

EN
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Answer given by Ms Roswall
on behalf of the European Commission
(13.4.2026)

The Commission aims to take action against over-implementation – or ‘gold-plating’ – by making increased use of regulations instead of directives, and by enforcing the free movement rules¹. However, in the area of environment, according to Article 193 of the Treaty on the Functioning of the European Union, Member States may maintain or introduce more stringent protective measures than what is required by EU law, provided that such measures are in compliance with the Treaty.

Based on the limited information available, the Commission does not find that the situation outlined by the Honourable Member necessarily involves disproportionate application or over-implementation of EU law. Generally, detailed licensing conditions are left to the Member States and are not laid out in EU environmental legislation.

The Commission is fully committed to the objective of simplification and to ‘stress test’ EU legislation to remove unjustified burdens. The Commission aims to ensure that EU law strikes the right balance between environmental protection and other EU objectives, including competitiveness and public interest goals. For example, the environmental assessment and permitting rules include several overriding public interest exceptions².

¹ https://ec.europa.eu/commission/presscorner/detail/nl/statement_26_405.

² In the Environmental Impact Assessment Directive, the Habitats Directive, and the Water Framework Directive. See Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on the assessment of the effects of certain public and private projects on the environment (codification) Text with EEA relevance, OJ L 26, 28.1.2012, pp. 1–21; Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora, OJ L 206, 22.7.1992, pp. 7–50; and Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy, OJ L 327, 22.12.2000, pp. 1–73.