EURACOAL
European Association
for Coal and Lignite
AISBL

EURACOAL Position Paper

in response to the Environmental Omnibus Package: *Simplifying for Sustainable Competitiveness (COM(2025) 980)* and on the need for further simplification of EU environmental law

Summary

The Commission's proposals within the Environmental Omnibus presented on 10 December 2025 – also known as Omnibus Package VIII – are a positive signal towards leaner bureaucracy. The proposed amendments to the Industrial Emissions Directive (IED) will remove certain obligations on industry and are a welcome first step, while faster environmental impact assessments will benefit all project developers. However, we believe there is potential for much more. For example, amendments to the IED's environmental management system should go further. **The requirement to set emission limit values at the lower ends of BAT-AEL ranges should be repealed. Derogations from emission limit values should be extended and facilitated.** The requirement for baseline reports on soil and groundwater status is onerous and unnecessary. Given the need for these and other simplifications, EURACOAL calls for **a "stop-the-clock" regulation on implementing the IED into national law**.

Concerning the Water Framework Directive (WFD), the announced review and revision in 2026 is an opportunity for some overdue simplifications to a directive that has remained largely unchanged since its entry into force in 2000. Quick action is needed given that *good status* will not be achieved for surface water bodies in any member state by the 2027 deadline. The current impasse creates legal uncertainties for the competent authorities and European industry. To resolve this, **another omnibus package is urgently needed**. Similarly, nature conservation laws now require more than a fitness check review given the extensive knowledge gained from implementing the Birds Directive and Habitats Directive since they came into force decades ago.

Most importantly for the coal industry, the Methane Regulation of 2024 requires an immediate overhaul to make it fit for purpose. As it stands, the regulation imposes **impossible requirements at underground mines** that risk safety, and monitoring requirements at closed coal mines that can hardly be justified. Meanwhile, coking coal mines are effectively put on notice. At surface/opencast lignite mines, **biennial monitoring of methane emissions** is called for as the requirement for quarterly monitoring makes no sense given that methane is barely detectable at these mines and its release cannot be mitigated.

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Background

Against the current backdrop of high energy costs, heavy bureaucracy and aggressive foreign trade policies, EURACOAL welcomes the EU's stated aim to simplify laws and thus reduce administrative costs and regulatory burdens. As part of the European Commission's broader efforts to strengthen EU competitiveness, we believe that a high level of environmental protection can be achieved with simpler laws, ones that allow industry to grow and prosper.

In the case of the coal and lignite industry, all mines have finite lives. Many are in their twilight years, and production today is a small fraction of historic production. As production tends towards zero, their environmental impacts also decline. Given the already stringent environmental legislation in place for mines, at the national and EU levels, it makes no sense to introduce new legislation for coal and lignite mining. This was recognised in the recent revision of the Industrial Emissions Directive which excluded the mining of energetic materials. However, other recent legislative initiatives, such as amendments to the Water Framework Directive, the revised Industrial Emissions Directive and the Methane Regulation, have been less pragmatic and will introduce disproportionate burdens on coal and lignite mining companies with no discernible benefits, only unnecessary costs to businesses and society that create inflationary pressures and economic instability in the coal regions.

Today, the EU coal and lignite mining sector operates to the highest environmental standards with sustainable practices. Nevertheless, EU legislation – notably EU environmental law – has evolved into a rigid system that is often not flexible enough to allow local or sector-specific conditions to be properly taken into account by the responsible authorities. The administrative burdens lead to lengthy and complex permitting procedures and overly restrictive requirements. For those seeking to mine the raw materials needed for a modern economy, EU legislation can appear like a *de facto* ban on mining in Europe.

These developments have led to a growing import dependency. Coal imported from third countries has become more competitive as EU companies face more and more costs directly linked to EU environmental law. This weakens the economic position of EU member states and hence the EU's geopolitical influence.

1. Industrial Emissions Directive

The revised Industrial Emissions Directive (EU) 2024/1785 or IED 2.0 will result in considerable additional costs and bureaucracy for operators of industrial plants at a time when investment is needed to transform the EU economy towards climate neutrality. We welcome the Commission proposals (COM(2025) 986) to again revise the IED as part of the Environmental Omnibus. However, as described below, these proposals fall short of their aim to reduce bureaucracy. The Commission should now present a "stop-the-clock" regulation specifically for the IED.

1.1 Environmental Management System (EMS)

The Commission argues that with the proposed amendments to Article 14a IED, it is making a significant contribution to relieving the burdens on industry. Unfortunately, this is only partially true.

Delete references to "benchmarks" in BAT conclusions

The reference to regulated "benchmarks" in plant-related BAT conclusions should be deleted. Simplification means abandoning the strict plant reference and enabling site- or group-based EMS, as in ISO 14001 (as proposed for Article 14a(1) and Recital 7). However, this amounts to nothing if one must align an EMS with benchmarks that are included in plant-related BREFs.

Article 14a(2)(b) should therefore be amended:

"(b) objectives and performance indicators in relation to significant environmental aspects~~, which shall take into account benchmarks set out in the relevant BAT conclusions~~;"

No publication on the internet

Article 14a(4) should be deleted. Publishing EMS information on the internet burdens companies with additional bureaucracy and is of no benefit to environmental protection.

EMS should not be covered by installation permits

Article 14(2)(ba) of the IED 2.0 should be deleted. This requirement obliges the competent authorities to include in installation permits, *"appropriate requirements laying down the characteristics of an environmental management system in accordance with Article 14a;"*.

This is an additional and superfluous bureaucratic requirement that causes very considerable effort not only for the competent authorities, but also for plant operators. It is superfluous because Article 11(fb) of the IED 2.0 requires operators to introduce an EMS in accordance with the requirements of Article 14a. Monitoring this requirement can be carried out during the environmental inspections referred to in Article 23 IED.

IED compliance when an EMS is implemented according to ISO 14001 or EMAS

The IED should include a provision that allows operators who implement an environmental management system in accordance with the ISO 14001 or EMAS to automatically comply with all requirements of Article 14a. Certification under these international or European schemes should be sufficient to confirm the required EMS without additional requirements.

1.2 Further simplifications

In its Environmental Omnibus, the Commission has proposed very few substantive changes to the IED. As such, the desired administrative simplification and reduced regulatory burdens will be very small. EURACOAL therefore proposes that further changes are urgently made to the IED.

Setting of emission limit values at the lower ends of BAT-AEL ranges

Competent authorities should not set emission limit values at the strictest end of BAT-AEL ranges (Article 15(3) IED). Not all industrial plants can comply with the strictest limit values for each and every pollutant emission at the same time. **Such a requirement is often not technically or scientifically feasible**, is likely to overwhelm many plant operators, and accelerate the relocation of production processes to non-European countries.

Extending and facilitating derogations from emission limit values

Derogations from emission limit values under Article 15(5) must be possible without impossible barriers. Annex II of the IED, for example, effectively prevents exemptions from being granted in practice, thus jeopardising the continued operation of certain industrial plants.

Setting of environmental performance limits

Environmental performance limit values, *e.g.* for consumption levels, resource efficiency concerning materials, water and energy, and waste generation, **should be deleted** (Article 15(4)(a)) – **or changed to "environmental performance guidance values"** – given that water and energy consumption, material resource efficiency and waste volumes are regulated elsewhere under EU law.

Special rules for installations with a statutory closure date

We propose the **following provision be added** to Article 21 of the IED:

"For installations for which a decommissioning date has already been set by law, the obligation to update the permit referred to in Article 21(3) shall be waived."

In the case of any plant that must be decommissioned definitively by law within a manageable period of time – such as plants in Germany under the Act to Reduce and End Coal-fired Power Generation (KVBG) – permit updates and thus retrofits would generally be disproportionate as they could only have limited environmental benefits over the plant's remaining operating life. In these cases, the competent authorities and plant operators should be able to avoid any time-consuming derogation assessments or examinations under Article 27e.

Baseline report on soil and groundwater contamination

The baseline reporting of soil and groundwater contamination as well the additional information required from site investigations, which were introduced into the IED in 2010 (Article 22 and related guidance in Commission communication 2014/C 136/03), impose considerable costs and bureaucracy on operators, without bringing any significant environmental benefits. **The baseline report requirement should be deleted.**

Publication of consolidated permit conditions

Article 24(2)(a) requires the publication of new or updated permits, *"... including consolidated permit conditions where relevant;"*.

This provision should be deleted as it is formulated in an unclear way. It leads to considerable bureaucracy for the competent authorities and plant operators and is irrelevant for environmental protection. It should be left to the competent authorities in member states to decide on whether or not to consolidate permit conditions.

1.3 A "stop-the-clock" regulation is required

The deadline for national implementation of the new provisions in the IED 2.0 is July 2026. By this date, it is not expected that the Commission's latest proposals to amend the IED will have been adopted by Council and Parliament.

The Commission should therefore **postpone the implementation deadline for IED 2.0 by two years** by means of an urgent regulation or similar to enable a full and comprehensive assessment of the Environmental Omnibus during its passage through Parliament and Council.

2. Water Framework Directive

The Water Framework Directive (WFD), with its mandatory targets, creates legal and practical challenges for the coal and lignite mining industry. Indeed, the target to achieve *good ecological status* and *good chemical status* cannot be reached by 2027 for all water bodies in member states, especially given the contradictory river basin management plan targets and limited derogations provided for in the directive. In addition, there are significant uncertainties surrounding derogations. These challenges and uncertainties need to be addressed urgently and here EURACOAL welcomes the Commission's announced review and revision of the WFD that will begin in Q2 2026, as announced on 3 December 2025 in the RESourceEU Action Plan. In its work on the WFD, the Commission should adopt flexibility for end-of-life mining activities.

Coal production in Europe is already a small fraction of historical production and the planned transition of the coal mining sector means production will continue to gradually fall. As coal power plants and mines close, there will be less pressure on the environment from water discharges. Hence, **special rules are needed for coal assets which have *closure dates set in law***, but are meanwhile needed to secure energy secrity in the public interest. This would allow the authorities to establish water management plans in subsequent planning cycles and issue discharge permits that take into account coal phase out.

With the above in mind, we call for the following actions.

2.1 Withdraw the Water Package of 2022

The ongoing legislative procedure on integrated water management (*i.e.* the Water Package COM(2022) 540 amending the Water Framework Directive, the Groundwater Directive and the Environmental Quality Standards Directive) should be stopped in the European Parliament and the Council of the European Union. Instead of simplifying EU law, the compromise text agreed in trilogue on 23 September 2025 will make the Water Framework Directive even more complex with significant additional impacts on businesses and industrial projects.

The proposed package of legislation would open the door to an ever-increasing list of substances to be considered in permit procedures. In addition, it would require new assessments of water bodies which could significantly change the legal situation for companies and thus jeopardise their operating licenses.

This is because the proposals forming the Water Package include fundamental amendments that go to the heart of EU water law. These would codify a strict definition of "deterioration" based on an

interpretation of the current WFD made by the Court of Justice of the European Union (CJEU Case C-461/13 – the Weser ruling). Adopting the trilogue text – agreed *before* the Environmental Omnibus and the ReSourceEU Action Plan to accelerate EU access to critical raw materials – would be a *fait accompli*, undermining the upcoming WFD revision as well the latest measures announced by the Commission to reduce bureaucracy and boost EU competitiveness.

The Commission should withdraw the proposed Water Package.

2.2 Definition of "deterioration" (Article 4(1)(a)(i) and (b)(i) WFD)

The WFD has no definition of "deterioration", yet this is a central legal concept of the WFD which prohibits any deterioration. In its Weser ruling, the CJEU found that there is a deterioration of the overall status if at least one quality component deteriorates by one class, even if this does not change the status of the water surface body.

However, not every small decline in a quality element or environmental quality standard (EQS) should be considered a deterioration, especially if other parameters improve. Status should be based on the ecological relevance of each environmental parameter, considering the overall effect on water function. The definitions related to Article 2 WFD should include a practical, proportionate definition of the term "deterioration" that enables an integrated consideration of all environmental parameters in balance. A minor deterioration in one parameter should not overly distort the overall assessment. **The following definition of "deterioration" is proposed**

"Deterioration of the status of a water body means only the lowering of the status of at least one of the quality elements, within the meaning of Annex V to this Directive, by one class, if that lowering results in a fall in the classification of the body of water as a whole."

Without such a clear definition of "deterioration", member states and industry face legal uncertainty. For project developers, even if the overall environmental impact of a project is positive, the deterioration of a single parameter can block approval.

2.3 Extension of deadlines (Article 4(4)(c) WFD)

Article 4 WFD obliges the member states to achieve the good ecological and chemical status of all water bodies by 2015 – this deadline can only be extended by two management plan cycles – *i.e.* until 2021 or 2027. Subsequent extensions can then only be contemplated based on adverse "natural conditions" which are unlikely to apply at long-established industrial facilities.

For member states, achieving the target by 2027 is unrealistic as it is neither technically nor legally feasible. In many cases, good status cannot be achieved given the combined impacts on water bodies of current industrial and infrastructure activities. According to the WFD, these activities cannot continue beyond 2027 in a legally secure manner, yet many legitimate activities do need to continue.

A realistic way is needed to **extend the compliance deadline by up to three additional river basin management plan cycles** (*i.e.* by 2033, 2039 or 2045), along with an evaluation of whether the "no further deterioration" requirement of Article 4(5)(c), as applied to the less stringent objectives, could be removed.

2.4 Contradictory river basin management plan objectives (Article 4(5) WFD)

The WFD foresees situations where less stringent environmental objectives might be appropriate for specific water bodies when they are heavily affected by human activity, or their natural conditions make it technically infeasible or too costly to meet objectives. To date, very little use has been made of this derogation and only with great legal uncertainty. This is because Article 4(5)(c) of the WFD requires, *inter alia*, that further deterioration be avoided.

However, Article 4(5)(c) WFD allows a derogation from the strict no-deterioration objective only if further deterioration is avoided! **This contradictory "no further deterioration" requirement when setting derogations from river basin management plan objectives should therefore be deleted.**

At the same time, greater consideration should be given to the overall condition of a water body rather than to individual parameters. Today, industrial (and other) development is being blocked at water bodies that are in poor condition due to the concentration of a single substance – even when the most advanced and low-emission technologies are proposed. This is the result of the absurd "one out, all out" and non-deterioration principles which lead to lower water status even when other quality parameters, and thus the overall condition of a water body, are improved.

2.5 Water bodies impacted by mining and power plants that are needed during the transition to meet socio-economic needs (Article 4(5)(a) WFD)

Given the energy transition taking place under the European Green Deal, and the EU target for net-zero GHG emissions by 2050, the coal industry is undergoing a managed decline during which its operations will continue to require significant water management. In Poland, a *Social Contract* between the government and mining unions sets a deadline for the end of hard coal mining. In Germany the Act to Reduce and End Coal-fired Power Generation (KVBG) will see coal-fired power generation – and hence lignite mining – phased out by 2038 at the latest. In Slovenia, the only underground coal mine outside Poland will end its lignite production by 2033 at the latest. From a socio-economic perspective, these strategic assets ensure energy security and a resilient supply of raw materials that make an important contribution to EU industrial competitiveness in compliance with EU climate targets.

In addition, as coal mines are closed prematurely, water management must also be adapted, even after mining ends and land is reclaimed. For example, lakes at opencast mines must be redesigned and filled earlier with water from surface water sources. At some underground mines, water pumping must continue indefinitely to maintain mine water at levels that prevent further ground movement and protect water bodies, especially groundwater reservoirs used for drinking water. Similarly, polders formed by mining subsidence which do not drain naturally must continue to be artificial drained to avoid surface flooding.

Therefore, **during the coal phase-out period and subsequent land reclamation and water management period, it is reasonable for Member States to set less stringent environmental objectives for water bodies affected by coal mines and coal power plants. The WFD should be amended accordingly.**

2.6 Derogations from river basin management objectives (Article 4(7) WFD)

EURACOAL suggests that Article 4(7) WFD should be amended to allow derogations for failure to achieve good chemical status of surface waters, not only good ecological status (see box below). Given the Commission's proposal that river basin-specific pollutants should become part of chemical status, the suggested amendment will become even more important.

Our second suggested amendment below concerns modifications to the characteristics of a water body to allow derogations for any type of modifications, not just for modifications to its physical (or hydro-morphological) characteristics. Our third amendment covers new modifications to groundwater bodies as well as to surface water bodies.

Article 4

Environmental objectives

7. Member States will not be in breach of this Directive when:

— failure to achieve good groundwater status, good ~~**ecological**~~ **surface water** status or, where relevant, good ecological potential or to prevent deterioration in the status of a body of surface water or groundwater is the result of new modifications to the ~~**physical**~~ characteristics of a ~~**surface**~~ water body or alterations to the level of bodies of groundwater,

2.7 Guidance on the Water Framework Directive

In the ReSourceEU Action Plan of 3 December 2025 and again in the Environmental Omnibus of 12 December 2025, the European Commission announced that it would issue a guidance note on the Water Framework Directive in Q1 2026. On permitting, this guidance can only serve as an additional legal interpretation that helps to clarify the challenges and uncertainties inherent in the directive itself. It cannot replace the substantive legislative changes that are necessary in the directive itself, especially on the most important issue of derogations. Nevertheless, a guidance document could usefully interpret the following three points:

- On the derivation and application of environmental quality standards (EQSs):
  - priority for scientific evidence instead of generic approaches,
  - possibility for site- or river-basin-specific EQS adjustments,
  - greater consideration of bioavailability, especially of metals,
  - avoidance of cumulative, "worst-case" estimates.
- On EQS compliance at the water body level:
  - no evaluations at isolated individual measuring points,
  - classification as "degraded" only in the case of functional effects.
- On natural background concentrations:
  - define as "ambient background", not "pre-industrial state",
  - no status deterioration in the event of minor, natural fluctuations,
  - recognition of the high variation in natural concentrations across regions.

On the derivation and application of environmental quality standards

The strict application of environmental quality standards (EQSs) **can stop industrial projects**, even where project-specific, evidence-based assessments indicate no actual negative impacts on aquatic life. This arises because of the ill-defined term "deterioration". The guidance should **address the methodology** of how these EQSs are established and give priority to real evidence of any deterioration. It must be possible to **make site-specific, or at least river-basin specific, adjustments when applying EQSs.**

The guidance should stress that all EQSs must be **based on scientific evidence** and address real risks. When establishing EQSs, any lack of comprehensive scientific knowledge should not be covered up with layers of precautionary assessments as this may result in unreasonably or artificially low EQSs that do not reflect actual water quality. This is an issue of particular concern for naturally occurring elements, substances and compounds.

It would also be appropriate to reiterate and strengthen the current recommendations on **bioavailability** (*i.e.* in Guidance Document No. 27 on deriving EQSs under the Common Implementation Strategy (CIS) for the WFD). All EQSs for metals should refer to bioavailable concentrations to avoid unreasonably or unnecessarily low EQSs that do not correspond to the actual levels of toxicity. Where bioavailability models are not available, these should be developed in parallel with the derivation of an EQS.

On EQS compliance at the water body level

The guidance should address how **EQS compliance should be assessed for whole water bodies**, rather than at individual or isolated measuring points, taking into account other representative factors. A water body should be classed as having deteriorated only when there is an impact on its ecological function or socioeconomic needs.

On natural background concentrations

The guidance should clarify how natural background concentrations are taken into account when assessing the chemical status and EQSs of surface water and groundwater bodies. To reflect Europe's long history of human activity which has affected all background concentrations, "natural background" should be interpreted as "ambient background", rather than any "pre-industrial state".

It should be stressed that any increased concentrations of naturally occurring substances, which are negligible in relation to natural (or ambient) background, should not result in a water body being classified as deteriorated. The guidance should also address the fact that natural background concentrations can vary greatly, even within a small geographic area.

3. Methane Regulation

As part of a package of EU environmental law under the European Green Geal, the Methane Regulation came into force in August 2024 but is not fit for purpose and should be simplified.

Given that only one member state operates deep hard coal mines, the EU should never have enacted such a regulation. A directive would have been more appropriate, laying out overall policy aims and allowing member states with coal mines to decide how best to achieve those aims. As it stands, the regulation imposes costly monitoring, reporting and verification obligations, even at closed mines where costs are often borne by the state. **The Methane Regulation should be repealed in its current form and its aims achieved using a more balanced legal framework.**

By introducing the Methane Regulation as a piece of EU energy legislation under Article 194(2) of the EU Treaty, and then at the last moment changing its legal basis to a piece of environmental legislation under Article 192(1), the Commission's cost-benefit analysis never considered the totality of manmade methane emissions which includes very large emissions from agriculture. This has resulted in a disproportionate and costly burden on the energy sector. Given that coal is a globally traded commodity, this leaves EU coal producers at a considerable disadvantage (notwithstanding amendments made by the European Parliament which impose lesser burdens on coal importers).

3.1 Active underground coal mines

The Methane Regulation imposes unrealistic emission thresholds and timelines at active underground coal mines that do not reflect the geological or operational realities of mining coal from high-methane seams, as found in Poland. These provisions pose a serious threat to the viability of domestic coal mining and, by extension, to the EU's strategic autonomy in coking coal – a critical raw material.

It is essential to underscore that coking coal is classified by the European Commission as a critical raw material due to its indispensable role in steel production. Steel is and will continue to be the backbone of many strategic industries in the EU, including construction, automotive, defence and renewable energy infrastructure. The EU currently imports 70% of its coking coal needs while Poland is the only member state with domestic production after the closure of the last coking coal mine in Czechia at the end of January 2026. Preserving capacity in Poland is vital for reducing the EU's import dependency and ensuring industrial resilience.

Under the *Social Contract* between the government and mining unions, steam coal mines in Poland are covered by a phase-out plan that extends until 2049. Implementation of the emission limits set in the Methane Regulation is already very difficult, and unrealistic after 1 January 2031 when even lower limits apply. Meeting the requirements requires costly, long-term investments which will result in an increased demand for state aid at underground coal mines. At the same time, the Article 33 penalties will cause a further deterioration in the financial situation of mining companies, adding to the demand for state aid for mines covered by the phase-out plan. This may cause disruptions to the supply of heat and power, especially in the autumn and winter periods. As such, the Methane Regulation does not take into account the principles of a just transition as promoted by the EU and the UNECE Group of Experts on Coal Mine Methane and Just Transition.

Given the above concerns, EURACOAL strongly advocates for **a repeal of the Methane Regulation** and the development of a more balanced legal framework that supports climate objectives while safeguarding the strategic economic interests of the EU and member states such as Poland during transition.

3.2 Active surface coal mines

Among other requirements, the Methane Regulation requires that operators of opencast lignite mines must determine methane emission factors for their mines on a quarterly basis, even though lignite seams contain negligible methane due to their geological conditions. Furthermore, methane emissions from individual deposits remain stable over time. In the interests of an appropriate and proportionate solution, **we propose the quarterly determination of methane emission factors be replaced by biennial determinations (every two years)**.

Furthermore, to ensure that the regulatory requirements remain necessary, appropriate and proportionate, it is proposed that **the obligation on operators to determine methane emission factors at opencast lignite mines be removed when certain conditions are met**, based on successive measurements:

- the lignite seams concerned contain only negligible amounts of methane as a result of their geological conditions; and
- methane emissions from the relevant deposits remain stable over time.

Upon verification of such evidence by the competent authority, the operator should be relieved of any obligation to perform periodic determinations of methane emission factors. Such an obligation should be reinstated only where substantial changes occur to the mining operations or geology of mined areas that could reasonably be expected to result in a material change in methane emissions.

3.3 Closed and abandoned underground coal mines

Article 26(1) of the Methane Regulation requires member states to implement emission reduction plans for closed and abandoned underground coal mines based on the emission inventory referred to in Article 25. Recital (62) lists examples of "best mitigation practices": development of geothermal and heat storage projects in flooded coal mines, hydropower applications in non-flooded coal mines, capturing methane emissions by degassing (as practiced, for example, in Belgium, France and Germany), use of safety-relevant degassing devices, use of mine gas for energy production or impoundment of mine water and other possible uses. In our view, the Methane Regulation should clarify that emission sources where the methods listed in Recital (62) are already in use should not be included in any inventory.

The Methane Regulation requires a public inventory of potential emission sources, of which there are tens of thousands across the EU, onerous monitoring obligations and, depending on the results, including sources in methane reduction plans. Only sources that have become apparent in the course of ongoing monitoring efforts should be included in any inventory given that many potential release points have been monitored for safety reasons and checked by the authorities with no gas emissions recorded at many locations. Pragmatically, the regulation should focus on sources where there is still potential for reducing methane emissions.

Annex 8 of the Methane Regulation describes the measurement requirements, yet **the technology required to measure such volume flows at atmospheric pressure, does not (yet) exist**. Current measurements determine gas concentration, not flow, so there is no quantification of releases. We therefore propose focusing on the further development of measurement concepts to assess methane emissions with an open mind on the technology used.

4. Nature Restoration Law

The Nature Restoration Regulation (EU) 2024/1991 will lead to a significant expansion of protected areas beyond the existing Natura 2000 sites. This will make it more difficult to access land for mining, industrial activities or any other socio-economic purpose in the future. Overall, the new regulation will tighten or even jeopardise the approval and implementation of new projects of any type and further weaken EU competitiveness. This concerns the coal industry as it diversifies into new activities on existing sites.

This situation is regrettable, given that an update of the Natura 2000 directives is already needed so that they can be adapted to new challenges and requirements. **Improvements in the legal framework are possible and necessary to reduce the increasing complexity of procedures** for the companies involved. Possible amendments could include, for example:

- the possibility of creating larger, but not contiguous, compensatory areas for nature;
- informing citizens of the killing bans under the Habitats Directive and the Birds Directive; and
- providing pragmatic guidelines for carrying out impact assessments under the Habitats Directive.

5. Habitats Directive (92/43/EEC) on the conservation of natural habitats and of wild fauna and flora

In light of the evolving geopolitical situation and the EU's strategic commitment to energy independence, we propose that the definition of overriding public interest in Article 6(4) of the Habitats Directive be explicitly expanded to **include energy security**. This amendment is essential to ensure that critical infrastructure projects, such as energy storage facilities (including pumped storage power stations), grid expansions, and renewable energy installations, can benefit from streamlined permitting procedures when located near or within Natura 2000 sites. The REPowerEU plan, launched in response to Russia's invasion of Ukraine, has clearly positioned energy security as a central pillar of EU policy. It aims to phase out Russian fossil fuel imports, diversify energy sources, and accelerate the deployment of renewables and grid infrastructure. The European Parliament and the Commission have emphasised that energy transformation is not only a climate imperative but also a matter of strategic autonomy and resilience.

Moreover, the EU Biodiversity Strategy acknowledges the interdependence between climate action and biodiversity protection. It recognises that renewable energy deployment is essential to mitigate climate change which itself poses a severe threat to ecosystems. Therefore, enabling energy infrastructure that supports decarbonisation and resilience aligns with both environmental and strategic objectives.

The current interpretation of Article 6(4) allows for overriding public interest in cases of human health, public safety, and beneficial environmental outcomes. However, energy security is not explicitly included, despite its growing relevance. Expanding the definition would reflect the EU's integrated approach to climate, energy, and biodiversity policy, and ensure consistency across legislative frameworks.

6. Natura 2000

The Natura 2000 guidelines need to be revised and adapted to current requirements. A relaxation of nature conservation standards is not necessary, but significant improvements are possible and necessary to reduce reporting obligations for industrial companies.

For example, more effective species protection could be achieved by differentiating between common species and rare species, and by strengthening population protection. The creation of larger, contiguous compensation areas that are not spatially related would strengthen nature conservation. In addition, standards should be developed with all stakeholders to prevent the escalation of ill-informed expert opinion.

There is a need for effective consideration of **socio-economic interests** in the Natura 2000 protection system as well as in species protection in accordance with the basic premise of Article 2(3) of the Habitats Directive and Article 2 of the Birds Directive. Previous considerations of exemption assessments by member states and the Commission have been subject to excessively high requirements (Article 6(4) Habitats Directive), notably where protected areas have been selected exclusively according to technical criteria.

"Temporary nature" should be defined, recognised and included as an instrument in the Habitats Directive. This could enable an appropriate balance for nature and species conservation alongside industry, for example by allowing industrial brownfield sites to serve as temporary species protection and later be used again for new industry. A temporary nature instrument could also be used to introduce species during the development and construction phase of projects.

7. National Emission Ceilings Directive

EURACOAL believes that the National Emission Ceilings (NEC) Directive (EU) 2016/2284 is no longer necessary for emissions of air pollutants from industrial sources (including energy production). **It should therefore be repealed.** The recently amended Industrial Emissions Directive and Ambient Air Quality Directive set very ambitious targets for the EU and are sufficient to ensure a high level of protection for citizens and the environment.

13 March 2026