assessment required by the SEA Directive (Strategic Environmental Assessment Directive) and the EIA Directive should be eliminated. The SEA Directive requires an environmental impact assessment for certain authority-led plans and programs, while the EIA Directive requires an environmental impact assessment for certain developer-driven projects. Most often, a developer’s project is also covered by an authority plan, such as a project-specific zoning plan (or a governmental decision in principle). The EIA Directive should be amended so that an assessment in accordance with the directive is not necessary in cases where the assessment has already been conducted with sufficient accuracy as part of the SEA process.

The requirement in the EIA Directive for a permit decision following the EIA procedure should be made more flexible

Several articles of the EIA Directive (8, 9, and 11) stipulate that a permit decision following the EIA procedure must be appealed and that decision may include conditions. However, issuing a formal permit decision is not appropriate for all projects; instead, the reasoned conclusion prepared as outcome of the EIA should be taken into account in other ways, such as during zoning. In some cases, the directive has led to the creation of an unsuitable permitting procedure for certain types of projects. ***The EIA Directive should only require that the reasoned conclusion is duly taken into consideration.***

1.6 Water Framework Directive (Directive establishing a framework for Community action in the field of water policy, 2000/60/EC)

Lowering the threshold/changing the criteria for the art. 4.7. exemptions

The Article 4.7. has not been used widely, e.g. in Finland it has not been used at all (see "EU Overview: Third river basin management plans, p. 71"). To make permitting of investments of overriding public interest faster and easier, this article should be changed.

Proposals:

- The new modifications should not be limited just to the physical characteristics or deterioration from high status to good status. All kind of sustainable development activities should be more broadly possible.
- Reasons for modifications and alterations can be explained in the RBMP once, but reviewing of them is not reasonable
- condition (d) should be excluded: unnecessary administrative burden, other options are already assessed e.g. in EIA.

Clarifying the interpretation that the WFD requires an automatic review of permit conditions (referring to the ongoing infringement procedures)

The Commission has decided to open infringement procedures against 10 MS for failing to comply with the WFD. According to the interpretation of the Commission, all permits should be reviewed e.g. every 12 years. ***The Directive's obligation for reviews does not apply to individual permits, but to prior checking procedures. Also, there is no basis in the directive for the 12-year time limit.*** If all permits should be individually reviewed, the work load for permit authorities and courts would be enormous, which would definitely slow down the permitting of new investments, and thus impact on EU competitiveness.

Allowing temporary deterioration so that they do not constitute deterioration of status/potential

The WFD currently provides little flexibility concerning the environmental objectives set out in Article 4, which leads to a high degree of uncertainty in permitting processes. Many green transitions investments can be affected, even if the project impacts would be temporary. Negative short-term impacts in one or more quality elements of a water body caused by a new or modification project should be allowed if such impacts are no longer detectable after agreed time period.

2. Proposals regarding climate criteria in the Taxonomy

Electric boilers should be included in the taxonomy as an economic activity

Electric boilers contribute substantially to climate change mitigation and thus this technology should be coved in Taxonomy.

Proposal for the substantial contribution criteria:

- If the emission intensity of electricity in the price area has been verified to be below the threshold of 18 gCO2eq/MJ (= 65 gCO2eq/kWh, similarly to hydrogen criteria), electric boilers' production would be considered to contribute significantly to climate change mitigation.
- If the electricity price area does not meet the emission intensity threshold, the producer must demonstrate low-carbon production through alternative means.

The proposal has been submitted to Stakeholder Request Mechanism.

Electric boilers reduce emissions in district heating and industrial steam production, particularly by supporting energy system flexibility and using renewable electricity.

Electric boilers are currently not included in the EU Sustainable Finance Taxonomy and we recommend that this technology be included under the climate change mitigation criteria for the following reasons:

- **Flexible heat production:** Electric boilers can be used when electricity is abundant and prices are low, such as during surplus wind or solar power situations. In these instances, electric boilers can produce heat without using fossil fuels, thereby reducing carbon dioxide emissions. This also helps increase the share of renewable energy and reduces the need for curtailment.
- **Balancing the energy system:** Electric boilers can balance the electricity system by utilizing surplus electricity in district heating production. This helps reduce emissions from electricity generation because electricity can be directed to district heating production rather than being generated by burning fossil fuels.
- **Enabling heat storage production:** Electric boilers can be combined with heat storage, allowing heat production during times when electricity is emission-free or cheaper. This way, heat can be produced and stored for future use, reducing the need for fossil fuels during peak demand periods.
- **Supporting heat pumps:** Electric heatboilers can be used to increase the temperature after a heat pump utilising excess heat from datacentres or other industrial processes. Utilising excess heat is highly energy efficient and reduces carbon dioxide emissions by replacing use of fossil fuels in boilers.

+ Practical examples and scientific literature on electric boilers

The criteria for hydropower (4.5) should be harmonized with the Water Framework Directive to ensure it is on an equal footing with other renewable energy sources

DNSH3 criteria (water and marine resources) for electricity generation from hydropower (4.5)

- DNSH3 criteria for hydropower goes beyond the requirements of WFD and is difficult to interpret due to the differences of practical implementation of the WFD in MSs, causing unnecessary administrative burden.
- The DNSH3 should refer only to existing EU legislation, such as the Water Framework Directive.

Pumped hydropower storage (4.10) should be disconnected from the stringent criteria for hydropower (4.5)

DNSH3 criteria for storage of electricity including pumped hydropower storage (4.10)

- The DNSH3 criteria for pumped hydro is different depending on if it is connected to a river body or not. There are no justification to use DNSH3 for hydropower (4.5) in any kind of pumped hydro. When the head of pumped hydropower storage is > 150 metres, and usually the upper basin is totally artificial, the ideas to have downstream or upstream fish migration, ecological flows etc. are not relevant.
- The DNSH criteria should refer only to existing EU legislation, such as the Water Framework Directive.

Transmission and distribution of electricity (4.9) should be considered directly compliant with the Taxonomy

Transmission and distribution of electricity is compliant with taxonomy and in practice networks always meet criterion 1(a):

1.The transmission and distribution infrastructure or equipment is in an electricity system that complies with at least one of the following criteria:

(a) the system is the interconnected European system, i.e. the interconnected control areas of Member States, Norway, Switzerland and the United Kingdom, and its subordinated systems

Therefore, the transmission and distribution of electricity should be considered taxonomy-compliant by default, without the need for separate criteria. This would help avoid unnecessary justification and verification burdens.

Proposal for the substantial contribution criteria: The activity transmits or distributes electricity

The description of bioenergy activities (4.8, 4.20, 4.24) should be revised to more clearly reflect the purpose of the taxonomy

The term “exclusively” used in the descriptions causes interpretative challenges among operators and does not take into account multi-fuel boilers, co-incineration plants, or, if interpreted strictly, even start-up and support fuels. The term “exclusively” also fails to consider temporary needs to replace biofuel with other fuels. The description should be changed to indicate that the taxonomy accepts energy production with bioenergy regardless of any other fuels that may also be used.

- ***Proposal for the activity description (4.8.):*** Construction and operation of electricity generation installations that produce electricity ~~*exclusively*~~ from biomass, biogas or bioliquids, excluding electricity generation from blending of renewable fuels with biogas or bioliquids (see Section 4.7 of this Annex).

- ***Proposal for the activity description (4.20.):*** Construction and operation of installations used for cogeneration of heat/cool and power ~~*exclusively*~~ from biomass, biogas, or bioliquids, and excluding cogeneration from blending of renewable fuels with biogas or bioliquids (see Section 4.19 of this Annex).

- ***Proposal for the activity description (4.24.):*** Construction and operation of facilities that produce heat/cool ~~*exclusively*~~ from biomass, biogas or bioliquids, and excluding production of heat/cool from blending of renewable fuels with biogas or bioliquids (see Section 4.23 of this Annex).

In the DNSH5 criteria for Activity 4.24. Production of heat/cool from bioenergy, the reference should be made only to the MCP Directive (instead of Annex II, Part 2).

In the DNSH5 (Pollution prevention and control) criteria for Activity 4.24. Production of heat/cool from bioenergy, reference is made to the emission limit values for new installations set out in Part 2 of Annex II of the MCP Directive. The current wording does not take into account existing installations (Part 1 of Annex II) or the exemptions or transitional periods provided for in Article 6 of the Directive.

Proposal:
For combustion plants with thermal input greater than 1 MW but below the thresholds for the BAT conclusions for large combustion plants to apply, emissions are below the emission limit values set out in ~~*Annex II, part 2, to*~~ Directive (EU) 2015/2193.

GENERIC CRITERIA FOR DNSH TO PROTECTION AND RESTORATION OF BIODIVERSITY AND ECOSYSTEMS (Appendix D) should be clarified

The criteria seems to require the completed procedure of an Environmental Impact Assessment (EIA) or screening in accordance with Directive 2011/92/EU.

The EIA Directive is intended for the assessment of projects that likely have significant environmental effects. Likewise, the screening process—that is, the assessment of the need for an EIA—is not appropriate for projects whose effects will in no case exceed the threshold of significance.

Proposal:
An Environmental Impact Assessment (EIA) or screening has been completed in accordance with Directive 2011/92/EU *considering activities that have been commissioned after the entry into force of the EIA Directive and that are likely to have significant effects on the environment*.

3. General proposals

Reporting

The collection of similar information from operators must be done electronically and in a consolidated manner, even if the reporting is based on different legislation. Similar data is collected, for example, in connection with emissions trading reporting and free allocation, the sustainability criteria for biofuels, and as required by environmental legislation (such as the Industrial Emissions Portal Regulation, IED, MCP).

Legislation should encourage Member States to collect information from operators in a consolidated way. The information collected in this consolidated manner must be able to be transmitted individually to the authorities who need the information for supervision, statistics, customs, taxation, etc.

Review of the water related regulation

The entirety of EU water regulation should be evaluated. Currently, there are several regulations governing water bodies and water, such as the Water Framework Directive (2000/60/EC), the Floods Directive (2007/60/EC), the Habitats Directive (92/43/EEC), the Marine Strategy Framework Directive (2008/56/EC), the Maritime Spatial Planning Directive (2014/89/EU), the Groundwater Directive (2006/118/EC), the Environmental Quality Standards Directive for water policy (2008/105/EC), the Drinking Water Directive

(2020/2184), and the Industrial Emissions Directive (2010/75/EU). The evaluation should especially focus on the perspective of operators.

Review of the permitting procedure regulation

Legislation related to EU permitting procedures should be evaluated from the perspectives of consistency and effectiveness. Regulations concerning project permitting are found in several legislative acts, such as the Renewable Energy Directive (RED III), the Critical Raw Materials Regulation, and the Net Zero Industry Act.

Scope of the "Overriding Public Interest" status

The broader application scope of the "Overriding Public Interest" status as set out in the RED III Directive should be assessed. Currently, this status is only relevant when assessing the derogation conditions under the Birds, Habitats, and Water Framework Directives.

Scope of the "One Stop-Shop" Principle

The possibility of expanding the scope of the "One Stop-Shop" principle, as aimed for in EU legislation, should also be assessed in relation to appeal procedures concerning the same project. Currently, the public may have the opportunity to appeal the same project in connection with, for example, zoning decisions, environmental permits, building permits, expropriation permits, and so on.

The role of the pumped hydro

Pumped hydro should be explicitly included under all streamlining permitting regulations, on an equal footing with, for example, renewable energy production (unlike the current situation under RED III).

Deforestation Regulation

The evaluation of the Deforestation Regulation is necessary from the perspectives of ensuring an appropriate scope and applicability, as well as reducing administrative burden.

Proposal of the Green Claims Directive

The proposal for the Green Claims Directive should be assessed from the perspective of simplification. Companies need a clear and predictable framework that ensures fair competition, strengthens investment willingness, and enables reliable communication with consumers.

In its current form, the directive is unclear, complex, and partly impractical: the requirements for verification and prior assessment are disproportionate and may increase costs excessively; a simplified procedure for quickly identifying acceptable claims is lacking; transition periods lead to additional costs and waste; and overlaps with other EU legislation further increase the burden on businesses. If the directive proceeds without clarification and simplification, there is a risk that it will hinder investments and make it more difficult for companies to communicate their sustainability efforts to consumers. Its consideration through a regulatory simplification process would enable a clearer, more functional, and better aligned regulatory framework that supports both sustainability and business competitiveness.