

Dear European Commission,

As representatives of the Dutch Sustainable Energy Association (Nederlandse Vereniging Duurzame Energie (NVDE)), we would like to provide our input on the first and third points of the consultation for the Industrial Decarbonisation Accelerator Act: “Speed up permitting procedures for industrial access to energy and industrial decarbonisation, while ensuring high environmental standards” and “Create and protect European lead markets for European low-carbon products.”

### **Importance of Accelerating Permitting Procedures**

Accelerating permitting procedures is crucial for the energy transition and the deployment of renewable energy. Both the European Commission and Member States need to show more ambition in this regard. Current permitting procedures are often lengthy and complex, forming a significant barrier to investments in decarbonisation projects.

### **Recommendations for the Industrial Decarbonisation Accelerator Act**

#### **1. Categorical Exemption for Temporary Construction Emissions:**

Introduce a categorical exemption for temporary construction emissions in decarbonisation projects. At present, these projects may face delays because construction machinery temporarily causes emissions. Temporary construction emissions rarely cause significant long-term environmental effects. Therefore, European legislation should clarify that such emissions generally do not trigger the requirement for an Environmental Impact Assessment (EIA) (Milieu Effect Rapportage / MER, in Dutch), unless specific circumstances indicate the potential for significant effects. Such clarification would align with the purpose of Article 2(1) of Directive 2011/92/EU, which states that only projects likely to have significant environmental effects should be subject to an EIA. This would prevent delays caused by legal disputes over temporary emissions during the construction phase. To ensure broader support, we propose limiting this clarification to projects designated as acceleration areas under REDIII.

#### **2. Integrated Approach to Permitting Legislation:**

Harmonise and accelerate permitting procedures for decarbonisation projects by consolidating and modernising existing environmental legislation. This includes a REFIT of EU permitting legislation, particularly the Strategic Environmental Assessment Directive.

To achieve an integrated permitting approach, harmonisation between EU laws is essential. Currently, conflicts between various EU directives cause delays in permitting processes. A concrete example is the conflict between the Habitats Directive and the revised Renewable Energy Directive (RED III). We therefore advocate for better coordination and harmonisation of relevant legislation to create legal clarity and shorten procedural timelines. A holistic, modernised, and cross-sectoral approach to permitting, encompassing environmental, climate, energy, and industrial policies, is urgently needed to stimulate investment, accelerate decarbonisation projects and enhance the EU's global competitiveness.

### **3. RED III and the IROPI Criterion:**

Under RED III, renewable energy projects are already considered to serve “Imperative Reasons of Overriding Public Interest”. This provides the possibility, under certain conditions, to deviate from regulations in areas such as nature conservation, environmental assessment, and water quality. Furthermore, sustainability has already been recognised in case law as a matter of public interest. Given the above, the IROPI criterion for sustainable energy projects is assured.

### **4. Area-Based Acceleration:**

Expand the scope of 'acceleration areas' as described in Article 15(e) of RED III so that all decarbonisation projects within these areas can benefit from fast-track options. This should include projects under the Net-Zero Industry Act (NZIA) and infrastructure projects for hydrogen and CO<sub>2</sub> storage. It is essential to leverage national experiences with area-based acceleration, such as pilot projects in 'Low-Carbon Industrial Zones (ZIBAC)' and France's 'Law on Accelerating Renewable Energy Production'.

### **5. Procedure Improvements:**

Introduce time limits for permitting decisions by authorities, improve and intensify communication between businesses and authorities, allow early project/construction starts, streamline judicial/administrative procedures for handling claims, and implement tacit approval in the absence of timely decisions. Digitalise permitting procedures and strengthen the administrative capacities of the relevant permitting authorities. This package should also address energy legislation, with the aim of simplifying multiple laws simultaneously in order to enable faster permitting and implementation.

### **6. Faster Permitting Procedures:**

The EU has already set clear frameworks to shorten permitting procedures for sustainable energy projects. The Dutch government has expressed its support for this in the BNC-fiche of the Action Plan for Affordable Energy Prices. Now, we must actively leverage these opportunities to accelerate project implementation. Furthermore, it is important that the upcoming Decarbonisation Accelerator Act (Q4 2025) includes further steps by the European Commission and Member States to both accelerate and clarify permitting rules. There is still frequent ambiguity about how EU regulations should be interpreted, where legislation promoting the energy transition, such as RED III, may conflict with rules aimed at nature protection.

### **7. Demand Creation**

European industry is at a crossroads. By 2040 at the latest, emissions allowances will be exhausted, while investments in sustainable technologies and businesses are even coming to a halt. Without targeted policy, the threat of industrial decline looms. At the same time, this is the moment for transformation toward strategic autonomy and climate neutrality.

Although initiatives like the Carbon Border Adjustment Mechanism (CBAM) contribute to a fairer playing field, they are not sufficient. They only partially protect the market and often do not cover

finished products. As a result, entire value chains risk disappearing, despite European companies being willing to invest in cleaner production.

That is why demand creation must be central to the new European industrial policy, such as the Decarbonisation Accelerator Act. Demand creation means establishing a reliable market for clean industrial products by making their procurement mandatory or attractive.

Following the example of proven systems like the E10 fuel obligation, there should be a European purchase requirement for low-CO2 industrial products such as steel, plastics, and fertilizers. Such a requirement would:

- Mandate a certain percentage of clean input in final products or public procurement.
- It is important that public procurement is used effectively to support clean lead markets and ensure stable demand for sustainable products.
- At the same time, it should also stimulate private procurement to boost demand through the market.
- Create market security for products made with sustainable materials, making investments viable.
- Be introduced gradually and tailored to specific sectors.

However, it is crucial that the requirement:

- Is implemented at the EU level, to prevent a shift toward cheaper imports.
- Is accompanied by reliable certification.

## **Conclusion**

It is crucial that legislation and administrative approval processes in the EU are at least as fast and simple as those in competing regions. This will help European companies bring products and energy projects to market more quickly and accelerate the green transition.

We thank you for the opportunity to provide our input and look forward to further collaboration to advance the energy transition.

Yours sincerely,

NVDE