



Vattenfall's views on the proposal to speed up environmental assessments

Policy paper
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Vattenfall welcomes the European Commission's proposal to streamline and accelerate environmental assessments. While faster, clearer and more predictable environmental assessment processes, as proposed by the Commission, would have a significant positive impact on the development of fossil-free energy projects, it is essential to ensure that greater speed does not compromise the quality of environmental assessments.

In this context, the proposed deadlines for the duration of screening and environmental assessments (Article 7) could significantly facilitate project delivery and investment certainty. Yet overly short deadlines or limited flexibility for timelines impacting the reasoned conclusion from competent authorities (Article 7.1.d) risk leading to rushed assessments and decisions. This, in turn, could increase the likelihood of rejections or negative reasoned conclusion, ultimately undermining the objective of the proposal. We would therefore welcome flexibility for the proposed 90-day deadline for competent authorities to issue a reasoned conclusion. To provide legal certainty and support effective implementation, it is also important to clarify the consequences of non-compliance with the proposed deadlines.

Further digitalizing environmental assessments (Article 10) – while representing a significant step for many authorities – would enhance transparency, streamline interactions with authorities, and remove administrative bottlenecks that currently slow down project delivery. We therefore welcome the Commission's proposal on this point.

In addition to procedural clarity, the Commission's proposal provides helpful clarifications of existing rules, e.g. regarding occasional killing or disturbance of species protected under the Birds and Habitats Directives. The proposed reinforcement (Article 8) supports a balanced and pragmatic approach to assessing project responsibility and ensures that developers can operate within clear, predictable environmental obligations while maintaining high standards of species protection.

Regarding the proposal for substantial preclusion (Article 6), we encourage policy-makers to ensure full alignment with the Aarhus Convention. In its draft form, the concept risks creating regulatory uncertainty,

as projects may be challenged on the basis of non-compliance with Aarhus. Recent experience in the Netherlands shows that similar mechanisms have proven inconsistent with the Convention's requirements. [1]

Going forward, we encourage the Council and European Parliament to preserve the ambition of the Commission's proposal to speed up environmental assessments and Vattenfall stands ready to contribute to the policy debate.

[1] In 2021, the Court of Justice of the European Union overturned a provision of the Dutch General Administrative Law Act that restricted access to the courts in environmental matters. The CJEU ruled that limiting access to the courts to only those who had previously submitted views during the preparatory phase is incompatible with the Aarhus Convention.

Vattenfall is a European energy company with approximately 21,000 employees. For more than 100 years we have electrified industries, supplied energy to people's homes and modernised our way of living through innovation and cooperation. We are committed to building a future where everyone can choose fossil-free ways to move, make and live. Everything we do and the decisions we take shall lead to this goal. This is the basis of Vattenfall's strategy, and we advocate for a regulatory environment that makes this transition possible in the energy sector and beyond in transport, industry etc.