Jernkontoret

Remissvar

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Synpunkter på förslagen i Miljöomnibus, COM (2025) 980 och 986

Jernkontoret är positiv till förslagen och inriktningen i Miljöomnibus. Förenklingar och undvikande av överlappande regelverk är en bra utgångpunkt för en fortsatt översyn av lagstiftningen inom miljöområdet.

Effektiva tillståndsprocesser är en förutsättning för konkurrenskraftig industri i Sverige och EU. Förslagen i Miljöomnibus är viktiga steg i rätt riktning.

Vi stödjer alla förslag till ändringar i IED, men vill inte öppna IED 2.0 för full revidering i det här läget. Det är bra att ta bort kravet på omställningsplaner då det redan finns i annan lagstiftning.

Det är också bra att tillåta ett miljöledningssystem (EMS) för flera anläggningar inom ett land, vilket ger mer flexibilitet till företagen att organisera sitt arbete. Kopplat till EMS, är det positivt att ta bort kravet på ”chemical inventory” då kraven redan finns i arbetsmiljölagstiftning och hanteras där sedan länge. Kravet att i miljöledningssystem redovisa resultat och åtgärder som hör till energiledningssystem bör tas bort. Det är ett exempel på överlappande lagstiftning vilket enbart skapar extra administration.

Vi är positiva till förslaget att ta bort SCIP-databasen. Den är extremt komplex och används inte, samtidigt som REACH redan har krav på motsvarande information. Kommunikation av information i värdekedjan kommer att utvecklas vidare med digitala produktpass vilket vi ser som ett mer effektivt och lämpligt verktyg.

Jernkontoret är positiv till förslagen som rör Ramdirektivet för vatten (RDV) på sid 6 i COM(2025)980 final, och delar den syn som Kommissionen samt även Regeringen uttrycker i sin position (se Regeringens PM med 63 förenklingsförslag presenterat augusti 2025), att RDV behöver ändras. Anledningen är att nuvarande tillämpning och tolkning av RDV utgör

verkliga hinder mot den gröna omställningen. Det handlar om kombinationen av lågt satta miljökvalitetsnormer, en strikt tillämpning av icke-försämrings-principen samt bedömning enligt den så kallade sämst-styr-principen. Sammantaget innebär detta betydande utmaningar, både när det gäller möjligheten att få tillstånd och att få tillstånd inom rimlig tid. Jernkontoret har under lång tid lyft dessa frågor, både nationellt och på EU-nivå. Vi ser att Kommissionens förslag att ta fram vägledning under Q1, i kombination med stresstester av ett reviderat RDV samt en revidering av direktivet under Q2, är viktiga steg i rätt riktning. En fungerande, rättssäker och mer ändamålsenlig tillämpning av vattendirektivet är en förutsättning för att både stärka vattenmiljön och möjliggöra industrins bidrag till både Sveriges och Europas konkurrenskraft, innovation och vattenresiliens.

Den kommande översynen av RDV under Q2 är nära kopplad till flera av målen och åtgärderna inom EU:s arbete med strategin för vattenresiliens (WRS). Arbetet med att, som kommissionen uttrycker det i WRS, *“pay particular attention to simplification and the need to address potential bottlenecks”* är en grundläggande förutsättning för att Europa ska kunna bli mer vatteneffektivt och resilient.

Kommissionens förslag rörande RDV svarar även upp till de behov som lyftes i den *sk* Fitness check som Kommissionen genomförde 2018 – 2019, med fokus på att strömlinjeforma miljöbedömningsprocesserna i syfte att förbättra effektiviteten och reducera kostnader.

Vi hänvisar också för en mer detaljerad beskrivning till det positionspapper som vi tillsammans med gruvbranschen (Svemin, Boliden, LKAB) tagit fram, ”Input to the announced guidance and revision of the Water Framework Directive” där konkreta och riktade lösningar föreslås.

I övrigt vill Jernkontoret referera till det svar vi lämnade in på Call for Evidence för Miljöomnibus den 10 september 2025 (se längst ned i detta dokument ”The importance of functional permitting processes”).

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Stockholm, 9th of September 2025

The importance of functional permitting processes

The competitive value of the suggestions below is closely tied with permitting processes. If the goal of the Commission is to streamline permitting procedures, a systemic approach is vital. There must be coherence between different legislations affecting the prerequisites for Member State's permitting processes, and the aim must be to reduce legislative overlapping or gaps. The material rules affecting timeframes for permitting must be refitted, as well as the procedural part, if green competitiveness is the objective.

To grant a permit under the Industrial Emissions Directive (IED) installations need a transformation plan. Other similar requirements for such a plan appear in many other legislations (*e.g.* CSRD, CS3D, Energy Efficiency Directive, EU ETS, and prudential rules for financial institutions). A comprehensive mapping of transition plan requirements across EU legislation should therefore be undertaken. Most importantly, a plan prepared under one piece of legislation should be deemed sufficient for the others, provided it covers the same areas.

Improving permitting procedures would not only facilitate climate action but also enable industries to focus their resources on innovation, growth, and long-term sustainability, rather than navigating complex and burdensome regulatory frameworks. Simplification and harmonization of permitting across the EU are thus essential to enable a timely and just industrial transformation. In situations where there are competing objectives, the Commission needs to find ways to balance interests at stake, for example article 4.7 in the Water Framework Directive (WFD). Two such ways are flexible solutions and compensatory measures without compromising environmental goals. Thus, there is room for improvement without compromising high environmental standards.

Of particular concern are outdated and inflexible water regulations, which currently pose significant barriers to essential industrial investments. The Water Framework Directive (WFD) limits Member States' capacity to approve environmentally beneficial projects, thereby slowing progress in sectors vital to the green transition. To overcome this obstacle, the WFD must be adapted to allow for sustainable industrial transformation. This includes granting Member States the ability to apply clearly defined exemptions from the non-deterioration principle, if projects remain in compliance with Best Available Techniques (BAT).

Energy use in industrial processes is highly dependent on choice of raw materials, energy supply and not the least product quality and desired properties. Energy efficiency work needs to consider all these aspects and is therefore best handled by the companies having full knowledge about their specific processes and products. The energy efficiency Directive requires companies to have an energy management system to structure the way of working with energy efficiency. This is relevant and should be the only legislation having requirements on energy efficiency and use. Hence, energy use limitation or other requirements interfering with companies' decision-making on energy efficiency actions should be removed from EU environmental and climate legislation.

There are also cases of partly overlapping legislative requirements such as the SCIP database and REACH: removing the SCIP database is positive as the information in the database is not being used and the reporting process is extremely burdensome.

Lacking CAS-numbers and a very wide definition of substances of concern (SoC) are also aspects generating large reporting burden.

We also support position of Sweden as Member State regarding possible inconsistencies in EU legislation that delay or hinder permitting processes.

Challenges with Transition Plan Requirements in many different EU Legislations

Several recent EU legislative initiatives in areas such as environment, climate, and energy require companies to adopt transition plans, though under varying names and formats (e.g. CSRD, IED, CS3D, Energy Efficiency Directive, EU ETS, and prudential rules for financial institutions). This creates a high risk of fragmentation and inconsistencies, leading to administrative burdens, additional costs, uncertainty, and duplication of efforts for companies.

Moreover, transition plans are highly dependent on external factors, including effective carbon leakage protection, access to affordable low-carbon energy, necessary infrastructure, and functioning markets that reward low-carbon production.

To address these issues, a comprehensive mapping of transition plan requirements across EU legislation should be undertaken. Importantly, a plan prepared under one piece of legislation should be deemed sufficient for the others, provided it covers the same areas. Where additional requirements exist, these should simply be addressed through supplementary information.

Inconsistencies in the Water Framework Directive

The WFD has been crucial for protecting Europe's water bodies, but after two decades, its implementation shows significant challenges for industry. In particular, the "one-out-all-out" principle often masks progress by letting a single parameter define overall water quality, despite substantial industrial improvements such as advanced wastewater treatment and recycling. This leads to distorted assessments and overlooks proportional, cost-effective measures.

The "non-deterioration" principle, while important for safeguarding water, has also proven problematic. Under its strict interpretation since the EU Weser Ruling (2015), a single exceedance can block permits, even if other parameters remain within limits. With the 2027 deadline approaching, this has created legal uncertainty, extensive delays in permitting processes, refusals of permits, and risks of plant closures in some Member States. **Greater flexibility in implementation and clear guidance on what will happen after 2027 are urgently needed to provide certainty for businesses while maintaining ambitious environmental objectives.**

Therefore, the Commission needs to rectify the interpretation of article 4.7. and/or modify article 4.7.

In case of modifying article 4.7., the proposal for an amendment is the following:

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, or

- or failure to prevent deterioration from high status to good status of a body of surface water is the result of new sustainable human development activities and all the following conditions are met:

(a) all practicable steps are taken to mitigate the adverse impact on the status of the body of water;
(b) the reasons for those modifications or alterations are specifically set out and explained in the river basin management plan required under Article 13 and the objectives are reviewed every six years;
(c) the reasons for those modifications or alterations are of overriding public interest and/or the benefits to the environment and to society of achieving the objectives set out in paragraph 1 are outweighed by the benefits of the new modifications or alterations to human health, to the maintenance of human safety or to sustainable development, and
(d) the beneficial objectives served by those modifications or alterations of the water body cannot for reasons of technical feasibility or disproportionate cost be achieved by other means, which are a significantly better environmental option.

In case of rectifying the interpretation of art. 4.7., the definition of "physical characteristics" should be expanded to include chemical pressures or create a new clause specifically for industrial permitting, building on Council-proposed paragraphs 4(7a) and 4(7b).

SCIP database

In addition, we recommend that the SCIP database (for reporting on articles containing substances of very high concern) be abolished. Companies are already required to provide similar information to ECHA under REACH, which should be sufficient to meet regulatory objectives. The obligation through SCIP generates unnecessary administrative costs and reporting burdens, particularly for businesses in complex supply chains where supplier data collection is both time- and resource-intensive.

Moreover, the database has so far been used only to a limited extent by waste and recycling operators, raising questions about its actual value relative to the costs it imposes. A more effective and proportionate approach would be to integrate any relevant information into the ongoing work on the Digital Product Passport, thereby ensuring consistent and useful data flows throughout the value chain.

Overlapping requirements on energy efficiency

Energy use in industrial processes is highly dependent on choice of raw materials, energy supply and not the least product quality and desired properties. Energy efficiency work needs to consider all these aspects and are therefore best handled by the companies having full knowledge about their specific processes and products. The energy efficiency directive requires companies to have an energy management system to structure the way of working with energy efficiency. This is relevant and should be the only legislation having requirements on energy efficiency and use. Hence, energy use limitation or other requirements interfering with companies' decision-making on energy efficiency actions should be removed from EU environmental and climate legislation.

Substance of Concern (SoC) definition in ESPR

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For increased efficiency and usability of ESPR (Ecodesign for sustainable products regulation), it is important that all substances are identified by CAS-numbers. CAS-number is the only clear and reliable communication method within the supply chain. Moreover, the substance of concern (SoC) definition within ESPR is too wide. Tracking all the listed CLP hazard categories is normally not practically possible – especially if the CAS-numbers are not listed - and would not bring added value to human health or the environment. The scope of the substances included in the definition needs to be narrowed down for the point (27) (b) (i-xiii) to limit the administration to only collecting meaningful information harmonised with the REACH SVHC list.

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