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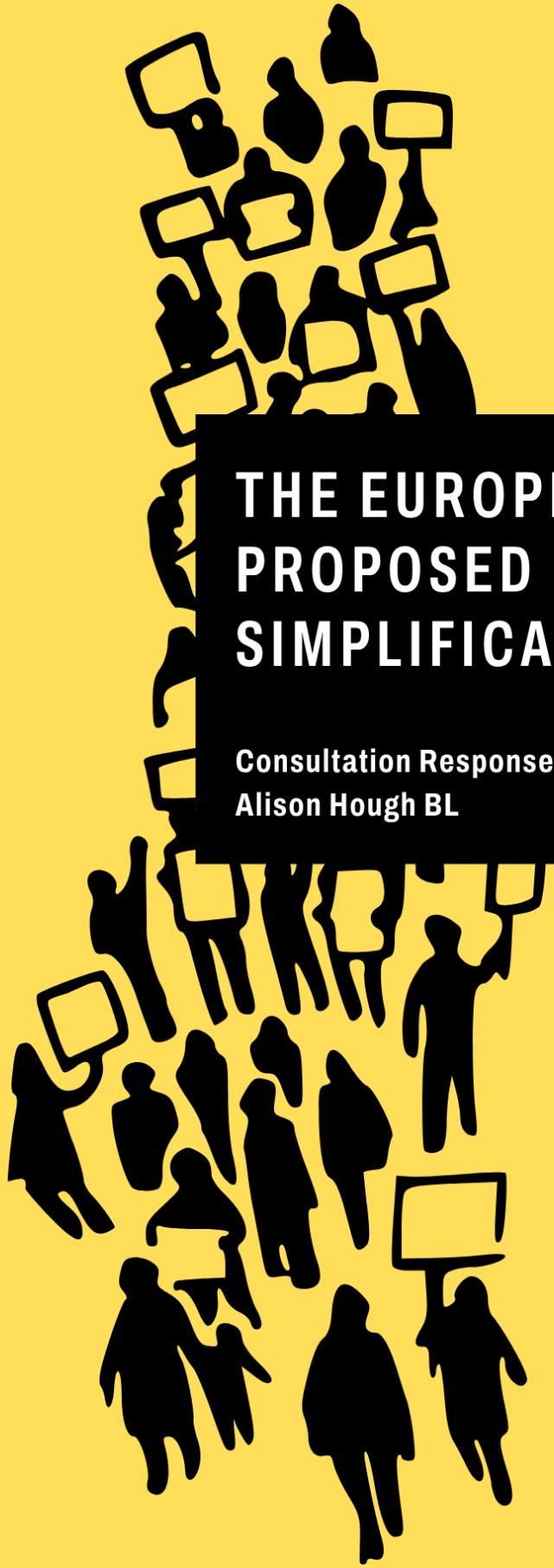

THE EUROPEAN COMMISSION'S PROPOSED ENVIRONMENTAL SIMPLIFICATION OMNIBUS

Consultation Response

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EJNI Submission to the public consultation on the EU's proposed "Environmental Simplification Omnibus" package of legislative measures.

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Introduction

This submission is made to the European Commission's consultation on the proposal to adopt a suite of Directives and Regulations under the umbrella of "Environmental Simplification Omnibus". This package amends the Waste Framework Directive (2008/98/EC), the Industrial Emissions Directive as recently recast in 2024 (2010/75/EU as amended by Directive (EU) 2024/1785), the Medium Combustion Plants Directive ((EU) 2015/2193) and the INSPIRE Directive (2007/2/EC); a dedicated proposal (COM(2025) 981 final) amends the Batteries Regulation ((EU) 2023/1542) and the Industrial Emissions Portal Regulation ((EU) 2024/1244); and a further proposal would adopt a Regulation on environmental assessments. Several of the substantive instruments amended were adopted within the last 18 months — the Industrial Emissions Portal Regulation having entered into force in May 2024 and the Batteries Regulation having only just begun to apply on a staggered timetable that runs to 2027.

The general trend of the proposals in the package is reduced transparency of environmental information, reduced public participation in environmental decision making, and some limitations on access to environmental justice. This is largely achieved through the removal of checks, monitoring and reporting frameworks designed to ensure the EU Treaty objectives of "high level of environmental protection" and the "protection of human health" while simultaneously making whole swathes of certain industries sub-threshold for Industrial Emissions licencing (again lowering transparency). The rationale is "simplification". Unfortunately for businesses, the proposals do nothing to simplify permitting processes for businesses remaining in the permitting net. No evidence base for doing so is offered, and without any kind of meaningful impact assessment. The directives they amend on the other hand were accompanied by enormous multi-volume impact assessments citing detailed empirical evidence of the need for the introduction of the regulatory requirements. This huge body of evidence supporting the need for these requirements is simply ignored. For example the impact assessment supporting the Directive on Emissions from Medium Combustion Plants (Directive (EU) 2015/2193) makes extensive reference to the surrounding context of international obligations requiring the regulation, such as the 1999 Protocol to the 1979 Convention on Long-Range Transboundary Air Pollution, and cites the 400,000 excess premature mortalities caused by air pollution, costing in the range €330-940bn. Direct economic damage includes €15bn from lost workdays, €4bn healthcare costs, €3bn crop yield loss and €1bn damage to buildings. And jeopardising €200 – 300bn annual benefits from the Natura 2000 network. [1] These were 2013 figures; inflation alone would multiply them exponentially. They dwarf the very loosely calculated "savings" of €1 billion per annum supposedly arising from the reduction in administrative burdens. This is largely framed unironically as a benefit to private industry. Meanwhile hundreds of billions of euros of cost to the public purse is knowingly incurred in health and environmental costs. This is hard to reconcile. It simply does not add up. Even the hypothetical projected €30 Bn in potential investment does not come close to compensating for the huge losses risked. It will also be little comfort to the families of those being sacrificed as necessary premature deaths from air pollution, in the name of competitiveness.

De-thresholding, losing oversight, participation and transparency

The proposals work broadly by de-thresholding, "deleting" monitoring databases and reporting requirements. They exempt broad swathes of industry from any environmental assessment by simply making them sub-threshold. For example, the provisions on agricultural emissions will exempt an estimated 33,000 pig farms from the emissions licencing regime.[2] This done by pretending piglets are

[1] European Commission. (2013). *Commission staff working document: Executive summary of the impact assessment (SWD/2013/0532 final)*. EUR-Lex. https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52013SC0532

[2] E.g. see para 4.11 of the European Commission. (2025, December 10). *Commission staff working document: Accompanying the document "Communication from the Commission to the European Parliament, the Council, the*

not pigs, and simply not counting them, in order to bring tens of thousands of pig farms sub-threshold. The package is replete with this kind of "creative accounting". This is celebrated as a cost saving and competitiveness increase. The rationale documents fail in any case to quantify or even refer to the impact on human health of allowing unregulated animal waste emissions, which were well documented in the voluminous and well evidenced impact assessments accompanying the original directives and regulations now being amended.[3]

The documents do not attempt to quantify the impact on the environment. They do not factor in the value of what is so clinically called "ecosystem services" to the EU economy, known to most normal people as the air we breathe being non-toxic, the water we drink not giving our children lifelong developmental problems. The thousands of human lives that will end prematurely as a result of unregulated livestock emissions and emissions from medium combustion plants is not discussed or considered. It seems loss of European lives is a price that one must simply be willing to pay in order to be as competitive as China.

The proposals are not accompanied by any attempt at impact assessment. Justified cost savings to that will supposedly arise are not substantiated in any other than the broadest brushstrokes. The Dhragi report is frequently cited despite the sections of the report cited neither containing nor referencing any empirical evidence from claims of permitting delays arising from these regulations. The cost savings supposedly arise from businesses from not having to apply for permits and to national authorities from no longer having to process thousands of applications for emissions licences. Whether this is a win for the EU public is highly doubtful.

In the documents accompanying there is little reference to human rights. All proposals (with the exception of the Proposal for a Regulation Speeding Up Permitting) all having a bare statements "no impact expected" or similar. In the Permitting Proposal, there are some broad generic statements about how the identical clause finding no human rights impacts. Given that highly polluting industries are being deregulated en masse, and the extensive empirical evidence available from the Commissions own document sources on the impacts on human health, the environment and climate change of these specific pollutants and sectors, this claim is demonstrably false. This also contracted elsewhere in the SWD document at para 4.5 where medium impact on the environment is anticipated for several measures including from the removal of the requirement to have transformation plans in the EMS.

The Speeding Up Environmental Impact Assessment proposal goes a step further to claim, without any basis whatsoever, the proposal will result in actual improvement in the level of environmental protection and fundamental rights in the EU as a result of streamlined permitting, and further that it vindicates the Right to Life set out in Article 2 of the Charter. It does not elaborate how these gains in fundamental

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European Economic and Social Committee and the Committee of the Regions — Simplifying for sustainable competitiveness" (SWD(2025) 990 final; COM(2025) 980 final). https://commission.europa.eu/; see also European Commission. (2025, December 10). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Simplifying for sustainable competitiveness (COM(2025) 980 final). https://commission.europa.eu/

[3] E.g. Patel, N.M., Patel, Y.G., Modi, R.J., Patel, J.H., Nayak, J.B. (2025). Swine Farming Practices and Their Impact on Public Health. In: Deb, R., Nayak, J., Sengar, G.S., Gupta, V.K. (eds) Emerging Zoonotic Threats from Swine. Springer, Singapore. https://doi.org/10.1007/978-981-96-7407-7_1 ; Andretta I, Hickmann FMW, Remus A, Franceschi CH, Mariani AB, Orso C, Kipper M, Létourneau-Montminy M-P and Pomar C (2021) Environmental Impacts of Pig and Poultry Production: Insights From a Systematic Review. Front. Vet. Sci. 8:750733. doi: 10.3389/fvets.2021.750733; Kelleghan, D. B., Hayes, E. T., Everard, M., & Curran, T. P. (2020). *Assessment of the impact of ammonia emissions from intensive agriculture installations on Special Areas of Conservation and Special Protection Areas* (Research Report 347). Environmental Protection Agency. https://www.epa.ie/publications/research/environment--health/research-347-assessment-of-the-impact-of-ammonia-emissions-from-intensive-agriculture-installations-on-special-areas-of-conservation-and-special-protection-are.php

rights will appear from the proposals which mainly attempt to curb the grounds and means by which the public might challenge decisions.

The Commission Staff Working Document and Accompanying Document, supposedly detailing the basis for the proposals does not mention the words "fundamental rights" anywhere. By contrast it references property rights several times.

This contrasts markedly with the established approach of the CJEU which generally considered environmental concerns as public goods outweighed individual property rights.[4] Most planning systems are traditionally based on this principle with the "amenity" or look of the local area usually significantly restricting the ability to develop land owned.

Restrictions on the Rights of the Public

Speeding Up Environmental Impact Assessment

The Proposal for a Regulation Speeding Up Environmental Impact Assessment[5] contains several concerning elements, in particular measures that restrict the publics ability to participate in environmental decision-making running contrary to the EU and Member States obligations under the Aarhus Convention UNECE 1998 (Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters).[6] This proposal seeks to introduce the legislative presumption of "overriding public interest" broadly for an uncapped range of projects and sectors; This type of provision was first rolled out with the recent revision of the Renewal Energy Directive, RED III which stated that renewable energy projects serve an overriding public interest for the purposes of the Habitats Directive, replacing a case-by-case balancing test that had been developed carefully by the CJEU over many years. This provision is only triggered when a national permitting authority is confronted by a project that is demonstrated at screening stage to have a likelihood of risk to the integrity of a site of an endangered species or a Natura 2000 site. The project then must be subject to "appropriate assessment". If it is determined that in this process it is likely to cause significant harm to the protected site/adversely affect its integrity, the project should not be permitted, even if mitigation measures are proposed for the feared harms. There was one exception where damaging projects could be authorised, construed narrowly by the CJEU, was for projects considered required for "imperative reasons of overriding public interest" (often called "IROPI" projects). This, under the CJEU case law, had to be carefully assessed on a case by case basis to determine if the reason the project was required did in fact override the Union Treaty objectives of high level of environmental protection, the precautionary principle and public participation rights.[7] This substantially amended the Habitats Directive (and overturned years of CJEU case law on the OPI test) without altering or amending the text of the Habitat's Directive, a practice which arguably contributes to the complexity and not simplification of EU law on permitting, and is extremely poor legislative practice. This is a new trend in legislative drafting which runs strongly throughout the Environmental Simplification Omnibus and is a weak approach to legislative

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[4] E.g. Commission v UK Case C-530/1125. The court made it clear that considerations of property rights cannot be allowed to outweigh the fundamental interests being protected here - vindicating the right of access to justice and protection of the environment. Protection of the environment is a social good which is capable of justifying restriction on the exercise of the right to property.

[5] European Commission. (2025). Proposal for a Regulation of the European Parliament and of the Council on speeding-up environmental assessments (COM(2025) 984 final; 2025/0391 COD). Brussels https://environment.ec.europa.eu/document/download/ (environment.ec.europa.eu)

[6] United Nations Economic Commission for Europe. (1998). Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (CEP/43). United Nations. https://unece.org/DAM/env/pp/documents/cep43e.pdf

[7] *Case C-323/17: People Over Wind and Peter Sweetman v Coillte Teoranta*. (2018, April 12). *Judgment of the Court (Seventh Chamber)* InfoCuria. https://infocuria.curia.europa.eu/tabs/document?source=document&docid=200970&doclang=EN

drafting that will render the EU Environmental Acquis even more impenetrable than scholars previously thought possible.

Article 14 provides an even weaker piece of legislative "amending without amending". It provides rather vaguely for a toolbox of measures to speed up permitting that will be set out in the Annex to the Directive. The draft Annex, in Part I simply provides that "*certain projects developed for strategic sectors or categories shall 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*". Simply declaring a project is in the public interest or serves public health does unfortunately not make it so. To be clear, this provision is designed to allow the permitting of projects specifically where they are shown to unavoidably cause damage to the environment and therefore would not normally be allowed to proceed in sensitive habitats.

The scope is broad and vague, with Article 1 causing the Regulation to be generally applicable to environmental assessments, screening of plans, programs and projects falling within the scope of Directives 2000/60/EC (the Water Framework Directive), 2001/42/EC (Strategic Environmental Assessment of Plans and Programs), 2009/147/EC (the Birds Directive), 2011/92/EU (the EIA Directive) and 92/43/EEC (the Habitats Directive). Article 14 providing the Annex will apply where "shall apply where existing sectorial Union legislation defines strategic sectors or categories of strategic projects and aims to speed up permitting, provided that those projects contribute to resilience and decarbonisation or resource efficiency." [sic]. It is not entirely clear what this means. The EU Commission is empowered to extend the application of the Annex to the "construction and renovation of residential affordable or social buildings, as well as the necessary infrastructure that directly serves those buildings." The Annex will also apply (rather unnecessarily) to "any future Union legislation" directly referring back to the Annex to the Proposed Regulation.

The significance of the blanket declaration of Overriding Public Interest, rather than a case-by-case exemption is that this allows pre-approved categories of projects to be permitted in sensitive habitats of endangered species where they have already been shown to pose a significant adverse risk to the integrity of that habitat. They will be required to put in place mitigation measures, but these are notoriously unreliable and poorly implemented, with very little follow up by national authorities after permitting on whether these are actually implemented. It is not possible to "compensate" in any real sense when a valuable habitat is destroyed because of the factors like the cascade effect and instinctive return of species to established habitats.[8] The environmentally harmful project gets an automatic go-ahead because it is in a category of projects the Government has declared to be in the Overriding Public Interest. No actual evidence is needed that the project is indeed in the public interest or serves public health and safety. The public are also seriously hampered in challenging a demonstrably environmentally harmful project because the categorisation and the presumption the project should be permitted and that its importance outweighs environmental objectives. Challenging these involves trying to rebut a presumption for which no evidence will have been offered which is tricky to do. Proving environmental harm will not rebut the presumption. The only way to do this would be to show that the project will not in fact fulfil whatever objective is supposed to in the overriding public interest. This will usually be difficult to do. For example, the legislation speaks of social housing. If the project is designated as social housing, then it will meet the OPI requirement and this cannot be rebutted by evidence of environmental harm. Even if the public can demonstrate evidence of strong likelihood of significant harm to the environment, this is not sufficient to rebut the OPI presumption. The decision-maker will be mandated to prioritise the project over environmental interests. Courts will not interfere in that policy balance decision made by the legislature.

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[8] Orleans and Others, Joined Cases C-387/15 and C-388/15, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=oj:JOC_2016_343_R_0011

Annex Part I goes on to say, "*Member States may, in duly justified and specific circumstances, to restrict the application of this paragraph to certain parts of their territory, to certain types of technology or to projects with certain technical characteristics*."

This provision seems to envisage de-regulated geographic zones within in States, reminiscent of the "Freeports" idea mooted by the UK, which involves designating certain zones within which almost complete deregulation of planning and other restrictions will be allowed to encourage economic growth.

The public participation requirements of Aarhus Convention 1998 UNECE are not met by this requirement because it provides for categorical exemptions of projects from proper environmental assessment. It prevents the public from effectively arguing on the core issue in which the Aarhus Convention mandates that they have a say – whether and to what extent a project is environmentally harmful. In People Over Wind,[9] regarding the Habitats Directive and appropriate assessment the Court stated that these assessments have a direct bearing on public participation (at para 39):

> "*It is, moreover, from Article 6(3) of the Habitats Directive that persons such as the applicants in the main proceedings derive in particular a right to participate in a procedure for the adoption of a decision relating to an application for authorisation of a plan or project likely to have a significant effect on the environment (see, to that effect, judgment of 8 November 2016, Lesoochranárske zoskupenie VLK, C-243/15, EU:C:2016:838, paragraph 49).*"

By placing large swaths of installations sub-threshold, this reduces the public's ability to have a say on decisions with significant effects on the environment, contrary to Aarhus Convention. It also conflicts with the commitments of the EU under the Convention on Biological Diversity 1992, among others, as well as 30 years of EU Environmental Action Plans, legislation and policy. There are no massive improvements in EU biodiversity that might justify "taking the foot off the gas" at this particular time. Up to 81% of EU protected habitats are in poor condition. Furthermore, 39% of bird species and 62% of other species of community interest are in a poor or bad state.[10] Industry and agricultural emissions are the cited by the EEA as the biggest pressures on EU Biodiversity, but these proposals seek to substantially deregulate harmful industrial and agricultural emissions.

Article 6, entitled "*Substantial Preclusion*" is worth setting out in full:

> "*In the context of judicial proceedings relating to environmental assessments within the meaning of this Regulation, 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 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 clause is a restriction on the breadth of arguments that can be raised in judicial review of a project permitting decision to only those raised during the administrative procedure. Given that the Aarhus Convention requires full procedural and substantive review of the permitting decision to be available (Article 9(2) parties must ensure that the public concerned must have access to court "*to challenge the*

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[9] *Case C-323/17: People Over Wind and Peter Sweetman v Coillte Teoranta*. (2018, April 12). *Judgment of the Court (Seventh Chamber)* InfoCuria. https://infocuria.curia.europa.eu/tabs/document?source=document&docid=200970&doclang=EN

[10] European Environment Agency. (2025, September 28). 1.1 State of Europe's biodiversity. In Europe's environment 2025: Biodiversity and ecosystems. https://www.eea.europa.eu/en/europe-environment-2025/thematic-briefings/biodiversity-and-ecosystems/state-of-europes-biodiversity ; BirdLife Europe & Central Asia. (2024, September). Time to restore: Progress and pitfalls in implementing the EU Biodiversity Strategy (EU-Biodiversity-Strategy-Progress-Report-1). BirdLife International. https://www.birdlife.org/wp-content/uploads/2024/11/EU-Biodiversity-Strategy-Progress-Report-1.pdf

substantive and procedural legality of any decision, act or omission"), this represents a restriction on substantive review that seems incompatible with its provisions.[11]

Article 8 states that killing or disturbance of species protected under the Habitats Directive or Birds Directive (because they are endangered) "will not be deemed deliberate" provided mitigation measures were adopted to prevent such killing or disturbance. This is designed to give developers and operators in sensitive habitats a "free pass" to kill some of an endangered species. Presumably if the mitigation measures designed to prevent this were effective this would not be required.

Industrial Emissions – pushing out application of post-project monitoring provisions

Article 2(5) of the Proposed postpones the operation of post-project monitoring requirements due to commence this year, for between 4 - 6years. This is described as transitional provision, but it is clearly a long-range postponement.

The onerous obligations thus avoided included a new obligation to do post-project soil testing every nine years, instead of the previous ten-year frequency, and water testing every four years instead of five. Clearly a huge contribution to competitiveness of the EU economy.

The provision also reduces transparency by repealing the requirement to include in the EMS 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, and also removes the need to assess in licensing under IED the need to prevent or reduce hazardous emissions.

This reduces public access to information about pollution from these facilities.

Other transparency loss provisions

The removal of the INSPIRE data base, which is the basis for much of the impact assessment and monitoring, and the including in the INSPIRE Directive of broader grounds to not publish environmental information generally, which appear to be of general application and not restricted to the INSPIRE Directive.

The removal of EMS requirements for around 31,500 facilities under the IED Directive amendments. The SWD claims these facilities will be covered by EMAS/ISO14001 audit requirements, but the figures cited appear to show that several thousand facilities will fall through the audit net. The removal of transformation plan requirements from EMS for many facilities also reduces accountability and oversight particularly in relation to hazardous chemicals.

The de-thresholding of tens of thousands of facilities from the IED directive results in loss of transparency, reporting, oversight etc.

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[11] E.g. see ACCC findings in ACCC/C/2008/31 (Germany) and ACCC/C/2010/45 and ACCC/C/2011/60 concerning compliance by the United Kingdom of Great Britain and Northern Ireland. Aarhus Convention Compliance Committee. (2014). Findings and recommendations with regard to communication ACCC/C/2008/31 concerning compliance by Germany (ECE/MP.PP/C.1/2014/8). United Nations Economic Commission for Europe. Aarhus Convention Compliance Committee. (2013). Findings and recommendations with regard to communications ACCC/C/2010/45 and ACCC/C/2011/60 concerning compliance by the United Kingdom of Great Britain and Northern Ireland (ECE/MP.PP/C.1/2013/12). United Nations Economic Commission for Europe.

Missed opportunities

Failure to substantively improve permitting processes

The Omnibus misses' key opportunities to actually improve environmental permitting and speed up EIA/SEA, while safeguarding human rights and public participation. The failure to actually specify the transboundary procedure or lay down practical legislative standards for genuine accessible participatory processes speak to the extent to which the institutions do not see public participation as anything other than a box to be ticked. Digital Statements accompanying the documents require documents to be published on online web portals, which has been standard since the late 1990s in the original EU Member States, and is already almost universal practice in the subsequently entering States. No consideration is given in this or the Digital Omnibus to the manner in which technology could transform public engagement in these processes.[12]

In addition, the poor drafting approach, using a single instrument to amend several texts, or amending meanings of other legislation without altering the text of that other legislation, contributes to the opacity and complexity of the EU Environmental Acquis.

Poor Consultation Practice Here

This consultation itself is a case in point. There are twelve documents containing complex legislative amendments which amend the text of existing Directives, with no consolidation made available to easily show the impact of the proposed amendments. No plain language versions are made available of any documents. The information provided is dense, vague or in some cases actively misleading. For example, the FAQs accompanying the proposal contains this statement:

> "*The proposed measures do not pose significant risks to the environment because they target administrative obligations without reducing environmental standards. Given that environmental objectives remain unchanged, the overall environmental impact of the package is neutral*."

This is demonstrably untrue. The proposal itself acknowledges it will take circa 38,500 pig farms and industrial facilities previously large enough to be over threshold out of the licensing and monitoring regimes associated with the Industrial Emissions Directive. This removes the need for these facilities to apply for licences, apply mitigation measures to meet licence conditions, or monitor at all what their emissions levels are. This represents a huge deregulation at the stroke of a pen and will most certainly produce impacts on human health and the environment which are negative.

Further this statement that the environmental impact is neutral misleadingly suggests that the environmental impact has actually been assessed when no environmental impact assessment has been undertaken for these proposals. Unsupported, vague or incorrect statements are visible across the package in justificatory texts.

The consultation documents in pdf format are difficult to read and parse, and multiple media formats would make them more cross compatible and accessible. No disability friendly media was provided as part of the consultation document package.

No grounding or supporting information is provided for any of the claims made e.g. that the measures will speed up permitting, or even the claim permitting or assessment is actually too slow currently. There is no empirical data supporting that claim. The processes for public participation and impact assessment remain substantially unchanged. What has happened is a large-scale deregulation by manipulation of thresholding criteria, removal of transparency measures across the board, downgrading of provisions on

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[12] Hough, A. (2025). *Emerging technologies and improving implementation of Aarhus Convention environmental human rights*. Environmental Liability 29(1-2).

hazardous chemicals, and restrictions on the publics ability to interact with and challenge environmental decision making.

Without detailed information on the impacts of these proposals the public cannot properly engage in a consultative process.

Webinars and community events should have been held to discuss these and engage the public on the proposed changes. No attempt was made to do so.

Technology to enhance public engagement and participation is extremely well developed and almost universally ignored while Governments and institutions decry the administrative burden of public participation processes which could be alleviated by that technology.

Transboundary Consultation Process

The only alteration is the introduction of the facility for Member States to ask the EU Commission to act as a go between. No actual process changes were introduced.

Despite international, EU and domestic law guarantees supporting transboundary public participation, the requirement to carry out transboundary assessment and participation is very poorly observed to the point of almost being outright ignored. For example, in Irish/Northern Irish climate legislation and climate planning, no transboundary consultations occurred in the making of the climate laws in either jurisdiction, and no transboundary consultations occurred in the making of the climate plans in either jurisdiction in the last five years, including the most recent NI Climate Action Plan, the IE Climate Action Plan, and the IE National Energy and Climate Plan (NECP) made under the EU Governance Regulation, in 2023, which require transboundary consultation. It is notable that national climate laws in both jurisdictions require transboundary cooperation in the making of these plans, as does the SEA Directive applicable in both jurisdictions, and the Aarhus and Espoo Conventions.

EU wide systemic issues with transboundary consultation and public participation in general were apparent in the latest round of NECPs. In general, these were barely subject to any kind of impact assessment and the assessments and participation in them was generally inadequate across the EU 27, with no transboundary consultation in general.[13] The EU Commission feedback on the plans did not address the lack of transboundary consultation, and complaints about this by EU NGOs (including EJNI) across the EU were rejected.[14]

More recently in 2025 to NI failure to consult with Ireland was demonstrated with the collapse of a public inquiry into a controversial gold mine application ('Curraghinalt Project)' for Greencastle, in the Sperrin Mountains in Co. Tyrone, [15] which was the largest mining application in the history of the island and implicated several transboundary designated nature sites.

This revision was a golden opportunity to give the transboundary process more specification and effectiveness.

Conclusion

While presented as a simplification or streamlining of legislation, as outlined above this legislation makes significant substantive amendments across a broad range of environmental instruments, impacting transparency, accountability, public participation rights, access to justice, integrity of

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[13] Oberthür, S., von Homeyer, I., Schewe, L., & Moore, B. (2025). Public participation in EU climate governance: the underexploited potential of national energy and climate plans. *Journal of European Integration*, *47*(2), 257–276. https://doi.org/10.1080/07036337.2025.2460194

[14] For a good account of EU enforcement powers on climate plans is provided by GreenDealNet here: Gaia Lisi, Filippo P. Fantozzi ((2024 Implementation cannot wait: civil society calls on the European Commission to tackle national energy and climate shortcomings
https://www.greendealnet.eu/civil-society-calls-European-Commission-to-tackle-national-energy-climate-shortcomings

[15] Amy Strecker, V'cenza Cirefice, Alison Hough and Ciara Brennan, 'Transboundary environmental justice: Gold mining in the Sperrin Mountains' EJNI Research Report, April 2025. https://ejni.net/wp-content/uploads/2025/07/EJNI-Transboundary-Consultation-Sperrins-08.04.25.pdf

protected habitats and waterbodies, substances of very high concern and monitoring/reporting obligations. It exempts from thresholds IED 20Mv generators based on annual hours of use, but this makes reporting emissions entirely voluntary, as no monitoring will be taking place of sub-threshold facilities. Tens of thousands of pig farms and medium industrial facilities are being removed from the IED net also. This constitutes a large deregulation. Permitting processes are not made simpler for operators who are caught in the permitting net, or for members of the public trying to engage with complex technical permitting and plans/programmes approvals. This package is a missed opportunity to truly improve the permitting and assessment processes in ways that lower burdens for businesses and enhance accessibility and participation for the public. Emerging technologies such as machine learning and block chain could have played a key role in this transformation. The proposals are self-confessedly without any impact assessment but present educated guesses forward as concrete information, in misleading ways. The approach to this consultation does not meet the Better Regulation standards. This is very disappointing, at a time when the EU environment is in decline on almost all indicators and biodiversity loss and pollution are accelerating. Climate change is exacerbating these issues by creating further environmental stressors. A very narrow window remains for making significant impact on climate mitigation and adaptation. However, none of the physical realities, threats and challenges to the European environment that EU populations and businesses face every day (like air quality issues, high temperatures, floods, wild fires, and accelerating pandemics) are represented here. They are instead completely ignored along with the fundamental rights of the EU citizenry, for a fantasy of "competitiveness" that is not backed up by any reality or hard data. If these changes are brought in, the EU will send the strongest possible signal yet that fundamental rights and good governance is no longer at the heart of the EU project, and that lobbyist demands now lead the legislative process. This is immensely damaging for the EU economy as an high regulation secure FDI destination and also represents a regression in standards of protection of human rights in the EU that breaches international law commitments across the board.