

ANALYSIS



Sustainability

Omnibus VIII package to simplify environmental legislation: measures regarding industrial emissions and environmental impact assessments

The 8th Omnibus Package aims to simplify environmental legislation in order to reduce administrative burdens on businesses. This paper outlines the proposed measures and examines, in particular, the proposed amendments to the Industrial and Livestock Rearing Emissions Directive, as well as the proposal for a regulation on speeding-up environmental assessments.

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As part of its “Competitiveness Compass” strategy, the European Commission presented a *simplification package (the eighth omnibus)*, in December 2025, with the aim of reducing administrative burdens on businesses¹.

As outlined in the communication titled “Simplifying for sustainable competitiveness” [COM(2025) 980 final] accompanying the environmental omnibus package, with this strategy the Commission aims to urgently boost innovation, foster decarbonization and competitiveness, reduce dependencies and strengthen strategic autonomy so that Europe can “rise effectively to the unprecedented geoeconomic, geopolitical and security challenges it faces”.

This strategy calls for “unprecedented efforts to simplify Union laws to make doing business easier and faster without undermining policy objective”. Specifically, the Commission has set a target of cutting administrative burden by at least 25% for all companies and at least 35% for small and medium-sized enterprises (SMEs).

With regard to directives, the 8th Environmental Omnibus Package introduces targeted changes to the revised Industrial and Livestock Rearing Emissions Directive (IED) aimed at cutting administrative burdens and facilitating project approvals; it also provides for changes to the Medium Combustion Plants Directive to ease the permitting of decarbonisation projects and alleviate the requirements for backup generators supporting large data centres. Administrative burdens are also reduced under the Waste Framework Directive by repealing the obligation to report to the Substances of

Concern in Products (SCIP)- related data, and the technical data requirements of the INSPIRE Directive are aligned with with the Open Data Directive to increase the availability high-value geospatial environmental data for reuse by the public and private sector.

Furthermore, the package includes a proposal for a regulation on “speeding up environmental assessments” that does not directly amend the assessment directives but rather establishes a common procedural framework to coordinate and speed up the implementation of environmental impact assessments, strategic environmental assessments, and other environmental assessments provided for under EU law.

The legislative package also introduces provisions in various pieces of legislation, notably the horizontal measures in relation to extended producer responsibility that affect the Waste Framework Directive, the Batteries Regulation, the Waste Electrical and Electronic Equipment (WEEE) Directive, and the Packaging and Packaging Waste Regulation, by making the appointment of authorised representatives more flexible for producers selling products in Member States other than those where they are based.

Finally, the communication states that environmental simplification will not end with this legislative package and announces new initiatives, revisions, and actions aimed at further reducing administrative burdens. Among other things, it mentions the simplification of the Deforestation Regulation; a revision of the REACH chemicals legislation; the adoption of a future Circular Economy Act (scheduled for the third quarter of 2026); possible changes

¹ See this [link](#).

to extended producer responsibility schemes, including their digitalisation through a one-stop-shop; measures on waste shipments and

It is striking that the proposal seeks to amend, so early on, some of the main changes introduced by Directive (EU) 2024/1785, even as Member States are still in the process of transposing it. This is particularly significant with regard to obligations such as environmental management systems, indicative transformation plans, or

certain monitoring and reporting rules, the practical implementation of which has barely begun.

This may be due not only to the new and “speeded-up” approach to regulatory simplification outlined above, but also to concerns raised by operators and competent authorities regarding the operational feasibility of certain obligations, the deadlines set, the availability of audit capacity, and the need for greater legal certainty during the transposition process.

Environmental management systems are simplified, and indicative industrial transformation plans are deleted

non-hazardous waste; a revision of the Water Framework Directive and the Marine Strategy Framework Directive; a stress-test the Birds and Habitats Directives; support and flexibility measures regarding the Packaging and Packaging Waste Regulation; and an evaluation of the Single Use Plastics Directive.

The Union’s environmental legislation thus runs the risk of becoming “Penelope’s Shroud”: a regulatory framework that is woven and unravelled in step with shifting political priorities.

1. Measures introduced in the Directive on industrial and livestock rearing emissions, as amended by Directive (EU) 2024/1785 [COM(2025) 986 final]

The amendment to the IED contained in a cross-cutting proposal for a directive that is not limited to modifying the IED, but also introduces targeted changes to various EU environmental law instruments with the common aim of administrative simplification and reduction of regulatory burdens².

1.1. Simplification of environmental management systems

The proposal amends the provisions on environmental management systems set out in Article 14a of Directive 2010/75/EU. Instead of necessarily requiring a separate system for each ‘installation’ (facility), the proposal allows several installations in the same Member State to be covered by a

² Proposal for a Directive of the European Parliament and of the Council amending Directives 2008/98/EC, 2010/75/EU, (EU) 2015/2193 and (EU) 2024/1785 of the European Parliament and of the Council as regards simplification of some requirements and reduction of administrative burden.

single environmental management system, provided they are under the control of the same operator or, even if under the control of different operators, belong to the same company which is formed in accordance with the legislation of a Member State.

Furthermore, the organizational level of the environmental management system is made more flexible (so that it can adjusted to the nature, scale and complexity of the concerned installations) in a manner consistent with existing schemes such as EMAS or ISO 14001.

The proposal extends the deadline for preparing and implementing these systems by three years, moving the general deadline from 1 July 2027 to 1 July 2030.

1.2. *Reduction of the minimum required content for environmental management systems*

The minimum requirements for environmental management systems are simplified by repealing certain provisions introduced by the 2024 amendments that were considered particularly burdensome. In particular, the requirement to include a chemical inventory of the hazardous substances present in or emitted from the installation, a chemical risks assessment of the impact of such substances on human health and the environment, and an analysis of the possibilities for substituting them with safer alternatives or reducing their use or emissions.

However, the environmental management system must continue to include, among other elements, environmental policy objectives for the continuous improvement of the environmental performance and safety of the concerned installations; measures to prevent the generation of waste, optimise resource and energy use and water reuse, and prevent or reduce the use or emissions of hazardous substances; as well as objectives and performance indicators in relation to significant environmental aspects.

1.3 *Deletion of the requirement to have the environmental management system audited by an independent body*

The proposal repeals the specific requirement to have the environmental management system audited. The Commission justifies this removal on the grounds that other voluntary or standardised frameworks, such as EMAS or ISO 14001, already incorporate internal and external audit mechanisms, and that operators had pointed out potential issues with audit capacity to comply with the requirement within the initially envisaged timeframes.

1.4. *Deletion of the requirement to prepare indicative transformation plans*

The proposal aims to repeal the requirement for certain industrial operators to develop indicative transformation plans — a requirement that had been introduced by Directive (EU) 2024/1785 — thereby reducing the administrative burden associated with

strategic planning for industrial transformation.

1.5. *Adjustments to the scope of industrial application*

The proposal introduces a specific amendment to Annex I to Directive 2010/75/EU in relation to the production of iron and steel. Specifically, it removes the reference to “pig iron” in the activity, which is currently defined as the “production of pig iron or steel” with a capacity exceeding 2.5 tonnes per hour. As a result, the activity is now defined more broadly as the production of iron or steel, so as to cover both traditional steelmaking processes — in which pig iron is produced by smelting iron ore in a blast furnace — and new, lower-carbon technologies, including those that use natural gas or hydrogen and do not necessarily produce pig iron as an intermediate product.

1.6. *Measures related to livestock emissions*

With regard to livestock farming, the proposal excludes organic poultry farms from the scope of the IED and simplifies the calculation of the Livestock Unit level of installations to determine whether or not a farm falls within the scope of the directive.

1.7. *Adjustments to the transitional provisions*

The proposal amends the transitional provisions of Directive (EU) 2024/1785 with the aim of providing greater legal certainty and more time for Member States, competent authorities, and op-

erators to adapt. In particular, specific transitional rules are introduced for the implementation of the new obligations regarding the content of permits, the assessment of the need to prevent or reduce emissions of hazardous substances, and certain obligations for the monitoring of soil and groundwater.

1.8. *Easing industrial decarbonisation projects using oxy-fuel or hydrogen-based combustion*

The proposal introduces specific amendments to both Directive 2010/75/EU and Directive (EU) 2015/2193, concerning medium combustion plants, to ease the permitting of industrial decarbonisation projects using oxy-fuel or hydrogen-based combustion.

With regard to oxy-fuel, it is recognised that the use of oxygen-enriched combustion air facilitates capture of carbon dioxide but may also alter the concentration of pollutants in the emitted gases. Therefore, the Commission suggests providing competent authorities with flexibility to assess compliance with emission limit values at installations using this technology.

As for hydrogen, the proposal bears in mind that its combustion does not produce CO₂, but may increase NO_x emissions as the hydrogen content of the fuel increases. Consequently, the Commission suggests a specific exemption from compliance with certain emission limit values for combustion plants firing gas with more than 20 % (by volume) of hydrogen along with

safeguard measures to ensure that the overall load of NO_x eventually released into the air over one year is not increased.

2. Proposal for a regulation on speeding-up environmental assessments [COM(2025) 984 final]

With this proposal for a regulation, the EU is addressing environmental assessments for the first time through this directly applicable legislation. The objective of the proposal, as stated in its recitals, is the speeding up and streamlining of environmental assessment procedures for Union projects.

2.1. The coordinated or joint procedure

In the case of plans, programmes and projects for which there is an obligation to carry out assessments of the effects on the environment or a screening arising simultaneously from two or more of the directives listed in the regulation (the Water Framework Directive, the Strategic Environmental Assessment (SEA) Directive, the Birds Directive, the Environmental Impact Assessment (EIA) Directive, and the Habitats Directive), Member States shall apply coordinated or joint procedures fulfilling all the requirements of those Union legislative acts.

Under the coordinated procedure, a competent authority shall coordinate the various individual assessments of the environmental impact of a particular plan, programme or project.

To this end, Member States shall establish appropriate mechanisms for coordination and cooperation at strategic and project level among all their competent authorities involved in environmental assessments or screenings of plans, programmes or projects. Where a plan, programme or project is subject to a coordinated procedure for assessment under the SEA and EIA Directives, the procedural steps under those Directives shall be combined. According to the recitals of the proposal, this combination of assessments must not affect either their content or their quality, nor must it result in a reduction in the level of environmental protection. The aim is to avoid overlaps and inconsistencies between the various applicable regimes.

Consequently, when a project requires an environmental assessment of both the plan or programme and the projects derived from them, the proposed regulation provides for a coordinated and simultaneous processing of both assessment procedures.

Currently, in Spain, Act 21/2013 requires separate and successive processing of both environmental assessment procedures, and, as the sole coordination mechanism, Article 13 provides that the environmental authority shall, with a reasoned decision, agree to “the incorporation of steps and administrative acts from the strategic environmental assessment procedure into other environmental assessment procedures, provided that the time limit established in the plan or programme has not elapsed

or, in the absence thereof, the four-year period from the publication of the strategic environmental statement has not elapsed, and there have been no changes in the circumstances taken into account in the strategic environmental assessment”. The European proposal goes beyond this technique of ad hoc incorporation of steps by requiring procedural coordination when multiple assessment procedures are underway.

For the new coordinated procedure, the proposed regulation introduces the following clarifications:

- a) Member States shall issue one single opinion on the scope and level of detail of the information to be included in the environmental assessment report. The proposal refers to this phase as “determining the scope” and considers it mandatory, whereas in Spain, Act 21/2013 made it optional for the developer.
- b) Second, the proposal clarifies that the competent authorities shall consult the public concerned by the environmental decision-making procedure relating to a plan, programme or project subject to environmental assessment at the same time as they consult the authorities likely to be concerned by that plan, programme or project by reason of their specific environmental responsibilities or local and regional competences. This issue was the subject of controversy in

Spanish courts regarding the environmental impact assessment procedure, as there was debate over whether the public should be able to submit comments only after reviewing the reports from the consulted administrative bodies or whether both procedures could proceed in parallel. Finally, the issue was resolved by the Judgment of the Court of Justice of the European Union of 1 August 2025, Case C-461/24, in the same vein as the proposed regulation.

- c) Third, Member States shall ensure that the results of other relevant environmental assessments under Union or national legislation are made available to developers for their preparation of the environmental reports referred to in Article 5 of the EIA Directive within reasonable timelines, respecting the limitations with regard to commercial and industrial confidentiality. The proposal also allows the developer to use data or information as old as five years.

The proposed regulation leaves room for Member States to determine the details of the coordinated or joint procedure, but requires that national systems incorporate a model for procedural coordination in accordance with its guidelines; furthermore, its explanatory memorandum raises the possibility of establishing transitional provisions applicable during the period of adaptation of national systems.

2.2. *The one-stop shop and the digitalisation of processes*

In parallel with the joint or coordinated processing of plans, programmes or projects subject to more than one assessment procedure, the proposal establishes and regulates the environmental single point of contact as the point of contact for project developers to facilitate and co-ordinate permit-granting processes as a whole.

In Spain, there is already a general obligation to actively disseminate environmental information under Act 27/2006 and the provisions contained in Act 21/2013. The latter requires the publication of certain documents (environmental impact reports, environmental statements, and documentation open to responses) in official newspapers and on official websites.

However, the proposed regulation would represent a qualitative leap, in that it does not merely require the publication of decisions or case files on disparate electronic platforms, but rather establishes that reports and data resulting from environmental assessments and screening procedures, related decisions and monitoring of environmental effects and procedures shall be made and remain publicly available in a digital format through a central online portal, based on a digital geographic information system that shall include all available data on species observations and other environmental and geological data.

In Spain, there are already partial tools, such as the Nature Data Bank and its mapping services, which provide access to alphanumeric, cartographic, documentary, and multimedia information from the Spanish Inventory of Natural Heritage and Biodiversity. However, the proposal's requirements appear to go further: it would require systematically linking these databases to specific environmental assessment and screening procedures, including their results and monitoring. The most innovative aspect would be that the information would not only be published but would also remain accessible, be reusable, be georeferenced, and allow for the consultation of environmental data linked to environmental assessment files.

The regulation will set a time limit for Member States to designate environmental one-stop shops and create the corresponding information portals.

2.3. *Screening of project modifications*

The proposed regulation introduces the new term “screening”, which refers to “the procedure to be carried out by the competent authority determining whether plans, programmes or projects are to be subject to an environmental assessment because of their likely significant effects on the environment”. Under Spanish law, this concept would functionally correspond to the simplified environmental impact assessment or the simplified strategic assessment, insofar as both procedures determine whether the

project, plan, or programme must undergo an environmental assessment.

The main new feature of the proposed regulation is the provision that “[c]hanges or extensions of projects, such as repurposing of pipelines or of industrial sites, and extension of their operation period and modifications to

information in due time so that those arguments were known or could have been known and reviewed during the administrative stage leading to the authorisation of the project, without prejudice to the right of access to justice”.

This provision, which permits — but does not require — “substantive preclusion”, does not appear to be readily transferable to the Spanish judicial review system, since, pursuant to Article 56(1) of the relevant law and established case law, “any applicable grounds, whether or not they were raised before the administrative authority,” may be asserted in the claim and defence forms.

A coordinated procedure is proposed to speed up environmental assessments and create one-stop shops

ensure decarbonisation, shall only be subject to screening by the competent authorities in order to determine if they are likely to have significant effects on the environment”, but “shall be subject to an environmental assessment only where they involve major works that represent risks that are similar to or greater than, in terms of their effects on the environment, to those posed by the original project”.

2.4. “Substantive preclusion”

The proposal provides that, in court proceedings concerning environmental assessments, “Member States may preclude arguments from being raised before a court of law where they were not raised during the administrative stage, as long as the competent authority made available the necessary

2.5. Provision for uniform timelines

Where the regulation most clearly demonstrates the force of its direct application is in the area of time limits, by establishing the maximum duration of screening procedures, environmental impact assessments, and strategic environmental assessments. These time limits will also apply to joint or coordinated procedures. The time limits set out in the proposal do not differ significantly from those contained in Act 21/2013. With regard to public consultations, the proposal sets a time frame of thirty to ninety days for the environmental impact assessment and thirty to sixty days for the strategic environmental assessment, while the

minimum time limit provided for in Act 21/2013 is forty-five days. With the exception of these timeframes for consulting the public, Member States may retain their own time frames if they are shorter than those in the proposal.

The proposal provides that, in exceptional cases, when the nature, complexity, location, or size of the project, plan, or programme so requires, the competent authority may extend the deadlines by a maximum of an additional thirty days.

2.6. *Protected species*

Article 8 of the proposal stipulates that an occasional killing or disturbance of protected species is not considered “deliberate” for the purposes of the prohibitions under the Birds Directive and the Habitats Directive (and, consequently, also for the purposes of liability under national law for such harm), “provided that the plan or project has adopted appropriate and proportionate mitigation measures and considering the best available technologies to avoid such killing and to prevent disturbance”. The provision then contains a series of guidelines on the adoption of these appropriate and proportionate mitigation measures by the competent authority.

2.7. *Environmental assessments of strategic projects*

Where Union legislation defines strategic sectors or categories of strategic projects and aims to speed up permit

granting procedures, the measures set out in the annex shall apply.

The strategic sectors and projects mentioned in the proposal include, by way of example, data centers projects, EuroHPC supercomputer facilities, AI factories, AI Gigafactories, semiconductor projects, those related to the decarbonisation of maritime and inland ports, airports and railways of trans-European transport network and projects which are critical to food security. The annex to the proposal sets out a series of “specific measures for strategic sectors or categories”. In addition, the Commission is empowered to adopt an implementing act identifying strategic projects for the construction and renovation of residential affordable or social buildings, as well as the necessary infrastructure that directly serves those buildings.

According to the annex to the proposal, these projects may be considered to be of public interest and may be considered to have an overriding public interest and to serve the interests of public health and safety for the purposes of applying the exceptions provided for in the Birds, Habitats, and Water Framework Directives.

The annex further provides that in the authorisation procedures for projects developed for strategic sectors or categories, Member States shall ensure that the lack of reply by the relevant competent authorities within the established deadline results in the specific intermediary administrative steps

to be considered as approved, except where the specific project is subject to an environmental impact assessment. Finally, it is stipulated that disputes

concerning these projects shall be “treated as most expeditious”, to the extent to which national law provides for such expedited procedures.