

EN

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Answer given by Ms Roswall
on behalf of the European Commission
(8.10.2026)

Industrial installations for the production of electricity, steam and hot water (projects not included in Annex I) are listed in Annex II.3.a of the Environmental Impact Assessment (EIA) Directive¹. According to Article 4 of the EIA Directive, prior to granting a consent for such projects, Member States must determine whether an EIA² is necessary, based on a case-by-case analysis or by setting specific criteria³. In case Natura 2000 sites are likely to be significantly affected, such projects shall be subject to an appropriate assessment of their implications for the sites and be authorised in accordance with the Habitats Directive⁴. The revised Renewable Energy Directive^{5,6}, further simplifies and shortens administrative permit-granting procedures for renewable energy projects, without prejudice to the rights for public participation under the Aarhus Convention⁷.

Member States are primarily responsible to ensure compliance with EU law, including verifying individual cases of potential breach of the relevant rules or taking the necessary steps for enforcement, and the appropriate measures to address any matter that has arisen. In its role as guardian of the Treaties, the Commission may decide to take appropriate action if any systemic problems are identified, in line with its enforcement priorities⁸.

¹ 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, OJ L 26, 28.1.2012, p. 1–21, as amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014, OJ L 124, 25.4.2014, p. 1–18.

² Including public consultation.

³ Such as the location, size or type of project.

⁴ Articles 6(3) and (4), 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, p. 7–50.

⁵ Directive (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/2001, Regulation (EU) 2018/1999 and Directive 98/70/EC as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652, OJ L, 2023/2413, 31.10.2023.

⁶ Council Regulation (EU) 2022/2577 of 22 December 2022 laying down a framework to accelerate the deployment of renewable energy, OJ L 335, 29.12.2022, p. 36–44. The application of certain provisions of this Regulation has been extended until 30 June 2025.

⁷ <https://unece.org/environment-policy/public-participation/aarhus-convention/text>.

⁸ Communication from the Commission - EU law: Better results through better application, OJ C 18, 19.1.2017, p. 10–20, and Communication from the Commission - Enforcing EU law for a Europe that delivers, 13.10.2022, COM(2022) 518 final.