

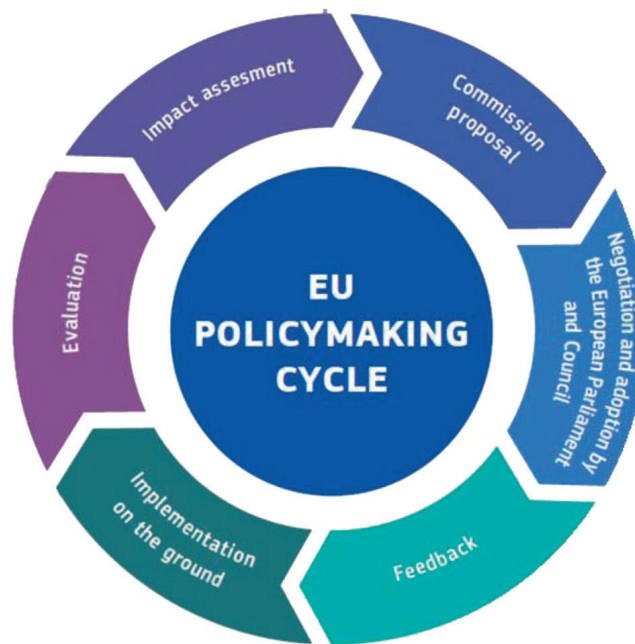


TERRITORIAL IMPACT ASSESSMENT: FROM TOOL TO PROCESS

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Territorial Impact Assessment: from tool to process



Colophon

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Pilot Action in the framework of the Territorial Agenda

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Ministry of Housing and Spatial
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TerritorialAgenda

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1. Management Summary

This pilot project starts from the idea that EU policies and legislation and their specific implementation in the Member States do not always take unintentional territorial impacts into account with respect to, among others, urban, rural, mountainous, cross-border or other specific territories.

Therefore, the focus of this pilot project was to learn more about the current practice of Territorial Impact Assessment with respect to different phases of the EU legislative process. This study investigates the current practice of Territorial Impact Assessment in different phases of the EU legislative process and to what extent TIA tools are applied. Its core ambition is not to produce another TIA tool, but to understand how TIA can be structurally improved as a governance process, culminating in a model for Dynamic Territorial Impact Assessment (Dynamic TIA) across all phases of the EU legislative cycle.

The project applied a mixed-method approach, by document & literature review and empirical evidence through in-depth examination of ten EU legislative dossiers and semi-structured interviews and questionnaires with the members of the pilot action (NL, DE, AT, LU, SI, IE, PL, plus European Committee of Regions and ESPON representatives). Together, this generated a richer understanding of how territorial impacts are (not) considered in practice and by which stakeholders.

In general, Territorial Impact Assessment is rarely applied in practice by the European Commission when drafting legislation. While part of the Interinstitutional Agreement on Better Law-Making, the two co-legislators, European Parliament and Council have only limitedly or rarely assessed their substantial amendments. Based on the ten pilot dossiers, the study empirically

assesses the territorial dimension of impact assessments. In the ten dossiers territorial considerations are mostly absent or very limited. As noted, the territorial analysis remains analytically weak, often only reflecting on the distribution of costs and benefits across Member States.

With respect to the Member States, the report identifies governance and capacity gaps. Spatial/territorial ministries often are not the lead ministries and struggle to inject territorial considerations into early phases. Even more, EU consultation seems to be underused by public authorities (public authorities represent only 0.16% of the total 547,513 responses across the ten dossiers screened) and the contributions seldom include territorial dimensions.

The study also looked at the national Regulatory Impact Assessment (RIA) frameworks, concluding that in the seven pilot action Member States no full-fledged territorial impact assessment method is present. Positive cases exist, with examples of a specific border region test in the Netherlands, a regional equality check in Germany and a spatial check in Slovenia. Yet, none fully embeds TIA.

In light of TIA as a governance process, the report concludes with the recommendation by making the TIA a dynamic, multi-phase process. This means that territorial impacts may emerge throughout the entire legislative process (also as result of negotiations) and impact assessment thus should be continuously applied by different stakeholders. The approach needs to be multi-level, engaging EU, national, regional and local actors, pragmatic, combining light screening with deeper assessments when needed, and iterative, re-applied after major amendments.

As practical product, the report proposes seven actionable recommendations for the ministries responsible for spatial planning and/or territorial cohesion for increasing the territorial dimension in impact assessments.

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| <p>1. Monitor the Commission Work Programme & DG Management Plans Establish an <i>early-warning system</i> to flag proposals with potential territorial effects.</p> | <p>2. Strengthen coordination with line ministries Assign a <i>file owner</i> for each dossier to ensure early input into Commission expert groups.</p> |
| <p>3. Actively monitor & use EC public consultations Submit territorial input where relevant and track contributions from domestic stakeholders.</p> | <p>4. Monitor EC Impact Assessments & RSB opinions Push for better territorial analysis, including use of foresight and TIA necessity checks.</p> |
| <p>5. Apply a national TIA Quick Check Especially for preparing national positions and assessing late amendments.</p> | <p>6. Integrate a light TIA module into national ex-ante RIA systems Ensures territorial aspects are structurally considered without adding excessive burden.</p> |
| <p>7. Build capacity among regional & local authorities Create national TIA networks, run joint TIA workshops, and link efforts with CoR and ESPON.</p> | |

2. Introduction

The starting point and motivation for this pilot project was that EU policies and legislation and their specific implementation in the Member States do not always take unintentional territorial impacts into account with respect to, among others, urban, rural, mountainous, cross-border or other specific territories.

The focus of this pilot project was to learn more about the current practice of Territorial Impact Assessment with respect to different phases of the EU legislative process. The objective was to formulate recommendations on how to improve the quality of territorial impact assessment to better anticipate these unintentional effects and avoid inconsistencies and negative impacts on specific territories. This refers to the practices of both the EU institutions as well as the Member States. Whereas other recent pilot actions have investigated the question how to better apply specific quantitative and qualitative tools¹ and produced for instance a Territorial Impact Assessment Manual², this project was aimed at understanding why existing instruments cannot be used more efficiently. One essential question is when and how the European Commission, the European Committee of the Regions, the Member States and their regions could invest more capacities into the assessments of territorial impacts throughout the whole policy cycle. Finally, this has led to the formulation of recommendations how to strengthen territorial impact assessment under the conditions of a specific phase of the legislative process. Therefore, the focus of this report is less on the tools for Territorial Impact Assessments but more on the TIA governance structures. Firstly, we looked at the question how the European Commission is currently assessing the

territorial impacts in the framework of its internal impact assessment scheme. Are potential territorial impacts an important element of the overall regulatory impact assessment of legislative proposals done by the different DGs of the European Commission? In addition, what is the relevance of territorial impacts with respect to the application of other instruments of the entire “Better Regulation toolbox”? This includes inter alia evaluation instruments like “calls for evidence” or “stakeholder consultations” that are organised to learn more about the impacts of specific existing legislation.

On the other hand, the quality of territorial impact assessment of EU legislation depends also very much on the input of Member States and other stakeholders. How do Member States assess the territorial impacts of EU legislative proposals during the different phases of the legislative process in Brussels? How do they assess territorial impacts in a later phase when they transpose and implement EU legislation? What about consultative bodies like the European Committee of the Regions who contributes to decision-making from the point of view of local and regional authorities?

The European Commission, Member States and the European Committee of the Regions have developed specific methodologies for ex-ante regulatory impact assessment to know more about the intentional or unintentional impacts of legislative proposals. A sound ex-ante assessment of territorial specificities is regarded as a prerequisite to achieve the intended goals of EU legislation.

In chapter two, the background of regulatory impact assessment and the approach of the European Commission will be presented. Impact assessments belong

¹ See for instance: Pilot action to the Territorial Agenda 2030 and SPA(TIA), presentation by Patrycja Artymowska, Warsaw, 29 of January 2025,

<https://www.espon.eu/sites/default/files/events/files/2025-02/polish-pilot-action-on-tia.pdf>.

² Ecorys Polska Sp. z o. o. & CASE, 2023.

to a broader toolbox that is describe by the Commission under the heading 'Better Regulation'. It will be explained what type of tools (impact assessment, call for evidence, consultation) the European Commission applies. This will be described with respect to the different phases of the legislative process – the policy cycle - at the EU level. In section 2.2, it will be described how the European Commission intends to assess the territorial impacts of its policy and legislative proposals.

In chapter 3, we present the empirical findings of the research done during this pilot project. First, we present the findings from recent literature on territorial impact assessment in section 3.1. Then, the most important findings of this research will be presented, namely the case study analysis on how territorial impact assessment was done with respect to ten different EU legislative proposals. In section 3.2, the main findings for each of the dossiers will be presented. How did the European Commission describe potential territorial impacts in their official impact assessment document? How were territorial impacts mentioned by stakeholders in the different consultation rounds?

We also discussed the national practices with the involved Member States, sent out a questionnaire and conducted structured interviews on the existing territorial impact assessment capacities within their own government. In chapter 4, more findings will be presented on the qualitative aspects of national impact assessment systems in relation to EU legislation. How do the Member States themselves assess the potential impacts on their territories when the legislative proposal is prepared, assessed and presented by the European Commission? What about the monitoring and coordination capacities of the national ministries responsible for spatial

development and territorial questions when EU dossiers fell under the competence of other line ministries? What about their own national impact assessment procedures? Do they also look at the territorial impacts of EU legislation when directives or regulations are transposed into national law?

Finally, in chapter 5 the main findings and conclusions will be discussed. What did we learn during the pilot with respect to the quality of territorial impact assessment as part of the European Commission's toolbox of Better Regulation and the national systems in place? One of the main recommendations is that territorial impact assessment should not be limited to the initial Commission phase of preparation and formulation of the legislative proposals and the Commission's work on impact assessment and stakeholder consultation. The main conclusion is that the Member States – and especially the ministries responsible for territorial development – must establish tools for monitoring and assessing potential territorial impacts throughout the different phases of the legislative process. Meaning from the phase of the first deliberations with the European Commission to the negotiation phase in Council and Parliament and stretching out to the phase of national transposition and implementation. In this respect, the main recommendation is that there is the need for a sort of "dynamic impact assessment" with improvements in each of the phases of the policy cycle, where different stakeholders must contribute during the different phases to improve the quality of policies and legislation. In chapter 6, the main output of the pilot will be presented in the form of recommendations for a "dynamic territorial impact assessment" that aims at improving capacities in different phases of the policy cycle.

3. The approach of the European Commission towards Impact Assessment

3.1. EU Policy Cycle and 'Better Regulation' instruments

Territorial impact assessment is part of a wider framework of instruments to improve the quality of law making at the level of the European Union and the Member States. The legislative process at the EU level can be described in relation to the different phases as a "policy cycle". Based on the evaluation of existing policies, a legislative proposal is prepared, with an ex-ante impact assessment and consultation rounds with the broader public. After the Commission proposal is adopted, the European Committee of the Regions and the European Economic and Social Committee may be consulted and the proposal is negotiated within and between the co-legislators, i.e. the Council of the EU and the European Parliament, until the legislation is finally adopted and then transposed or directly applied in the Member States. According to the findings of this pilot project, it seems to be necessary that the assessment of territorial aspects should be part of all the phases of this policy cycle. Hence, one of the final recommendations of this report is to see territorial impact assessment as a task throughout the cycle. Meaning, that it should be not limited to the initial phase of evaluation, consultation and ex-ante impact assessment in the Commission phase, but territorial impacts should be also assessed in a later phase during the decision making by Council and Parliament, and when EU legislation is transposed and implemented at the national level by the Member States.

Figure 1: The EU Policy Cycle



Source: Journal of Exposure Science & Environmental Epidemiology (2022) 32:513–525

It is in the first place the European Commission who is responsible for considering territorial impacts when drafting legislation. The European Commission clusters all its efforts to improve the quality of law making under the heading 'Better Regulation'. According to the Commission "simpler, lighter, and faster EU regulation is one of the key enablers of Europe's competitiveness."³ Therefore, the Commission defines both simplification and implementation as important Commission priorities, underpinned by specific structures and mechanisms. The Commission strives to simplify and lighten the administrative burden of EU regulations to ensure they are proportionate, stable, coherent, and technology neutral.

The European Commission's work is guided by the annual Commission Work Programme. Meaning that interested parties can already know by monitoring the work programme what type of legislative proposal will be developed by the EC services. It is evident, that departments responsible for spatial

³ The European Commission presents its Better Regulation approach under

https://commission.europa.eu/law/law-making-process/better-regulation_en.

planning or other related areas should know when a closer monitoring of a specific Commission's initiative is needed. According to its own description, the Commission operates under the 'evaluate first' principle, meaning that "evaluation precedes work on the revision of an existing policy or law and provides evidence to the problem definition".

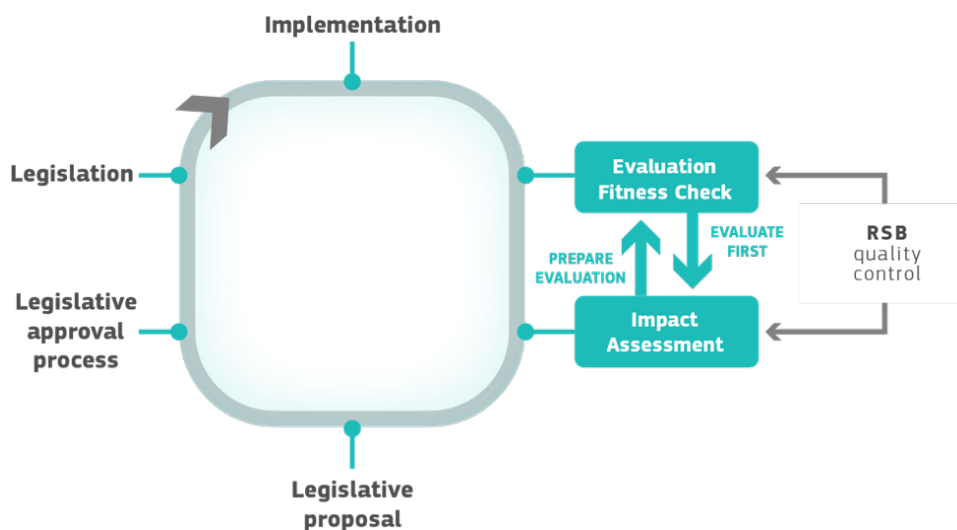
In this respect Commission evaluations, also done under the name "fitness checks" analyse the performance of existing policies, programmes, and legislation. Based on evidence, these evaluations should assess how an existing policy or legislation is effective, relevant, coherent, and has an EU added value. These evaluations are 'in theory' the starting point for new legislative initiatives. It is

also evident that looking at the different crisis situations of the recent years (i.e. Covid-19 pandemic, energy crisis) proper evaluations were not always done due to time restraints. The same goes for impact assessments.

On paper, the framework is elaborate. The Commission has formulated extensive Better Regulation guidelines and a toolbox that provides concrete guidance to Commission services involved in preparing of new initiatives and proposals or managing and evaluating existing legislation.

The Commission has also published an own "policy cycle" that describes different Better Regulation instruments during the legislative process.

Figure 2: EU Policy Cycle



Source: European Commission https://commission.europa.eu/law/law-making-process/better-regulation_en

According to the guidelines, after the evaluation of existing policies and legislation, the Commission services are developing first ideas for future legislation. The drafts are undergoing an ex-ante impact assessments to examine whether there is a need for EU action, analyse the possible impacts of available solutions and guide Commission choice and preparation

of the proposal. This analysis is carried out during the preparation phase, before the Commission finalises a proposal for a new or revised law.

Stakeholder and public consultation

Consulting stakeholders and the broader public is described as an essential element in the preparatory phase of law making.

The Commission is launching different consultation rounds under the title "Call for evidence" or "public consultation". According to the Commission, the views, practical experience, evidence and data coming from stakeholders and the public help deliver higher quality and more robust policy initiatives and evaluations. The following consultation is performed:

A feedback round to the "call for evidence" documents (for impact assessments, evaluations and fitness checks).

Calls for Evidence are 2–3-page documents describing the initiative and inviting feedback from stakeholders within 4 weeks, not based on specific questions. Call for Evidence are published for all politically sensitive or important initiatives.

A public consultation (for legislative acts), open for a period of 12 weeks

Call for Evidence and Public Consultation can be launched simultaneously, in which case they have a common feedback period of 12 weeks. Public Consultations are mandatory for Impact Assessments and strongly recommended for evaluations. All can be found in the 'Have your Say' portal, openly accessible to all (https://have-your-say.ec.europa.eu/index_en).

When citizens share their feedback with the Commission, by commenting on the proposals of the legal acts or delegated and implementing acts, the Commission analyses and sums up the feedback and contributions received. This should allow Europeans to see how their feedback contributes to the preparation of initiatives. The Feedback on the draft legislative acts is shared with co-legislators (the European Parliament and the Council). In relation to territorial impacts, this means that in this early phase stakeholders, for instance also public authorities from all levels and

citizens, could formulate their views on negative or positive territorial aspects when reacting to the documents of the European Commission.

Targeted consultations are separate and are not governed by common structure and feedback rules, as they are specific to the initiative, its scope, the target audience, etc. They include targeted surveys, interviews, case studies, seminars, etc.

The outcome of all consultation activities is presented in the synopsis report, which is an annex to the evaluation of impact assessment Staff Working Document (SWD). In the synopsis report, the feedback from specific categories of stakeholders, such as regions or municipalities, is presented separately, when contributions from these stakeholder groups is substantial to form a separate assessment. Additionally, Committee of the Regions opinions are part of the evidence base of the evaluations and IAs, when relevant.

The European Commission has changed some of the wording during the last couple of years. For instance, the term "inception impact assessment" is no longer used. These were the predecessors of today's "call for evidence".

Impact assessments

Ex-ante impact assessments are according to the Commission carried out on initiatives expected to have significant economic, social or environmental impacts. These can be:

- legislative proposals
- non-legislative initiatives (e.g. financial programmes, recommendations for the negotiations of international agreements)
- implementing and delegated acts

The findings of the impact assessment process are summarised in an impact assessment report that is published together with the legislative proposal. According to its own rules, the impact assessment report must include a description inter alia of the environmental, social and economic impacts, including impacts on small and medium enterprises and competitiveness, and an explicit statement if any of these are not considered significant who will be affected by the initiative and how.⁴ As shown below under section 3.2, there are also specific obligations with respect to territorial impacts.

Regulatory Scrutiny Board

The findings of the impact assessment process are summarised in an impact assessment report. The quality of each report is checked by the "Regulatory Scrutiny Board". The Regulatory Scrutiny Board is an independent body within the Commission that advises the College of Commissioners. According to the European Commission, it provides central quality control and support for Commission impact assessments and evaluations at early stages of the legislative process. The intention is that the Board's work on impact assessments would strengthen subsequent evaluations, and vice versa. The Board reviews and issues opinions and recommendations on all the Commission's draft impact assessments, fitness checks, and on major evaluations of existing legislation. Opinions issued by the Board on impact assessments can be 'positive', 'positive with reservations', or 'negative'.

A "positive" or "positive with reservations" opinion is needed from the Board for an

⁴ See the European Commission's own description on https://commission.europa.eu/law/law-making-process/planning-and-proposing-law/impact-assessments_en.

initiative accompanied by an impact assessment to be tabled for adoption by the Commission. In case of a negative opinion, the draft report must be reviewed and resubmitted to the Board before it can proceed.⁵ This means that the quality of the assessment of potential territorial impacts should be one indicator of the quality of an impact assessment report. In this respect, the documents of the Scrutiny Board could be also an important source of information for the Member States to learn more about the quality or potential deficiencies of Commission impact assessments.

The Board's opinion accompanies the draft initiative together with the impact assessment throughout the Commission's political decision-making.

As part of this report, we screened the opinions of the Regulatory Scrutiny Board in relation to the analysis of territorial impacts. In this respect, the improvements of TIA as part of the Commission's impact assessment cannot be seen in isolation from the question how good or bad the overall impact assessment system works today.

3.2. Toolbox: Territorial Impact Assessment as part of the Impact Assessment framework

Article 2 of the Treaty on European Union stipulates that the Union "shall promote economic, social and territorial cohesion, and solidarity among Member States." The territorial dimension in the European legal and policy framework was strengthened with the Lisbon Treaty. By amending Article 174 of the Treaty on the Functioning of the European Union (TFEU), territorial cohesion has been added next to social and economic cohesion. Now, Article 174

⁵ However, recent proposals related to the Multi-Annual Financial Framework may have been adopted without a positive opinion from the RSB.

TFEU stipulates that “the Union shall develop and pursue its actions leading to the strengthening of its economic, social and territorial cohesion.” More specifically: “Among the regions concerned, particular attention shall be paid to rural areas, areas affected by industrial transition, and regions which suffer from severe and permanent natural or demographic handicaps such as the northernmost regions with very low population density and island, cross-border and mountain regions.” Hence, specific territorial characteristics are thus mentioned. Territorial cohesion aims at promoting a balanced and harmonious territorial development between and within countries and local and regional levels. It reinforces solidarity to promote convergence and reduce inequalities between regions and investments in regional development.⁶ Four concepts are seen as central in this regard:

- concentration (overcoming differences in population density),
- connecting territories (overcoming distance),
- co-operation (overcoming division)
- and specific regional features.⁷

On many occasions, regions share territorial characteristics. For example, mountain regions and sparsely populated regions are often also border regions and island regions are often also mountain

regions.⁸ It can therefore be a complex sum of territorial characteristics, that are more generally supported by the four concepts of Territorial Cohesion. Territorial considerations are not only exploited in cohesion policies, but also ex-ante taken up under the notion of ‘do-no-harm’. ‘Do no harm to cohesion’ was prominently brought forward by the Committee of the Regions, pointing out the fact that cohesion is promoted via several programmes, prominently the Cohesion Policy, but other programmes and legislation in fact can limit cohesion at the same time.⁹

Hence, when drafting new policies and legislation, the European Commission has to provide an Impact Assessment. As already described, the ‘Better Regulation guidelines’ explain that in the assessment, where relevant, also the impact on territories should be considered.¹⁰ Furthermore, the territorial dimension could be addressed when explaining the EU added value for the initiative.

As part of the ‘Better Regulation toolbox’, tool 34 provides more guidance on assessing territorial impact specifically.¹¹ In cases with a policy specific territorial dimension, it is encouraged to look into all thematic aspects of the impact assessment (economic, social, environmental) and through the territorial lens.

⁶ Ministers responsible for spatial planning, territorial development and/or territorial cohesion (2020): Territorial Agenda 2030: A future for all places. <https://territorialagenda.eu/>.

⁷ European Commission (2024). Ninth report on economic, social and territorial cohesion. Luxembourg: Publications Office of the European Union.


⁸ Ibid, p. 109.

⁹ Committee of the Regions (2023). Opinion – Do no harm to cohesion. COTER–VII/026

¹⁰ European Commission (2021). Commission Staff Working Document Better Regulation Guidelines. SWD (2021) 305 final.

¹¹ European Commission (2023). Better regulation Toolbox. July 2023 edition.

Figure 3: Toolbox - tool 34 Territorial Impacts

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| <p>Territorial impacts (specific (types of) regions and sectors) (Tool #34)</p> | <ul style="list-style-type: none"> • Does the option affect economic activity, environment, or people living in cities, rural, cross-border, insular, mountainous, or sparsely populated areas and in the EU outermost regions to a significantly different extent than elsewhere in the EU? • Is the problem concentrated in certain areas (e.g. rural), regions, or Member States? • Does the initiative affect certain areas (e.g. rural), regions, or Member States in a disproportionate manner? • Does the initiative address regions differently according to their traits/endowments and thus lead to uneven territorial development? • Does one or the other option distort the principle of territorial cohesion as one of the founding principles of the EU? • Does the initiative have an effect on the EU outermost regions taking into account their constraints (as per art. 349 TFEU) and on other island, cross-border and mountain regions taking into account their characteristics (as per art. 174)? <p><i>If the answer to any of these question is positive, the Territorial Impact Necessity Check will help assess the need of a more in-depth analysis of territorial impacts</i></p> |  |
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Source: European Commission

The territorial dimension may be relevant when the impacts associated with the problem are heterogeneously distributed across the EU or when a policy option act unevenly producing heterogeneous territorial impacts.

The ESPON TIA Quick Check¹² has been put forward as a supporting tool. First, the TIA necessity check functionality allows for screening whether territorial impacts may be relevant. The necessity check¹³ differentiates between initiatives, that respond to:

- an uneven problem but acts evenly on the territories
- an even problem but acts unevenly on the territories
- an uneven problem and acts unevenly on the territories
- an even problem and acts evenly on the territories.

Only in the latter case, no TIA is directly advised. In the other cases, the ESPON TIA Quick Check Tool may help when assessing policy impacts based on an approach with the elements of exposure, sensitivity and impact – aiming to combine qualitative regional knowledge on the exposure and quantitative, statistical data describing the sensitivity of EU regions. In 2025/2026 ESPON has launched a project to upgrade the TIA methodology in a way that it can be effectively applied in a national/subnational setting. The methodology shall go beyond quick check and provide a robust approach towards a more scientifically rigorous, flexible and policy-relevant tool.¹⁴ Up to date, the TIA Quick Check is a process-oriented methodology to steer an expert discussion about the territorial effects of an EU policy proposal by checking all relevant indicators in a workshop setting. It is

¹² <https://gis-portal.espon.eu/arcgis/apps/sites/#/espon-hub/pages/tiatool>.

¹³ <https://gis-portal.espon.eu/arcgis/apps/sites/#/espon-hub/pages/tiatool>.

¹⁴ See ESPON's project description: Upgrade of the ESPON's Territorial Impact Assessment methodology - towards new innovative approaches, <https://www.espon.eu/projects/upgrade-espons-territorial-impact-assessment-methodology-towards-new-innovative-approaches>.

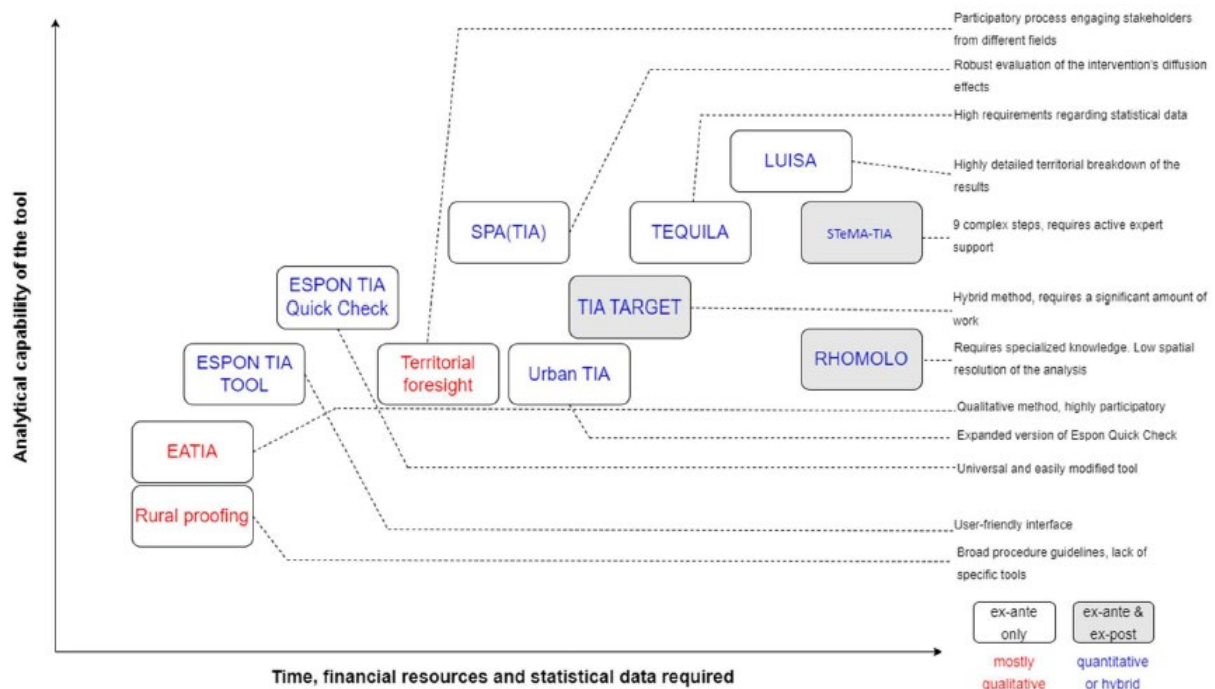
described as a practical tool that seems to be fit to be extended to the specific needs of the assessment of cross-border territories. Guided expert discussions are the most important element of the tool. According to the TIA Moderators guide¹⁵, the results of these guided expert-discussions are judgments about the potential impact of an EU policy in different thematic fields (economy, society, environment, governance) for a range of indicators. Based on the different 'sensitivity of regions' the expert judgments are translated into maps showing the territorial impact of EU policy on a NUTS3 level. These maps can serve as starting point for further discussion on policy recommendations to address the different impacts of a concrete EU policy on different regions (e.g. changing the

proposal or introducing accompanying measures).

To sum up, today the tool should enable the organisation of moderated expert discussions, use the results in a structured way to create maps with the help of a web-tool showing territorial impacts that can be fed into the overall impact assessment process.

The current TIA Quick Check is not the only tool available for Territorial Impact Assessments. A previous Territorial Agenda Pilot Action mapped several TIA tools and discussed the differences between them. Depending on the nature of the question, data available and time and financial resources, different TIA tools may be considered.¹⁶

Figure 4: Map of TIA tools, illustrating their analytical capabilities and resource intensity



Source: Ecorys Polska Sp. z o. o. & CASE, 2023.

¹⁵ ESPON TIA Web Tool, Moderator's Guide and Methodological Background, <https://gis-portal.espon.eu/arcgis/apps/sites/#/espon-hub/pages/tiatool>.

¹⁶ Ecorys Polska Sp. z o. o. & CASE (2023). Territorial Impact Assessment Manual.

Finally, the Better Regulation Guidelines emphasise the stakeholder involvement via e.g. the Committee of the Regions and its 'RegHub', the possibilities to launch a 'call for evidence' in the consultation

process as well as the voluntary nature of the entire TIA procedure.

The following section will describe how territorial impact assessment has been applied in practice.

4. Analysis: territorial impact assessment in practice

The previous section described the EU policy cycle and guidelines regarding Territorial Impact Assessments specifically. As shown, in theory there is a blueprint designed for assessing territorial impacts and making legislation more territorially considerate. The OECD has been regularly reporting on the different qualities of impact assessment schemes. The latest OECD Regulatory Policy Outlook (2021) showed that wherever national governments have established solid regulatory impact assessment, the impacts on competition, environment and the public sector are the ones that are most frequently assessed.¹⁷ The territorial dimension is among the least assessed types of impact. The same finding applies to the EU level. Obviously, there is a difference between what is described in guidance documents and what is implemented in the real world.

This section will thus focus on 'the real world', by first showcasing results and conclusions from literature and policy documents. In addition, ten pilot dossiers were screened, meaning that actual policy proposals from the European Commission are analysed in terms of impact assessment and consultation process. This will complement the literature review with empirical results.

4.1. Brief literature and document review

Deployment and quality of TIA at the European Commission

A study of the European Parliament Research Services (EPRS) of 2025 assessed the quality of 143 ex-ante

Commission Impact Assessments, related to proposals adopted between December 2019 and November 2024.¹⁸ They found that territorial impacts were addressed in only 22 Impact Assessments (15%), partially addressed in 25 Impact Assessments (17%) and were not found to be relevant in 37 cases (26%). Meaning that territorial considerations were at least discussed in less than half of the investigated dossiers where territorial aspects were relevant. Compared to the previous review term of the EPRS, this is a slight improvement.¹⁹ In general, the EPRS concluded that the identification and assessment of impacts was one of the weakest dimensions in the legislative procedure of the European Commission.¹⁹ In this regard, it is mainly about the justification of the impacts analysed and those not assessed or addressed.

As discussed, stakeholder engagement and consultation are relevant and centrally targeted in the Better Regulation Communication of 2021. The EPRS assessed the quality of stakeholder consultation as 'good'. Yet, room for improvement regarding the representativeness and transparent and detailed reporting on the use of stakeholder input could be improved.

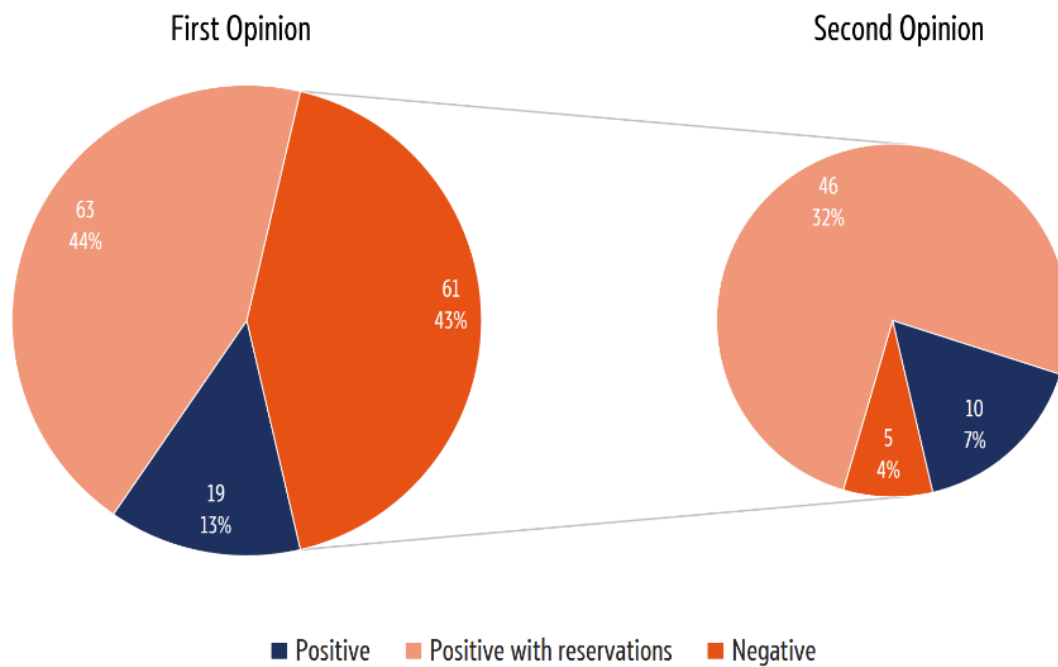
Another relevant source of information on the use and quality of impact assessments are the evaluations of the Regulatory Scrutiny Board (RSB), discussed in the previous Chapter. The RSB issues an opinion on draft Impact Assessments with 'positive', 'positive with reservations' and 'negative'. In the appraisal period of the EPRS (December 2019-November 2024), the RSB issued a negative opinion on 61 Impact Assessments (43%) and only 19 received a first positive opinion (13%).

¹⁷ OECD (2021), OECD Regulatory Policy Outlook 2021, OECD Publishing, Paris, <https://doi.org/10.1787/38b0fdb1-en>

¹⁸ EPRS, 2025.

¹⁹ EPRS, 2025, p. 41.

Figure 5: Issued RSB opinions on appraised IAs



Source: EPRS (2025), p. 36

Indeed, the RSB assesses the quality of the Commission's Impact Assessments in its opinions. The RSB annually reports on the trends and facts of the addressed Impact Assessments. At the moment of writing, the latest Annual Report is published in 2025, on the year 2024.²⁰ However, in that year an opinion was only issued for only three impact assessments – not allowing for any trend analysis. The

Annual Report on 2023 does allow for trend analyses.²¹ In 2023, 50 Impact Assessments were scrutinised with 21 negative first opinions (42%). The RSB Annual Report 2023 shows the following comparative tables and figures. In figure 7, the years 2019 and 2018 are combined as there was only one impact assessment scrutinised in 2019.

²⁰ RSB (2025). Annual Report 2024. https://commission.europa.eu/law/law-making-process/regulatory-scrutiny-board_en#annual-reports

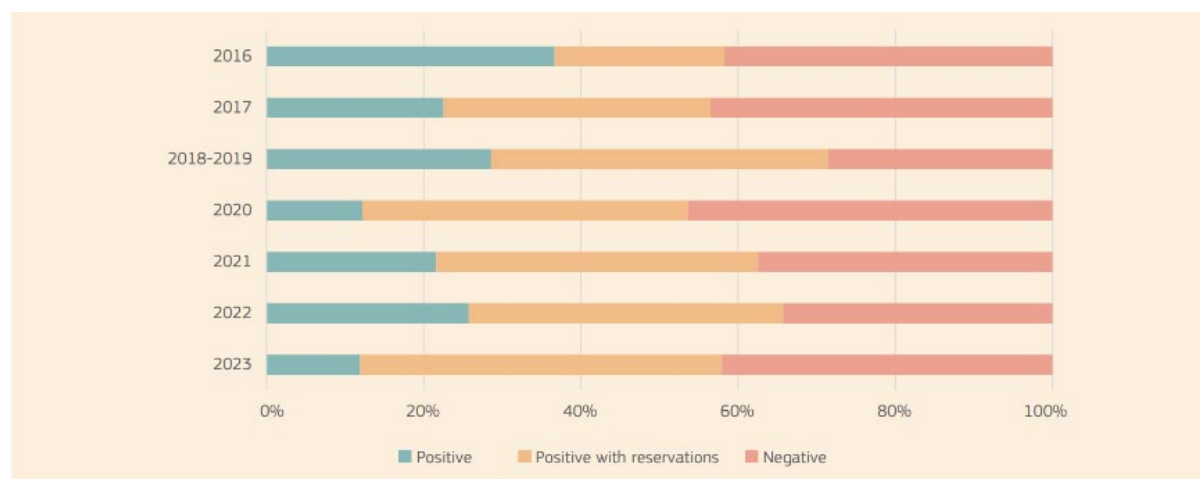
²¹ RSB (2024). Annual Report 2023. Luxembourg: Publications Office of the European Union.

Figure 6: Metadata on RSB work 2016-2023

| Year | Meetings | Cases | Negative first opinions | | Negative second opinions | |
|--------------------|----------|-------|-------------------------|------|--------------------------|-----|
| Impact assessments | | | | | | |
| 2016 | 22 | 60 | 25 | 42% | 2 | 8% |
| 2017 | 23 | 53 | 23 | 43% | 1 | 4% |
| 2018 | 27 | 76 | 21 | 28% | 1 | 5% |
| 2019 | 9 | 1 | 1 | 100% | 0 | 0% |
| 2020 | 23 | 41 | 19 | 46% | 1 | 5% |
| 2021 | 27 | 83 | 31 | 37% | 4 | 13% |
| 2022 | 20 | 70 | 24 | 34% | 0 | 0% |
| 2023* | 20 | 50 | 21 | 42% | 0 | 0% |

Source: RSB (2024)

Figure 7: Opinions on draft impact assessments 2016-2023



Source: RSB (2024)

While the figures look less positive for 2023, the RSB does not necessarily conclude that the quality was worse compared to previous years.²² Scoring on 13 quality indicators, some elements are improving. However, the analysis of impacts is still seen as one of the greatest analytical challenges – for 2023, all scoring below ‘acceptable’. Causes: “omission of certain impacts in the analysis, lack of or reliance on single sources of evidence, unbalanced inclusion of stakeholder feedback, lack of depth and

rigor of impact analyses as well as a lack of acknowledgement of uncertainties”²³.

Zooming into the impacts assessed, territorial impacts increased from 2022 to 2023 with 14 percentage points.²⁴ However, this also depends, each year, on the nature of EC proposals and whether territorial aspects are relevant or not. According to the RSB, territorial considerations were assessed or at least addressed in 20 of the 50 dossiers in 2023 (40%), compared to 18 of 70 dossiers (26%) in 2022. The analysis

²² Ibid, p. 16.

²³ Ibid, p. 20.

²⁴ Ibid, p. 23.

predominantly focuses on the possible national implications, over the regional level: 6 out of the 20 dossiers in 2023 assessed the impact on regional level.²⁵

Depending on the source, different numbers are shown regarding to the quality and application of impact assessments and the territorial scope. As shown, the ESPON TIA tool may be used over 30 times since 2015, but territorial considerations are discussed in a wider scope according to both EPRS (at least mentioned in about half of the cases in the investigated four years) and RSB (40% in the latest reporting year of 2023). However, there is no precise indication of the quality, level or tool that is used by the EC for assessing territorial impacts. All reports conclude that the quality of impact assessments leaves room for improvement.

Deployment of TIA in other EU institutions

It is in fact the Committee of the Regions (hereafter: CoR), that was according to CoR representatives involved in a few TIA Quick Check workshops as part of their new focus on territorial impact assessment. Indeed, it was the CoR which has practiced TIA mainly, with about 30 ESPON TIA Quick Check workshops since 2015, meaning on a limited amount of EU legislative and policy proposals.²⁶ In 2023, the CoR concluded that TIA is still not fully mainstreamed in the EU's Better Regulation agenda and set out the objective of increasing cooperation in the field of TIA with the European Commission and the European Parliament.²⁷

The Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European

Commission on Better Law-Making of 13 April 2016²⁸ underlines the shared responsibility for Better Regulation between the three institutions. In this Interinstitutional Agreement, the three institutions agree upon the positive contribution of impact assessment, where primarily the Commission carries out impact assessment. However, the European Parliament and the Council will, when necessary, carry out own impact assessments when substantial amendments are made. In practice, both co-legislators have underutilised their capacities for impact assessments of their amendments.²⁹ For the Council, there may even be no case where own impact assessments were requested or prepared. These conclusions automatically also relate to TIA specifically, being limitedly considered by the two co-legislators.

Effectiveness & Engagement

TIAs assist national and sub-national authorities in evaluating the diverse effects of proposed European Union policies. These assessments form part of the 'Territorial Agenda 2030'.³⁰

TIAs typically examine four aspects: (i) the geographical concentration of the problem, (ii) the capacity of EU policy to respond, (iii) regional stakeholder demands, and (iv) the unintentional impact of this policy. The factors receiving the most attention depend on resource availability, administrative levels, context, and professional experience.³¹ Thus, TIAs follow a flexible approach.

Effectiveness of a TIA depends on the participation of regional stakeholders. The European Commission relies on voluntary feedback to identify asymmetric effects.³² The input of participants also depends on

²⁵ Ibid, p. 55.

²⁶ Marot & Fischer, 2025.

²⁷ Committee of the Regions (2023): Renewed Territorial Impact Strategy. COR-2022-05326-08-01-NB-TRA (EN).

²⁸ OJ L 123 12.05.2016.

²⁹ OECD, 2025b, p. 32.

³⁰ See: Informal meeting of Ministers responsible for Spatial Planning and Territorial Development and/or Territorial Cohesion, 1 December 2020, <https://territorialagenda.eu/>.

³¹ Herbst et al., 2025; Marot et al., 2021.

³² European Commission, 2023.

TIA-tool selected.³³ However, systematic engagement remains lacklustre. While the Netherlands, Portugal, Slovenia, Italy, and Poland are the more active Member States, most authorities remain reluctant as they tend to doubt their actual influence over EU directives.³⁴

Other structural barriers further limit sustained engagement by local authorities. First and foremost, TIAs lack a formal framework.³⁵ Consequently, the process uses quantitative and qualitative approaches interchangeably.³⁶ This methodological inconsistency poses a significant administrative burden, as local authorities must constantly adapt their proceedings.³⁷ For those working below the NUTS 3 level, limited technical expertise and data exacerbate these difficulties.³⁸ Moreover, it makes it hard to assess how effective the tool is.³⁹ With proper financing still unavailable, these barriers are likely to persist.⁴⁰

Institutional constraints also hinder the framework. Ambiguity over the European Commission's role persists. Likewise, there is a persistent lack of cross-border exchange and a disconnect between EU objectives and local needs.⁴¹ Diverging interests among Member States and departments prevent greater convergence.⁴² Illustratively, the Dutch government struggles to maintain a strategic overview of how particular TIAs fit within the EU policy cycle.⁴³ Furthermore, territorial impacts are often only detected after a policy is transposed

into national law, making proper ex-ante feedback difficult.

Even with active engagement, systemic weaknesses limit the TIA's quality. Letta (2024) notes that the current guidance toolbox is complex and lacks clarity. These definition ambiguities often result in incomplete problem definitions and a biased policy option selection. Since there is no obligation for the Commission to revise their proposal in case of negative feedback, proposals commonly go unchanged, with limited insight into whether recommendations were considered in the first place.⁴⁴

Resource constraints within the Commission and regional and local authorities are the final barrier to the effectiveness of a TIA. Preparing TIAs costs the Commission significant time and money.⁴⁵ Moreover, local authorities typically do not have the staff and technical knowledge to implement the European regulatory tools effectively.⁴⁶ Scholars conclude that these structural shortcomings will endure unless TIA's underlying structural, procedural, and institutional shortcomings are addressed.⁴⁷ All told, there remains considerable room for TIAs to realise their potential.

RIA/TIA practices of the Member States

As noted, the engagement of regional and national stakeholders is key in the TIA process.⁴⁸ Indeed, the Better Regulation approach is not limited to the European Commission and EU processes, but also includes the EU Member States within a

³³ Herbst et al., 2025.

³⁴ Fischer et al., 2015; Letta, 2024.

³⁵ Fischer et al., 2015; Herbst et al., 2025; Květoň & Nosek, 2025; Medeiros & Ferreira, 2024, 2025; Schuh & Gaugitsch, 2025.

³⁶ Marot & Fischer, 2025.

³⁷ Květoň & Nosek, 2025; Medeiros & Valente, 2024.

³⁸ Herbst et al., 2025; Marot & Fischer, 2025; Medeiros, 2023.

³⁹ Medeiros & Ferreira, 2025.

⁴⁰ See Böhme & Redlich, 2023.

⁴¹ Böhme & Redlich, 2023; Golobič, 2015; Herbst et al., 2025; Fischer et al., 2015; Marot & Fischer, 2025.

⁴² Fischer et al., 2015, p. 448; Herbst et al., 2025, p. 121.

⁴³ Internationaal Onderzoek en Beleidsevaluatie, 2024.

⁴⁴ OECD, 2021; RSB, 2024; ERPS, 2025.

⁴⁵ Letta, 2024.

⁴⁶ Herbst et al., 2025; Van der Vleuten & Van Beek, 2024.

⁴⁷ Böhme & Redlich, 2023; Herbst et al., 2025.

⁴⁸ See also Ecorys Polska et al., 2023.

multi-level governance system. In fact, Member States are recommended to implement own national Better Regulation strategies, particularly including impact assessments.⁴⁹

Regulatory Impact Assessment

The Netherlands, Germany and Nordic countries such as Sweden, Denmark and Finland are often mentioned with long-standing regulatory policy developments.⁵⁰ While, generally the use of impact assessments has grown across all Member States since 2015, there seems to be a stabilisation since 2021.⁵¹ Zooming into territorial considerations, a growing number of OECD Member States indicate that the impact on regional areas is included in their assessment when

developing primary laws or subordinate laws. However, in general regulatory impact assessment appears to be carried out less systematically for subordinate regulations than for primary regulation.

Specifically on TIA, other literature concludes that there are multiple examples of TIA applications across European countries, but very few actually assess territorial impacts as part of their Regulatory Impact Assessment regimes.⁵² Indeed, at national or regional level the term or concept 'TIA' appears to be rarely used. However, socio-economic diversity of territories⁵³, local executive implications⁵⁴ or spatial compatibility checks⁵⁵ may be more common across EU Member States.

Table 1: Regional areas considered in RIAs by OECD Member States

| Regional areas considered? | With respect to primary laws | With respect to subordinate laws |
|-----------------------------------|-------------------------------------|---|
| For all laws | 18 OECD MS | 11 OECD MS |
| For some/major laws | 13 OECD MS | 18 OECD MS |
| Never | 11 OECD MS | 15 OECD MS |
| Not applicable | 2 OECD MS | |

Source: OECD (2025a)

⁴⁹ European Commission, Better Regulation for Growth and Jobs in the European Union, 2005, COM (2005) 97, p. 8.

⁵⁰ Anglmayer, 2020.

⁵¹ OECD, 2025a; OECD, 2025b.

⁵² Anglmayer, 2020; Marot & Fischer, 2025.

⁵³ Such as the German *Gleichwertigkeits-Check*

⁵⁴ Such as the Dutch *Uitvoeringstoets Decentrale Overheden*, and the consultations with the municipalities and provinces during the legislative process.

⁵⁵ Such as *Raumordnungsverfahren* in Germany, the RIA in Estonia and guidelines for environment and spatial planning in Slovenia: Marot & Fischer, 2025.

Involvement of Parliaments

Within the European Parliament, a dedicated Directorate for Impact Assessment and European Added Value has been set up – part of the Parliament’s research service. Next to the RSB, also the European Parliament’s Ex-ante Impact Assessment Unit (IMPA) scrutinises all impact assessments. The latest report was discussed under the previous section. However, at national level, parliamentary involvement in impact assessments is less evident. Of the 38 surveyed parliaments in 2020, 16 parliaments (15 are EU) were engaged in some sort of ex-ante impact assessment work.⁵⁶ Only 8 actively conduct own impact assessments, the six European parliaments are Bulgaria, Estonia, Finland, Hungary, Ireland, Poland and Sweden.

About half of the EU Member States consider ex-ante impact assessment something for the executive branch.

Zooming into the engagement of parliaments in ex-ante impact assessment work, the following table show more details on the different possible actions performed by national parliaments. Note, that while these powers may be attributed to the parliaments, it does not automatically mean that these are effectively executed on a regular basis.

Table 2: EU-27 parliaments and EP: level of engagement in ex-ante impact assessments, source: Anglmayer, 2020

| COUNTRY | no IA work beyond classical committee scrutiny | smaller-scale IA work (e.g. in-depth scrutiny) | parliaments' own IA work |
|---------------------|--|--|--------------------------|
| Austria | | | |
| Belgium | | | |
| Bulgaria | | | |
| Croatia | | | |
| Cyprus | | | |
| Czechia | | | |
| Denmark | | | |
| Estonia | | | |
| Finland | | | |
| France | | | |
| Germany | | | |
| Greece | | | |
| Hungary | | | |
| Ireland | | | |
| Italy | | | |
| Latvia | | | |
| Lithuania | | | |
| Luxemburg | | | |
| Malta | | | |
| Netherlands | | | |
| Poland | | | |
| Portugal | | | |
| Romania | | | |
| Slovakia | | | |
| Slovenia | | | |
| Spain | | | |
| Sweden | | | |
| European Parliament | | | |

Table 3: Levels of possible engagement in parliamentary ex-ante impact assessments

| Level of engagement | EU Member States |
|---|--|
| Parliament performs formal verification of government impact assessment | Italy, Lithuania, Slovenia European Parliament |
| Parliament performs in-depth scrutiny of government impact assessment | France, Germany, Ireland, Spain European Parliament |
| Parliament performs in-depth scrutiny of government impact assessment, with particular focus on budgetary matters | Austria, Italy, Portugal, Spain, Sweden |
| Parliament performs in-depth scrutiny of European Commission IA | Austria, France, Poland |
| Parliament conducts its own impact assessments for legislation initiated by parliament | Bulgaria, Ireland, Latvia, Lithuania, Poland, Spain European Parliament |

⁵⁶ Anglmayer, 2020.

| | |
|---|--|
| <i>Parliament conducts its own impact assessments for legislation initiated by the government</i> | Finland, Poland, Sweden European Parliament |
| <i>Parliament assesses the impact of its own (major) amendments</i> | Estonia, Italy, Poland European Parliament |
| <i>Parliamentary own impact assessment work is limited to budgetary/economic matters</i> | Finland, Hungary, Sweden |

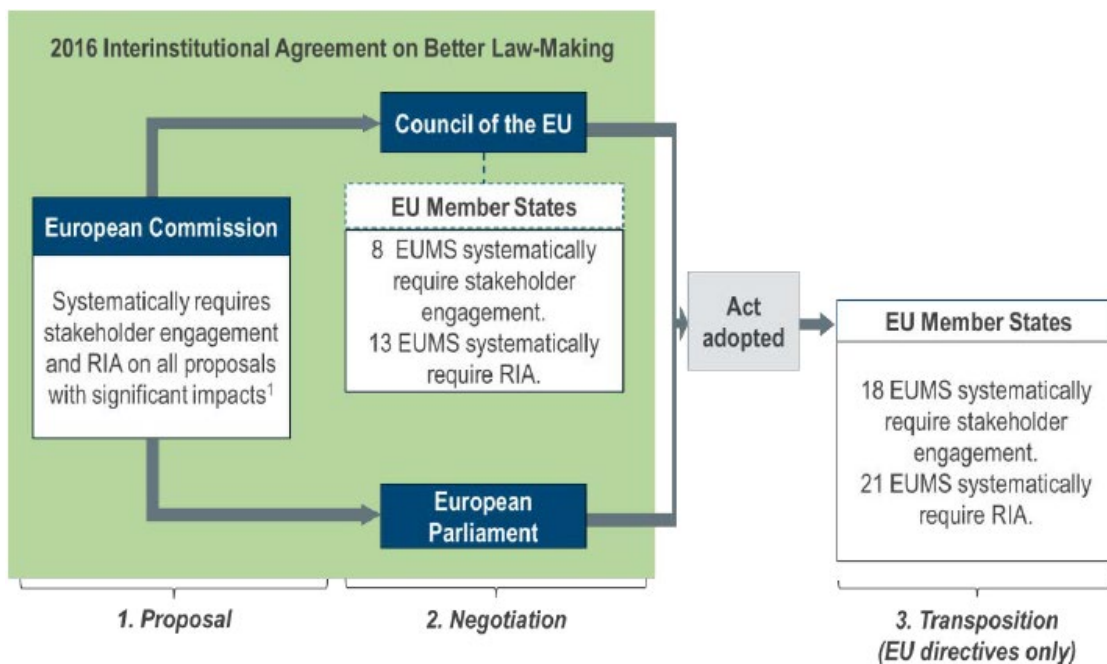
Source: Anglmayer, 2020, p. 55

Yet, as previously described the possibility for parliaments to conduct or engage in impact assessments, it does not mean in practice that this is always effectively executed. As noted, the European Parliament was limitedly active in impact assessments of own amendments and have never done any TIA in particular.

Impact Assessment of Commission proposals

Interestingly, the previous table shows that parliaments in Austria, France and Poland perform in-depth scrutiny of European Commission Impact Assessments. This is indeed a relevant topic for EU Better Regulation, as Member States can actively use Better Regulation tools as regulatory impact assessments (RIA) and stakeholder engagement during the different phases.

Figure 8: Different stages of Better Regulation in EU lawmaking



Source: OECD, 2025b, p. 33

However, national governments across the EU do not systematically assess the likely impact of Commission proposals, in order to inform their national position for Council negotiations. According to data collected

by the OECD, less than half of the EU Member States have systematic requirements regarding new EU regulations and directives.⁵⁷ This regulatory impact assessment is often

⁵⁷ OECD, 2025b, p. 75.

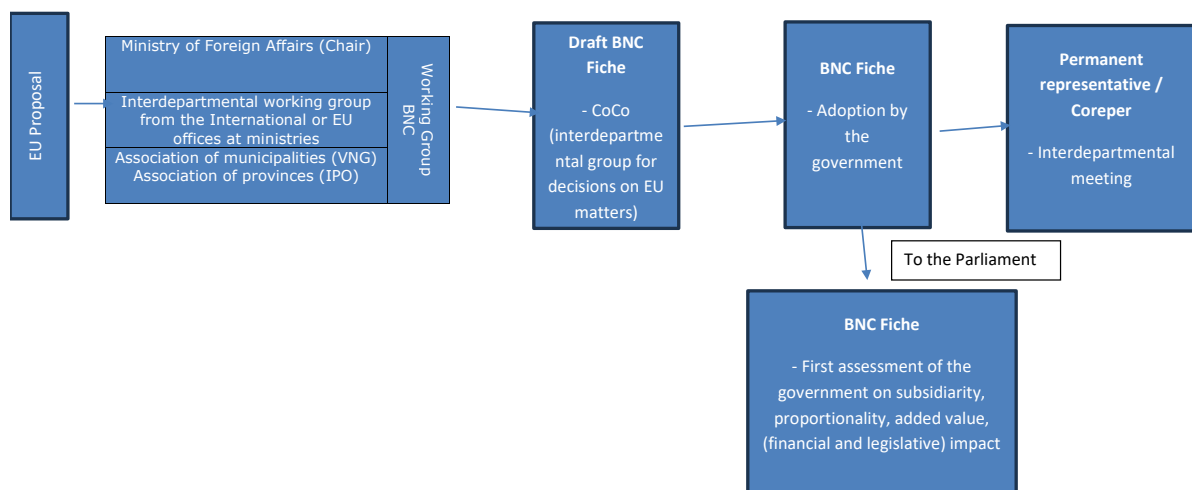
different from the process for domestic regulations.⁵⁸ Only in one-third of the EU Member States, a clear guidance document is available for officials to use RIA to inform a negotiating position. Stakeholder engagement is in general underutilised by Member States to inform national negotiating positions for EU law, according to the OECD.⁵⁹

In the phase of transposition of EU law, the picture is different. Most Member States, approximately three-quarters, systematically perform regulatory impact assessments. In the majority of the cases, the impact assessment is the same as for domestic rules.⁶⁰ A bit more common, in about one-third of the Member States, is to provide specific guidance documents for impact assessments on EU law transposition. Yet, there is rarely a mechanism to share information and analysed impacts with other Member States and the Commission.

Concluding, particularly in the phase between proposal and negotiation, Member States may be better equipped in

terms of regulatory impact assessments and consultation. Also, the exchange of information between Member States may be improved, as synergies are to be missed. Only in Council or Council Working Group Meetings, Member States may finally share their impacts and concerns, however these views are not necessarily coming from decent own impact assessments. The Dutch example shows that in relation to the first screening of a European Commission legislative proposal, there is not much space for a proper territorial impact assessment. The first reason for this is a lack of time: the government has only limited time before they have to present their view on the proposal to the Parliament. The same is true in other Member States and for the following negotiation phase in Council and Parliament. The figure below illustrates the Dutch so-called "BNC-procedure", a cross-government Working Group on the Assessment of New Commission Proposals. Stakeholder consultation is limited to the Associations of municipalities and provinces.

Figure 9: Dutch example of a BNC-fiche



Source: own compilation

⁵⁸ Only four Member States follow the same procedure. Difference origin in the process and/or content.

⁵⁹ Ibid, p. 77-78.

⁶⁰ With four very minor exceptions of Estonia, Cyprus, Czechia and Romania.

4.2. Screening of pilot dossiers

The empirical part of the analysis is based on European legislative dossiers. The pilot action stakeholders together with ITEM have identified ten relative European legislative dossiers. These dossiers are screened based on:

- The Commission's Impact Assessment and territorial considerations mentioned;
- The Opinion of the Regulatory Scrutiny Board (RSB) and possible territorial considerations;
- The Opinion of the Committee of the Regions and their possible territorial considerations;
- The incoming reactions during the different consultation phases. The

screening inventories the reactions by public authorities and whether territorial considerations were shared.

In the analysis, we focus on the public authorities of countries that take part of this pilot action: Netherlands, Germany, Austria, Luxembourg, Slovenia, Ireland and Poland. For all dossiers, a timeline is made including the different consultation periods, opinions and other documents. Arrows indicate possibilities for public authorities to provide feedback or opinions. The screening of the dossiers is included in [Annex C](#). A general reflection on the screening will be shared in this section.

Table 4: Pilot dossiers

| Dossier | Identifier | Date |
|--|---------------------------|----------|
| 1. Nature restoration Law | Regulation, COM(2022) 304 | 22/06/22 |
| 2. Soil Monitoring Law | Directive, COM(2023) 416 | 05/07/23 |
| 3. European Critical Raw Materials Act | Regulation, COM(2023) 160 | 16/03/23 |
| 4. Net Zero Industry Act | Regulation, COM(2023) 161 | 16/03/23 |
| 5. Corporate Sustainability Due Diligence | Directive, COM(2022) 71 | 23/02/22 |
| 6. Revision Renewable Energy Directive | Directive, COM(2021) 557 | 14/07/21 |
| 7. Revision Urban Wastewater Treatment Directive | Directive, COM(2022) 541 | 26/10/22 |
| 8. Sustainable use of plant protection products | Regulation, COM(2022) 305 | 22/06/22 |
| 9. Trans-European transport network | Regulation, COM(2021) 812 | 14/12/21 |
| 10. Waste Framework Directive | Directive, COM(2023) 420 | 05/07/23 |

The screening analysed ten pilot dossiers. Out of the ten, two did not include an impact assessment, nor an Opinion of the RSB. In total, two dossiers were not accompanied by an opinion of the CoR. None of the impact assessments reflected an application of a specific Territorial Impact Assessment, such as the ESPON TIA Quick Check. Two dossiers did not mention territorial considerations at all, while two other dossiers calculated the distribution of benefits and costs across Member States and another one across regions. In two dossiers, the impact assessment had a particular paragraph or section on territorial aspects, such as outermost regions (TEN-T Regulation) or the calculation of the territorial distribution of impacts (Waste Framework Directive). In case of the TEN-T Regulation, the CoR earlier published a report from a Territorial Impact Assessment workshop. The TIA was not referred to in any documents of the impact assessment, RSB Opinion nor CoR Opinion.

The RSB Opinions mainly asked for a better calculation of distributional impacts (4 out of 8 Opinions) at MS-level and, to a more limited extent (twice), at regional level. Only one first Opinion was positive with reservations. In all other cases, the first opinion was negative followed by a second positive opinion, with reservations. In all opinions of the CoR, the importance of Local and Regional Authorities in the development and implementation of the

policies is addressed. Also in multiple opinions, the subsidiarity is raised as concern. It was only in two dossiers, that territorial impacts were raised by the CoR (Revision Renewable Energy Directive & Soil Monitoring Law).

The table below summarises the dossiers, their territorial dimension from the EC Impact Assessment and territorial considerations shared by the RSB. The table provides scoring to the impact assessments, concerning the territorial impacts addressed. Here, one star is mainly provided to dossiers where costs and benefits are distributed across Member States, or a small qualitative mentioning is provided about certain regions. Two or more stars are allocated to the dossiers, that have included a separate section/paragraph on regions. In the distinctions, two stars are given to a more general and qualitative description, where three stars are preserved to the impact assessments with a more thorough qualitative and quantitative analysis. Only one dossier received three stars, due to the fact that territorial distribution of costs and benefits is translated to the regional level in terms of employment and regional added value. This was the most extensive territorial impact assessment found in the ten dossiers. The allocation of stars is merely based on the pilot dossiers and does not represent a full-fledged territorial quality assessment.

Table 5: Overview pilot dossiers and territorial considerations

| Dossier | Impact Assessment | Territorial dimension | RSB Opinion | CoR | |
|---|---|-----------------------|---|---|-------------------------------------|
| Nature Restoration Law | <input checked="" type="checkbox"/> 655 pages | ★★☆☆ | Distribution of benefits and costs between EU Member States, based on different types of ecosystems. | 1 st Calculation of distributional impacts, at MS and regional level. | <input checked="" type="checkbox"/> |
| | | | | 2 nd No territorial considerations. | |
| Soil Monitoring Law | <input checked="" type="checkbox"/> 115 pages | ★★☆☆ | Acknowledgement that rural areas will more likely be impacted than urban areas. | 1 st Clear distributional impact on urban and rural areas. | <input checked="" type="checkbox"/> |
| | | | | 2 nd Making a distinction between MS in terms of monitoring systems. | |
| European Critical Materials Act | <input checked="" type="checkbox"/> 203 pages | ☆☆☆☆ | All policy options are tested against economic impacts on Member States. General remark on positive impact on jobs and cohesion of regions. | 1 st No specific territorial considerations. | <input checked="" type="checkbox"/> |
| | | | | 2 nd | |
| Net Zero Industry Act | <input checked="" type="checkbox"/> | | | | <input checked="" type="checkbox"/> |
| Corporate Sustainability Due Diligence | <input checked="" type="checkbox"/> | | | | <input checked="" type="checkbox"/> |
| Revision Renewable Energy Directive | <input checked="" type="checkbox"/> 203 pages | ★★☆☆ | Mentioning as an opportunity for the regions most affected by the transition to a climate-neutral economy to diversify their economies, ranging from carbon-intensive and coal regions [...] to peripheral and outermost regions. | 1 st Better modelling of distribution of effects across Member States. | <input checked="" type="checkbox"/> |
| | | | | 2 nd Justification of subsidiarity and effects across Member States. | |
| Revision Urban Wastewater | <input checked="" type="checkbox"/> 160 pages | | Distribution of costs and benefits across Member States, showing higher costs, | 1 st Calling for transparent distribution across MS. | <input checked="" type="checkbox"/> |

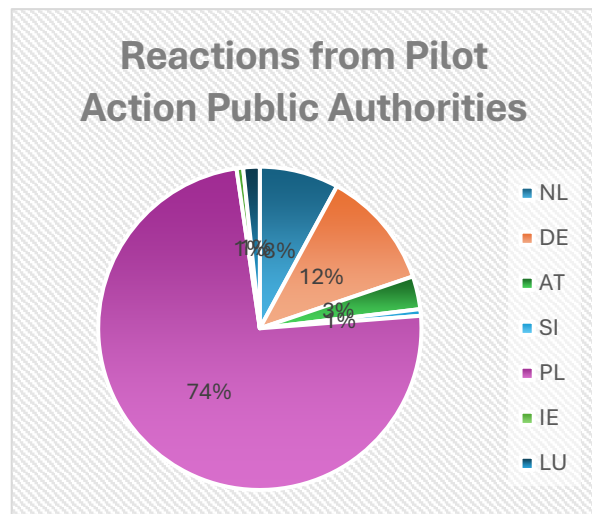
| | | | | | | | |
|---|-------------------------------------|-----------|-------|--|-----------------|---|-------------------------------------|
| Treatment Directive | | | ★★☆☆ | but also benefits, for certain Member States | 2 nd | No territorial considerations. | |
| Sustainable use of plant protection products | <input checked="" type="checkbox"/> | 203 pages | ☆☆☆☆ | No territorial aspects are considered nor mentioned. | 1 st | Subsidiarity concerns. | <input checked="" type="checkbox"/> |
| | | | | | 2 nd | Possible implementation discrepancy across MS. | <input checked="" type="checkbox"/> |
| Trans-European transport network | <input checked="" type="checkbox"/> | 174 pages | ★★★☆☆ | Separate paragraph on outermost regions, TEN-T should be defined properly and wide enough to cover all European regions. | 1 st | Better elaboration on proportionality and subsidiarity. | <input checked="" type="checkbox"/> |
| Waste Framework Directive | <input checked="" type="checkbox"/> | 712 pages | ★★★★ | Separate section with calculation of territorial distribution of economic and social impacts at regional level, in terms of employment and regional added value. | 1 st | Better explanation of implementation of targets by Member States, given contrasted national situations. | <input checked="" type="checkbox"/> |
| | | | | | 2 nd | | |

Zooming into the consultation phases, in most dossiers, the Commission applied multiple “Have your Say-instruments” as described in Chapter 2. For Nature Restoration Law, the Corporate Sustainability Due Diligence, the Revision Renewable Energy Directive, the Trans-European transport network and the Revision Urban Wastewater Treatment Directive, the consultation process followed the old procedure with an inception report for feedback or feedback on a roadmap. In general, the Commission complied with the procedures and deadlines, as discussed in Chapter 2. Only the Net Zero Industry Act is an exception, where only Feedback on the Commission proposal was possible.

In terms of consultation and participation, general figures always show a strong representation of citizens. The participation of Public Authorities is generally more modest, both for national and regional public authorities. Over the ten dossiers, 547.513 reactions have been shared, predominantly through the survey in the Public Consultation phase. Of these, 881 reactions came from national and regional public authorities (only 0,16%). More specifically, 322 reactions came from national and regional public authorities in the pilot action Member States (Austria, Netherlands, Germany, Luxembourg, Slovenia, Poland and Ireland).

Regional authorities of Poland are relatively well-presented (74%) among the Pilot Action Public Authorities. However, these reactions are almost exclusively in Nature Restoration Law and the Sustainable use of plant protection

Figure 10: Relative share of reactions by Pilot Action PA



products. In case of the Sustainable use of plant products for instance, a majority of the Polish regional public authorities more or less provided the same input to the feedback on the Commission proposal.

Regional and national stakeholders from the Netherlands and Germany are generally more widely represented across the ten pilot dossiers. For the Netherlands, this often is also the national ministry of Foreign Affairs or of Economic Affairs, while for Germany the *Länder* are more often reacting to the consultations. Not part of the Pilot Action group, but also regional stakeholders from the Nordic countries, predominantly Norway and Sweden are heavily involved in the consultation processes. This may not be surprising due to the nature of certain dossiers, such as mining.

The following table provides an overview of the three consultation phases per dossier and the reactions received.

Table 6: Overview of Consultation phases and Public Authorities (PA) involved

| Dossier | Call for Evidence | Public Consultation | Feedback |
|---|--|---|---|
| Nature Restoration Law | 4 weeks: • 132 reactions • 3 PA • 1 NL | 4 months: • 11.842 reactions • 264 PA • 2 NL, 12 DE, 1 AT, 167 PL | 12 weeks: • 209 reactions • 6 PA • 2 DE, 1 PL |
| Soil Monitoring Law | 4 weeks: • 189 reactions • 8 PA • 1 NL, 1 DE | 12 weeks: • 5.801 reactions • 96 PA • 8 NL, 9 DE, 2 AT, 1 SI, 1 IE, 2 LU | 12 weeks: • 283 reactions • 13 PA • 3 DE |
| European Critical Raw Materials Act | 12 weeks: • 308 reactions • 12 PA • 1 DE | 12 weeks: • 308 reactions • 12 PA • 1 DE, 1 AT | 12 weeks: • 207 reactions • 6 PA |
| Net Zero Industry Act | | | 16 weeks: • 215 reactions • 4 PA • 1 DE |
| Corporate Sustainability Due Diligence | 10 weeks: • 114 reactions • 2 PA • 1 NL | 15 weeks: • 473.361 reactions • 19 PA • 1 DE, 1 NL, 1 LU | 8 weeks: • 283 reactions • 2 PA |
| Revision Renewable Energy Directive | 4 weeks: • 373 reactions • 12 PA • 3 DE, 1 NL, 1 AT | 12 weeks: • 39.046 reactions • 27 PA • 3 NL, 3 DE, 1 LU | 12 weeks: • 298 reactions • 9 PA • 1 DE |
| Revision Urban Waste Water Treatment Directive | 8 weeks: • 57 reactions • 6 PA • 1 NL | 12 weeks: • 2284 reactions • 47 PA | 20 weeks: • 102 reactions • 10 PA |
| Sustainable use of plant protection products | 12 weeks: • 360 reactions • None PA | 12 weeks: • 1696 reactions • 34 PA • 1 AT, 9 DE, 1 LU, 1 IE, 1 PL | 12 weeks: • 8909 reactions • 97 PA • 3 DE, 1 SI, 55 PL |
| Trans-European transport network | 4 weeks: • 74 reactions • 12 PA • 1 NL, 1 DE | 12 weeks: • 495 reactions • 134 PA | 26 weeks: • 37 reactions • 9 PA • 1 NL, 1 DE |
| Waste Framework Directive | 4 weeks: • 198 reactions • 4 PA • 2 DE | 12 weeks: • 730 reactions • 32 PA • 4 AT, 3 DE, 3 NL | 12 weeks: • 168 reactions • 1 PA |

Source: Own compilation

When analysing the input provided by the regional and national public authorities in the consultation process, the territorial considerations raised are often quite weak. Often it is limited to national flexibility, reflecting more the principle of subsidiarity than that of territoriality. Regional

authorities mainly emphasise the role of local authorities in the dossier. It is in some reactions, where explicitly the differences across Member States and regions are addressed. The following table gives an overview of selected considerations.

Table 7: Overview of selection of reactions, by consultation phase and PA stakeholder

| Dossier | Consultation phase | Stakeholder type | Territorial Considerations |
|-------------------------------|---------------------|---------------------|---|
| Nature Restoration Law | Call for Evidence | Regional | "area-based solutions" |
| | | National | "address the concerns of all relevant stakeholders who might be affected in different ways across the EU" |
| | Feedback | National | "wishes to have the flexibility to make the right choices applied to specific local conditions" |
| | | Regional | "must be set in such a way that they can also be met in a densely populated, intensively used country, which therefore requires a wide range of ecological restoration measures, such as Germany" |
| Soil Monitoring Law | Call for Evidence | Regional | Underscore the need to limit the bureaucratic burden for the local responsible bodies. |
| | | National | Underscore the need to take into account the differences across the biogeographical states and regions in the EU |
| | Public Consultation | National | "This requires a tailored assessment, especially given the wide variety of soil types in the Netherlands." |
| | | Regional | "frameworks and standards should be established at national or even regional level. This would allow better account to be taken of area-specific characteristics and circumstances." |
| | | Regional | "Soil functions should be regionalised in landscape framework plans and regional spatial planning plans." |
| | Feedback | Regional | Caution for the "considerable red tape" in the draft directive for small-scale areas. Echoes the need for more flexibility and autonomy at the national, regional, and local levels. |
| | | National + Regional | Underscores the differences in land classification systems among EU Member States. |
| | | Regional | Stressing the importance of strong local influence in environmental assessments and decision-making, including the use of municipal vetoes, |

| | | | | |
|--|-------------------------|--|----------------------|--|
| | | | National | to protect sustainable community development and living environments. |
| | Feedback | | Regional | Harmonization with existing laws is important, but local conditions and competences must be acknowledged to allow effective and sustainable mining development. |
| | | | Regional | Involving regions and local SMEs helps ensure sustainable and secure supply chains for critical raw materials across the EU. |
| | | | Regional | Regions highlight their key role in defining local conditions and call for a multi-level, territorial approach that involves regional actors and SMEs throughout the supply chain. |
| Net Zero Industry Act | Feedback | | National Regional | + Emphasize the difficulties in applying the NZIA across different national legal systems, given tight deadlines and complex permitting processes that span multiple governance levels. |
| Corporate Sustainability Due Diligence | Call for Evidence | | National | Mix of binding and voluntary measures. |
| | Public Consultation | | National | Too much of a "one size fits all" approach. |
| Revision Renewable Energy Directive | Consultation on Roadmap | | National | Emphasize the importance of flexibility for member states within the EU-wide climate targets, urge on national measures. |
| | | | Regional | Emphasize the crucial role of local authorities (LAs) in advancing renewable energy. |
| Revision Urban Wastewater Treatment Directive | Consultation on Roadmap | | Regional | Urges the Commission to allow more flexibility in prioritising local needs, arguing that measures effective in one member state may not be in another. |
| | Feedback | | Regional | "Economic Impact on Small Communities" |
| | | | Regional | Argument for exemptions for fewer "sensitive areas". |
| | Feedback | | Regional | Roads included in the proposal are in Poland only visible on the geodetic maps, as each cadastral plot should be accessed by a public road (generally municipal)." Thus, "on the ground, very often these roads do not differ from neighbouring land (land, forests)." |
| Trans-European transport network | Feedback on Roadmap | | Regional | Highlighting the need for enhanced dialogue between the EU, the regional and regional level on the transport system. |
| | Feedback | | Regional | "improve governance through an Integrated Cross-border Mobility Plan to promote territorial cohesion and European Territorial Cooperation." |

| | | | |
|----------------------------------|----------|----------|--|
| | | Regional | Have a stronger urban perspective, taking into account the entire catchment area of the central city, functional urban area. |
| Waste Framework Directive | Feedback | Regional | Highlights national sectoral challenges over differences between definitions. |

Source: own compilation

5. Findings from debates, interviews and questionnaires

During the project period, the researchers have been in permanent contact with the project group consisting of various officials from national ministries dealing with spatial planning and territorial development (The Netherlands, Poland, Slovenia, Germany, Austria, Luxembourg, Ireland). There was a lively debate about the different experiences and perceptions of territorial impact assessments at the level of the EU and the Member States involved. In addition, the group was regularly joined by officials from ESPON and the Committee of the Regions contributing to the debate. Next to the regular meetings, separate interviews and written questionnaires were carried out.

Do Member States structurally assess the territorial impacts of Commission legislative proposals?

The picture with respect to the group of Member States is very diverse. There is a common understanding that the competent ministries that deal with spatial planning and territorial development are very often confronted with a situation where another line-ministry in their government is in the lead. This can be the ministry of transport, environment, agriculture, or others. In this respect, the difficulty is to communicate their own view on territorial impacts to the specific line-ministry. In several debates and interviews it was mentioned that it was very often difficult to coordinate positions of the line-ministry experts, who are members of a specific Commission expert committee. This could be very important in the very early phase of the legislative process, when the Commission is collecting first ideas and information from the Member States on a specific topic. The territorial dimension can be regarded as a horizontal task that very often has to be integrated into other policy sectors (i.e. environment, transport, agriculture, industry, trade). We

have found good practice from the answers of the Member States. Slovenia reported for instance that with respect to the Proposal for a Soil protection monitoring Directive, a Slovenian official from the environment ministry was actively coordinating and communicating his work in the Commission expert group and was also monitoring the making of the impact assessment. This would have helped to discuss territorial aspects within the country (involving universities with respect to possible impacts) in a very early phase. However, this sort of good cooperation with the line-ministry and early knowledge on the Impact Assessment of the European Commission is the exception to the rule. An interview with the European Commission confirmed that capacities are often limited when it comes to thorough territorial impact assessments. Meaning that active support by Member States is welcomed.

Do Ministries with territorial competences conduct own impact assessments of the legislative proposal of the European Commission?

National governments across the EU do not systematically assess the territorial impact of Commission proposals, before they formulate their national position for Council negotiations. In the first instance, there is a problem with respect to the timeframe. In most of the Member States the national governments only have a couple of weeks to formulate a first national position vis-a-vis a legislative proposal from the European Commission. In the Netherlands for instance, the government has to present a first position after 6 weeks following the publication of the proposal for a directive or regulation. In Slovenia, there is a 5 weeks-deadline for a national opinion that is a so-called "instructive deadline" defined by law. However, it can be longer for instance if the Slovenian version of a document is not available yet or if meetings to discuss the document can be organized only at a later

stage. Even if there is some time flexibility, it means that the time is normally too short to initiate a full-fledge territorial impact assessment report. Nevertheless, we found also in this respect a good practice. The responsible ministry for nature conservation in the Netherlands commissioned an impact assessment when the proposal for the EU Nature restoration regulation was published. Because of the time restraints, this was done in the form of a "Quick Scan" impact assessment. According to the officials dealing with territorial development, the results on various territorial aspects were very helpful for developing a Dutch national position that took territorial impacts into account. There was another quick scan research commissioned by the Dutch government with respect to the proposal for a Soil protection monitoring Directive and its impacts on land-use. Also in this case, this specific impact assessment was regarded as a very valuable input for the Dutch national position in the Council.

However, commissioning a quick-scan impact assessment, including looking at territorial impacts, is an exception to the rule. It is obvious that this is also a question of financial and personnel resources. Even if the quick scan is done by externals, it needs time to commission the assignment and coordinate the implementation. In most of the Member States, the first national draft position that is presented to the national parliament (or to different chambers) is not very detailed. However, a territorial quick scan analysis (it does not have to be a full-fledge territorial impact assessment) could certainly improve the position of the territorial departments vis-a-vis the line-ministries in the process of interministerial coordination. This refers not only to the formulation of a first draft position that must be presented to the national parliament, but also to the latter negotiation in the Council working group.

First, it is the line-ministry that is sitting at the negotiation table in the Council working group. The input from the department of territorial development is very much dependent on the quality of information and coordination in this phase. When ministries must agree on certain changes in relation to the national negotiation position, it certainly helps when the territorial officials can support their arguments with solid findings of a territorial quick scan. In a best-case scenario, this would also mean that substantial changes to the initial legislative text of the Commission can also be assessed during the negotiation process with respect to their territorial consequences. This would follow the idea of a "dynamic" impact assessment.

Do Member States apply territorial impact assessment when they transpose EU directives and regulations into national legislation?

As shown in the previous chapter, most of the EU Member States have established regulatory impact assessment schemes. However, the territorial impacts are not structurally covered in most practices. This means that there is also today no stronger focus on territorial impacts when EU legislation is transposed into national legislation and when the competent line-ministry presents a draft legal act. Some of the officials from governments represented in the working group reported that the quality of territorial impact assessment would very much depend on the quality of the impact assessment framework that is applied. In some Member States, for instance in the Netherlands and Germany, there has been recently a reform of the system with the introduction of new elements. Slovenia is a unique case, where a specific new impact assessment methodology for territorial impacts has been developed. Since many systems are under construction, it was difficult to compare the functioning of territorial impact assessment today.

However, three governments have developed interesting approaches with respect to territorial impact assessment. These tools are also meant to improve the situation with respect to the transposition of EU legislation.

Examples for Impact assessment schemes with a territorial dimension

The Dutch government recently renewed their overall regulatory impact assessment scheme under the new name "beleidskompas", policy compass.⁶¹ The idea is that every proposal for policy or regulation must provide adequate answers to the following questions: Who are the stakeholders and why? What is the problem? What is the intended goal? What are the options for achieving the goal? What are the consequences of the options? What is the preferred option?

As part of the question about consequences, there is the obligation to assess whether an impact assessment must be done with respect to a specific territory, namely border regions. The authors of this report (ITEM Maastricht University) were asked to develop a guidance document for the government that is today part of the impact assessment framework. In a first step, by answering specific questions it should be possible to determine whether a more in-depth impact assessment is needed. If the answer is yes, there is a more detailed list of questions to stimulate a proper analysis of potential impacts on border regions. The guidance document also consists of recommendations about where to find quantitative and qualitative data on

specific cross-border questions. For the last three years, the implementation of the impact assessment on border regions has been monitored. The result: a modest increase in territorial considerations with respect to the legislative proposals. Due to the guidance document and the obligation to assess specific impacts on border regions, potential impacts have been more often discussed in the framework of the impact assessment reports accompanying legislative proposals.

The German government has introduced an equality-check. The aim of the equality check is to assess the territorial impacts of federal legislative proposals with respect to equal living conditions in all German regions. According to the German government, addressing this issue also contributes to better law-making.⁶² The equality check is of an appellative nature; not a legal obligation. There is a guidance document that describes a methodology for the respective lead ministry. Federal ministries shall examine whether and how federal legislative proposals

- affect the equality of people's living conditions
- whether they reduce unequal living conditions,
- do not influence/reinforce them,
- or exacerbate them.⁶³

In this respect, it covers very important questions of a territorial impact assessment focusing on the well-being and quality of life of citizens. The check is a rather new instrument. So far, there is no general evaluation of how equality checks

⁶¹ All the documents describing obligations are available on the government's site: <https://www.kcbr.nl/ontwikkelen-beleid-en-regelgeving/beleidskompas>.

⁶² The official guidance document can be found on the following site of the German Government, https://www.bmi.bund.de/SharedDocs/downloads/D/E/veroeffentlichungen/themen/heimat-integration/gleichwertige-lebensverhaeltnisse/gleichwertigkeits-check.pdf?__blob=publicationFile&v=1.

⁶³ See: Bundesregierung der Bundesrepublik Deutschland (2020), Leitfaden zur Durchführung des „Gleichwertigkeits-Checks“ (GL-Check) bei Gesetzesvorhaben des Bundes, page 1. https://www.bmi.bund.de/SharedDocs/downloads/D/E/veroeffentlichungen/themen/heimat-integration/gleichwertige-lebensverhaeltnisse/gleichwertigkeits-check.pdf?__blob=publicationFile&v=1.

have been implemented with respect to national legislation. As a result of the debates and interviews, the assumption is that the check has not been applied up to date in the case of EU legislative proposals. Nevertheless, the notion of “equality” or “quality of life” in different regions is certainly an interesting approach. It could be used as a lighter instrument, that is not as complex as a broader territorial impact assessment. In addition, for the German government, it could be a part of a future broader concept of territorial impact assessment. The approach fits very much into the objectives of the Territorial Agenda 2030, with its vision of a sustainable future for all places and people, highlighting the need to understand and integrate the diverse needs of territories into policymaking.⁶⁴ There has been also in the Netherlands a debate about a specific regional impact assessment, assessing potential impacts on certain regions.⁶⁵ Other than the already mentioned cross-border impact assessment, a broader impact assessment on regions is today not part of the Dutch scheme.

The representatives of the **Slovenian government** in the working group contributed a lot to the debate. The reason is that officials from the competent ministry are very experienced with respect to territorial impact assessment due to a recent project of the University of Ljubljana, who also contributed to the debate. In Slovenia, the University developed an innovative methodology for TIA for the Slovenian government that is

aiming at the territorial impact assessment of policies.⁶⁶ The specific question is whether the policies are in line with the Spatial Development Strategy of the Republic of Slovenia 2050. The experiences with respect to the application are described as positive. The approach also starts with a Quick check with a policy description, qualitative impact assessment, and a compliance check of the sectoral policy. In this case the objectives are the priorities of the Slovenian Spatial Development Strategy. Important elements are the assessment of how territorially sensitive the measures are, the selection of criteria for a detailed assessment, and the assessment of the impact on different types of territories. Based on this first quick scan a decision is taken on the question of whether a detailed quantitative assessment is necessary. If yes, this is done on the basis of the criteria selected as part of the quick scan.

Currently, the question is how to use the methodology and its integrated elements in the framework of regulatory impact assessment of the government. The expectation is that it could help to improve the quality of regulatory impact assessment.

To sum up, also these three positive examples show that national governments are searching for new approaches to better integrate territorial aspects into existing regulatory impact assessment schemes. Today, none of the national regulatory impact assessments schemes are fully incorporating the territorial dimension. As

⁶⁴ There is a prominent role for quality of life:” The underlying objective of all public policies should be to increase citizens’ well-being and quality of life. See: https://territorialagenda.eu/wp-content/uploads/TA2030_jun2021_en.pdf.

⁶⁵ In 2023, many party programmes mentioned the necessity to introduce an impact assessment on regions, a regional test (“regiotoets”). Other than the specific border region impact assessment, a general region impact assessment has been so far not part of the impact assessment scheme of the Dutch government. See the following analysis of the

University of Groningen, <https://www.rug.nl/about-ug/latest-news/news/archief2023/nieuwsberichten/1120-w-elke-regio-telt>.

⁶⁶ See: Presentation by Naja Marot and Barbara Kostanjek (2023): Territorial Impact Assessment as a tool to achieve harmonization of sectoral and other development policies with the Spatial Development Strategy of the Republic of Slovenia 2050, Biotechnical faculty, University of Ljubljana, held in Ljubljana 30.09.2023.

shown, the different examples focus on certain aspects, such as regional equality, border regions or compliance with spatial strategies. An expanded scheme seems to be necessary both for improving the quality of national legislation and the quality of the transposition of EU legislation. An additional advantage: the more national officials are experienced with territorial impact assessment at home, the better they can also assess the impacts of EU legislative proposals in an early phase of the EU legislative process.

6. Conclusions

General observations

The main conclusion is that territorial impact assessment should not be limited to certain phases of the EU legislative process, and certainly not only to the very early phase when the European Commission is formulating a legislative proposal. The EU policy cycle offers several opportunities to assess the territorial impacts of first ideas launched by the Commission, consultation documents, official legislative proposals, national positions, small amendments to certain articles or major changes to a legislative proposal as the result of a compromise between the legislators Council and Parliament.

Another important conclusion is that the challenges of ministries responsible for spatial and territorial development are related to the fact that very often they are not the responsible ministry for a specific legislative proposal. This means that good interministerial coordination with the line-ministry is crucial. This also implies that one can not only rely on the information from other ministries, but permanent monitoring of different policy fields is essential. The challenge finally is to stimulate "horizontal policy integration", namely, to incorporate territorial objectives into the domain of environment, transport or agriculture ministries. At the EU level, there are certain ways to increase the own preparedness with respect to Commission initiatives. All EU proposals are communicated first in Commission Work Programmes and in sectoral Management Plans of the different DGs. These documents also list legislative initiatives of the Commission indicating the timing. The interviews and questionnaire show that so far there is no structural monitoring of these Work Programmes. Monitoring the Work Programme would allow the spatial departments to install an early warning system towards the line

ministries. And to contact early in the process colleagues, who are for instance member of a Commission expert group before the legislative proposal is ready.

The next conclusion is that territorial impact assessment is confronted with a moving target, namely legislative proposals that change during the different phases of the policy process. The project has shown that it is certainly important that the European Commission is improving territorial impact assessment as part of the Better Regulation toolbox and that the application of specific territorial impact assessment tools is more frequently done. However, the expertise of Member States and regions has to be better used during the legislative process and is currently relatively limited or scattered.

In a multi-level governance system, it is also obvious that assessments have to be made at all levels and with respect to a very specific perspective and expertise. Meaning that next to the toolbox developed by the European Commission for better legislation (and tools as the TIA Quick Check), the Member States have to develop or adapt their own tools to assess the territorial impacts of EU legislation. Thus, their own regulatory impact assessment systems must also better incorporate territorial impacts. Since the national approaches are quite different, a fully harmonised toolbox or regulatory territorial impact assessment is unlikely. However, it would be helpful if tools applied at EU, national and regional level would match in general terms. This would allow an easier cooperation especially between the territorial ministries of Member States who would like to increase their own impact assessment capacities by joining forces with other governments. Impacts that are detected could be better shared among Member States, possibly resulting in recognition and confirmation.

Since it is certainly difficult for a single national ministry to assess the territorial impact of a number of legislative proposals, it could help to share the burden between interested departments or ministries dealing with spatial and territorial development. The same is true for the involvement of regions. So far, their capacities to assess ex-ante the impact of EU legislation on their own territory is very limited. Increasing capacities in single regions and exchanging results and sharing the burden to monitor EU legislation with the national government and other regions in Europe could help. The European Committee of the Regions (CoR) has started such a capacity building with the Reghub network that is dealing with ex-post policy evaluation in the previous EC mandate in the framework of the Fit for Future Platform. A similar approach could be applied with respect to ex-ante regulatory impact assessment, as well as establishing a structured Forum under the current EC mandate.

Territorial Impact Assessment at different levels

Our literature review and the analysis of the impact assessment documents of the European Commission, produced for the ten chosen legislative proposals, showed that up to now the territorial dimension has been not prominently analysed and described in the regulatory impact assessment framework. Yet, during the last couple of years the system has been slightly improved. The analysis of the Regulatory Scrutiny Board and the European Parliamentary Research Service (EPRS) show that the territorial dimension is increasingly being considered over the years. However, our screening of impact assessment reports showed that when territorial impacts are mentioned, the Commission is still mainly looking at economic aspects, analysing distributional impacts across Member States and to a

lesser extent regions. We have not found a broader understanding of territorial impacts, for instance focusing on the well-being of citizens beyond pure economic impacts or the interconnection with spatial planning. An interview with a Commission official confirmed that knowledge, time and capacities are limited in this context.

We also found that the implementation of the special TIA tools is modest. That refers for instance to the application of the ESPON TIA Necessity Check (as part of the toolbox on Better Regulation). The ESPON TIA methodology was only implemented about 30 times since 2015. In none of the ten pilot dossiers, reference was made to the TIA instruments. Consequently, the EPRS warns for a lack of a clear methodology and justification of impacts considered or not. Also, the two co-legislators, European Parliament and Council, have not been applying (territorial) impact assessments on their own substantial amendments.

Based on discussions with the Pilot Action affiliated Member States, it also appeared that the impact assessments are not structurally monitored by Member States. Nor the quality control done by the Regulatory Scrutiny Board. Only in very exceptional cases, the making of the impact assessment is monitored. As a surprise, we found that the Parliament is actively screening and assessing Commission proposals and impact assessments. Hence, the reports of the EPRS can be also very useful for the Member States. The quality of the Commission's impact assessment, as certainly how territorial impacts are assessed, could improve their own expertise vis-à-vis the respective legislative proposal.

Our analysis of the opinions of the European Committee of the Regions showed that the territorial considerations that are included are often rather abstract, often emphasising the role of local

authorities. None of the analysed dossiers were supported by a specific Territorial Impact Assessment workshop. There is an interest from the side of the CoR to play a more vital role in the field of territorial impact assessment. There is certainly a chance for the Member States and their regions to better link their efforts with the ones of the CoR. Our research shows that it would be helpful if there was more capacity at the regional and local level to contribute to the territorial impact assessments at all levels and during all phases of the legislative process in Brussels and in the Member States.

The European Commission is often emphasising the importance of its public consultation rounds. As shown in this research, the Commission has developed different tools from a call for evidence up to a consultation on drafts. The department and ministries responsible for spatial and territorial questions do not have the capacity today to structurally monitor the consultation processes offered by the European Commission. Our screening of the consultations of the ten chosen legislative proposals showed modest involvement of public authorities and rather limited number of active Member States (often the same: Netherlands, Poland, Germany, Nordic countries). We have not found many explicit interventions dealing with territorial impacts. It is certainly not clear, how effective these contributions are with respect to the chances to influence the position of the European Commission. The consultation however is also offering some insights into the position of national or regional stakeholders, where interesting territorial aspects are formulated. In this respect, it could be interesting for the ministries dealing with territorial questions to monitor the contribution from stakeholders of their own country.

Territorial impact assessment at the national level

We have already mentioned that Impact Assessment of the Commission is rarely scrutinised by the Member States. Do they apply their own territorial impact assessment with regards to legislative proposals of the European Commission? Both our literature research and the interviews confirmed that Member States do not apply an own territorial impact assessment when the European Commission is finally publishing its legislative proposal. To some extent this has to do with time pressure: Member States have to formulate a first national position on short notice, since they have to present the position to their Parliament/chambers within a couple of weeks after the publication. Nevertheless, we found an interesting practice in the Netherlands, where the line-ministry commissioned a quick-scan impact assessment on two of the ten legislative proposals. It was reported that these had a very positive impact on the formulation of a national position and the position of the ministry responsible for territorial questions. Also, the governance process with active consultation of the associations of municipalities and provinces in the Netherlands may be interesting for the identification of territorial concerns.

As already mentioned, a legislative proposal can be a moving target. It may be the case that during the negotiation phases some crucial details change or threaten to change. Today, these changes are not assessed on unintended impacts. A first quick scan could also deliver at least some data and warnings with respect to certain negative territorial effects. This could be useful also in the case that important amendments are made to the original text at the very end of the process.

When own impact assessments are made by Member States on EU proposals, former research suggests that these are rarely

shared with other Member States or the Commission. We have also not found an active exchange of territorial impact assessment results with respect to the ten dossiers. This may limit opportunities to join forces and have a more integral view on possible impacts.

The question of territorial impact assessment at the national level appears in the next phase, after EU legislation is adopted and in the case that a directive must be transposed and integrated into national law. As shown, most of the Member States have their own regulatory impact assessment framework. In most of the Member States, tools and methodologies are in place, but there is a clear lack of incorporation and cooperation on assessing territorial impacts. We have shown interesting developments in Germany, Slovenia and the Netherlands where innovative territorial impact

assessment tools were developed. However, also these still must be either adapted to the needs of regulatory impact assessment (Slovenia) or increased with respect to their territorial scope (Germany and the Netherlands). To conclude, there is the necessity to improve the practice of territorial impact assessment at all levels and in all phases of the legislative process. In the following chapter, we present the concept of "dynamic territorial impact assessment". We formulate recommendations with respect to the different phases of the legislative process to increase capacities per phase and governmental level. This is not so much about a specific TIA methodology, but to better use the existing impact schemes, update them in relation to territorial blind spots and better coordinate the work on territorial impact assessment within governments and between governments and the European Commission.

7. Product: Guidance document – Recommendations for a Dynamic Territorial Impact Assessment

The purpose of this guidance document is to give practical advice to Member States' departments responsible for spatial planning and territorial development on the question: *How can they better monitor legislative proposals during the regulatory process, assess the potential territorial impact and make valuable contributions in order to influence the final quality of legislation in accordance with territorial aspects?*

The integration of Territorial Aspects in the case of regulatory processes is demanding. During the study, different options were detected to increase capacities and apply specific impact assessment instruments or integrate territorial aspects better into the existing regulatory impact assessment. It is important to note that the assessments should not only be limited to the initial drafting of EU legislation within the European Commission but seen as a dynamic one. This includes also in a later stage the transposition and implementation of EU legislation into national legislation.

The challenge is to monitor potential territorial impacts throughout the EU regulatory policy process and beyond. Meaning starting from the drafting phase at the European Commission up to the final stage of negotiations between Parliament and Council. In addition, even after a piece of European legislation is adopted, its territorial aspects and impacts

can be influenced by the national transposition and implementation. **As practice shows, some countries tend to develop even stricter rules than foreseen by an EU Directive, while some member states stick to the minimum requirements.**

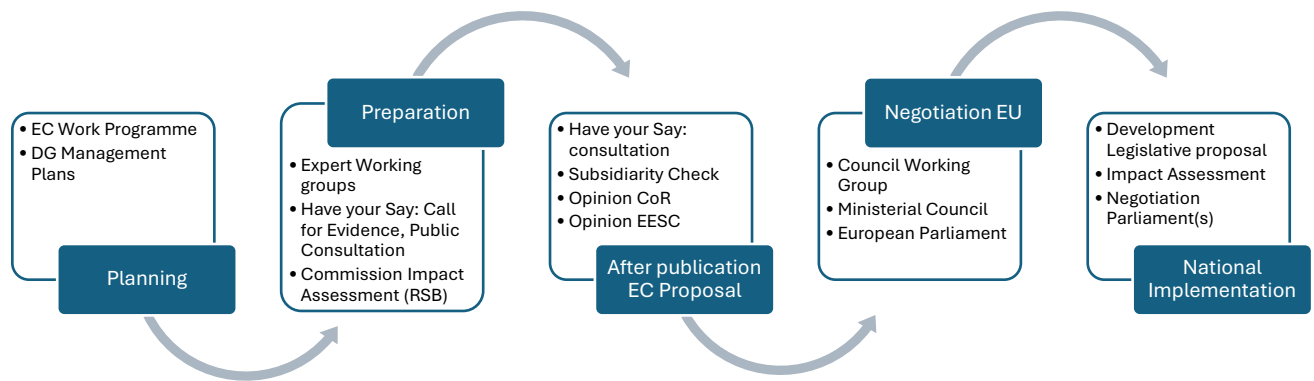
The idea of dynamic impact assessment

Our findings correspond to the idea that was outlined in the Letta Report of 2024⁶⁷. The report describes deficiencies of the present impact assessment system, one being that it is focused on the very first assessment of the initial draft legislation. In the later stages, the pressure to reach a compromise between co-legislators would have led often to the creation of rules that reflect the balance of power rather than sound policymaking grounded in evidence. Therefore, the assessments of the influence of co-legislators' opinions would enhance transparency and ensure that the subsequent legislative negotiations and final trilogues negotiations start with a clear understanding of the potential impacts of proposed changes. Hence, the Letta report proposes a mechanism that would assist the co-legislators with a 'Dynamic Impact Assessment (DIA)'. Our findings support the idea that territorial impact assessment should be not only limited to the initial stage, but should be 'dynamic', meaning applied throughout the law-making process when needed. In the following, we describe different instruments for territorial impact assessment that are related to the different phases of the legislative procedure and the relevant stakeholders at the national and EU level.

⁶⁷ ENRICO LETTA: Much more than a market – Speed, Security, Solidarity Empowering the Single Market to

deliver a sustainable future and prosperity for all EU Citizens, April 2024.

Figure 11: Phases of the EU legislative procedure



Recommendations

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7.2. Recommendation 1: Monitoring the Work Programme of the European Commission

The European Commission usually publishes its work programme for the year to come in October, with an annex of planned legislative proposals. In addition, the different DGs publish annual detailed management plans with a list of planned legislative proposals, generally in March.

Ministries/departments responsible for spatial/territorial planning (national and/or regional level, depending on the division of legislative powers) should allocate capacities to monitor these documents in order to prepare a list with coming legislative proposals where they

expect relevant territorial impacts.⁶⁸ In fact, this could be seen as an 'early warning mechanism'. The output should be an **early warning list**. This can be eventually done in cooperation with the line ministries (or regional administrations), who perhaps have already established a monitoring system of Commission Work Programmes for their own policy sector. It is obvious that some DG Management plans are more relevant than others: legislative proposals from DG Move, DG Climate, DG Environment, DG Regio, DG Agriculture, DG Internal Market/Industry very likely include territorial aspects or might cause territorial impacts.

Table 8: Basic questions for monitoring Commission Work Programme/Management plans

Does the intended proposal target explicitly certain regions or type of areas (Islands, border regions, rural or urban, etc.)?

Is there a risk that one type of region or area is unintentionally more affected than other types of regions (or are asymmetric territorial impacts intended)?

Does the legislative proposal have potential repercussions on national and regional spatial planning procedures/policies?

In this case, when a planned legislative proposal is identified and listed as relevant, a 'territorial impact monitoring file' could be opened. In this file, a very brief reflection on possible impacts could be described. In addition, a responsible civil servant could be nominated for following the further process with the own department/ministry as the 'file owner'. The 'file owner' is in the following responsible for monitoring the development of the proposal in question and connecting to a network of experts horizontally within the government or vertically with experts from local and regional administrations. The aim could be

to form a rather stable group of experts from the national, regional and local levels that monitor the entire law-making process and is ready to assess the territorial implications whenever crucial changes are made to the proposal. This should contribute to the adaptation of the national position throughout the process.

Separately, the work carried out by the European Committee of the Regions related to the assessment of the European Commission's Work Programme should be monitored closely as a means of scrutinising the potential impacts of new initiatives. The European Committee of the Regions typically adopts resolutions in

⁶⁸ There is already a best practice: since early 2025, the TIA team of the European Committee of the Regions is working on such a list.

anticipation of, and in response to, the Commission's Work Programme.

7.3. Recommendation 2: Information exchange and early coordination with the line ministry

The intention is that the department/ministry responsible for the territorial impacts of policies should effectively monitor the Commission expert phase. In only a few cases, officials from the spatial or territorial development departments are invited by the European Commission to thematic expert committees. In most cases, colleagues from other ministries have the opportunity to consult Commission experts at a very early stage of the process. In this respect, it is important that as part of the 'monitoring file' the responsible ministries and persons are listed who have access to Commission expert groups. It is vital to establish regular contacts with the line ministry in charge of receiving information on early drafts of the Commission. The better the coordination with the line ministry, the better national spatial aspects can be already signaled vis-à-vis the Commission. It should be the task of the 'file owner' within the department/ministry dealing with territorial aspects to establish these contacts and monitor the work of the line ministry.

7.4. Recommendation 3: Monitoring and using Public Consultation of the EU Commission

One of the prominent Recommendations for Better Regulation are the public consultation rounds of the European Commission. These are initiated by Calls for Evidence and/or Public Consultations that are more open, information-seeking exercises, which can go on to inform the direction or shape of a policy. In several

cases, the call for evidence explicitly welcomes territorial considerations from stakeholders. It is up to a case-by-case assessment whether the department/ministry responsible for spatial and territorial policies will write an own contribution to a Commission call for evidence. The same is true for a more specific consultation on a more detailed legislative project. It is up to the 'file owner' to monitor relevant consultations and to use the expertise of the Permanent Representation in Brussels, possibly in coordination of network of Member States and/or the CoR. If Recommendation 2 is working effectively, namely that national experts in Commission expert groups are signaling relevant national territorial aspects, it is perhaps less important for a government to participate in consultations.

In addition, it is helpful for the responsible territorial development department to monitor the contribution of stakeholders from the own Member State to the consultation of the European Commission. These contributions are published at the end of the consultation period. This could give valuable information on the assessment of different national stakeholders and opportunities to exchange or even streamline certain national positions in an early phase of the process.

7.5. Recommendation 4: Monitoring the Impact Assessment of the European Commission

The department/ministry responsible could monitor the making and the results of the Impact Assessment of the European Commission and provide input if territorial aspects are important from your national perspective. In practical terms, this means the 'file owner' is cooperating with the line ministry in order to get information about the impact assessment process. In

particular, it is important to know whether the respective DG is doing a necessity check and as a result a TIA quick check. Next to the short questions mentioned under Monitoring the Commission Work Programme, the more elaborate questions of the Commission’s Toolbox on Better Regulation number 34 also could be helpful for the national assessment of the need for proper territorial impact assessment.

Moreover, the EC acknowledges in its Toolbox the importance of systematically

using foresight analysis for preparing impact assessments to better deal with uncertainty stemming from implementation of its legislation. National and subnational authorities have particular interest in ensuring that strategic foresight analysis is part of the Impact Assessment of the Commission and that it considers the perspective of subnational authorities. In that sense, strategic foresight analysis could be understood as TIA with a long-term perspective, taking into account different scenarios and megatrends affecting cities and regions.

Figure 12: Toolbox Questions

| | |
|--|---|
| <p>Territorial impacts (specific (types of) regions and sectors) (Tool #34)</p> | <ul style="list-style-type: none"> • Does the option affect economic activity, environment, or people living in cities, rural, cross-border, insular, mountainous, or sparsely populated areas and in the EU outermost regions to a significantly different extent than elsewhere in the EU? • Is the problem concentrated in certain areas (e.g. rural), regions, or Member States? • Does the initiative affect certain areas (e.g. rural), regions, or Member States in a disproportionate manner? • Does the initiative address regions differently according to their traits/endowments and thus lead to uneven territorial development? • Does one or the other option distort the principle of territorial cohesion as one of the founding principles of the EU? • Does the initiative have an effect on the EU outermost regions taking into account their constraints (as per art. 349 TFEU) and on other island, cross-border and mountain regions taking into account their characteristics (as per art. 174)? <p><i>If the answer to any of these question is positive, the Territorial Impact Necessity Check will help assess the need of a more in-depth analysis of territorial impacts</i></p> |
|--|---|

Source: Toolbox 2023, Chapter 3 – Identifying impacts in evaluations, fitness checks and impact assessments

In addition, the Commission’s site also offers the so-called ‘necessity check’ a more elaborated set of questions to find out whether there is a real need for TIA. In the Commission’s present system, an ESPON TIA Quick Check could be initiated by the responsible DG.

Currently, ESPON is conducting a project to look into the methodology and develop an innovative approach which goes beyond quick check and relies in large parts on quantitative assessments. So far, the

current methodology is part of the Toolbox for Better Regulation.⁶⁹ Whether and how the TIA Quick Check is applied is dependent on the individual officials of the DG in charge of the impact assessment of a specific legislative proposal. And whether an up-dated ESPON tool will replace the current one in the future, is also up to a decision of European Commission, probably of the units dealing with Better Regulation. As part of this pilot project, the research on the ten different legislative proposals has shown that the

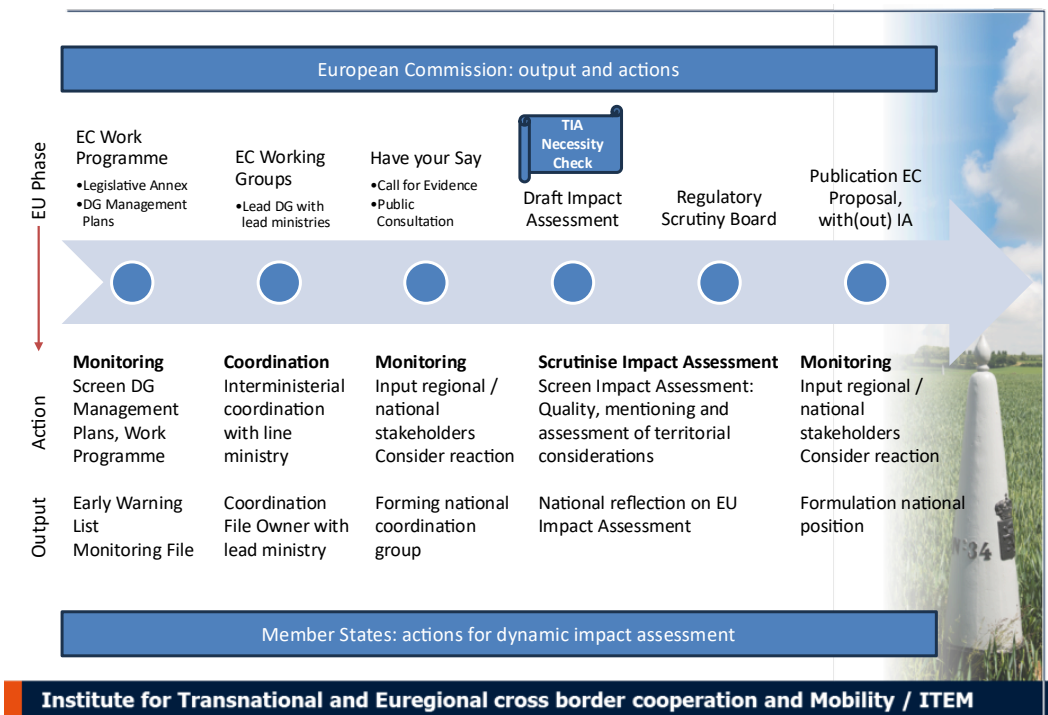
⁶⁹ https://commission.europa.eu/law/law-making-process/better-regulation/better-regulation-guidelines-and-toolbox_en.

TIA Quick Check is not often applied. An overall evaluation of the Impact Assessment by the European Parliament between 2019-2024 showed that despite several calls from key actors, territorial impacts were found to have been addressed in only 15 % of 143 impact assessments.⁷⁰ This corresponds to the observation of the European Committee of the Regions, that during the last couple of years the assessments of territorial effects as part of the impact assessments has been limited in number.

Despite that, the update of the TIA ESPON tool offers an opportunity for the departments/ministries that deal with territorial aspects. In the first place, a new and more stringent approach within the Commission should increase the number of TIAs and help to make the EC regulatory proposals more territorially sensitive. But also today, the departments of the Member States dealing with territorial aspects can contact the responsible unit of the Commission and eventually support a

future TIA with their expertise and data. The early involvement of territorial experts from the own Member State – if possible – should also improve the development and influence of a national position vis-à-vis a specific regulatory EU proposal. The necessity to reflect on a draft EC proposal in a rather early stage can also improve the quality of interministerial coordination with the line ministry and the development of national positions. An early monitoring of the impact assessment process also allows the Member States to better assess the quality of the impact assessment with respect to the consideration of territorial impacts. Together with line ministries, the territorial departments should also monitor the impact assessment reports/reports of the regulatory scrutiny board of the European Commission. These reports evaluate the quality of the EC impact assessments and can also give additional information about whether territorial aspects have been sufficiently discussed.

The Commission phase – Territorial input?



⁷⁰ EPRS | European Parliamentary Research Service, Quality analysis of European Commission impact

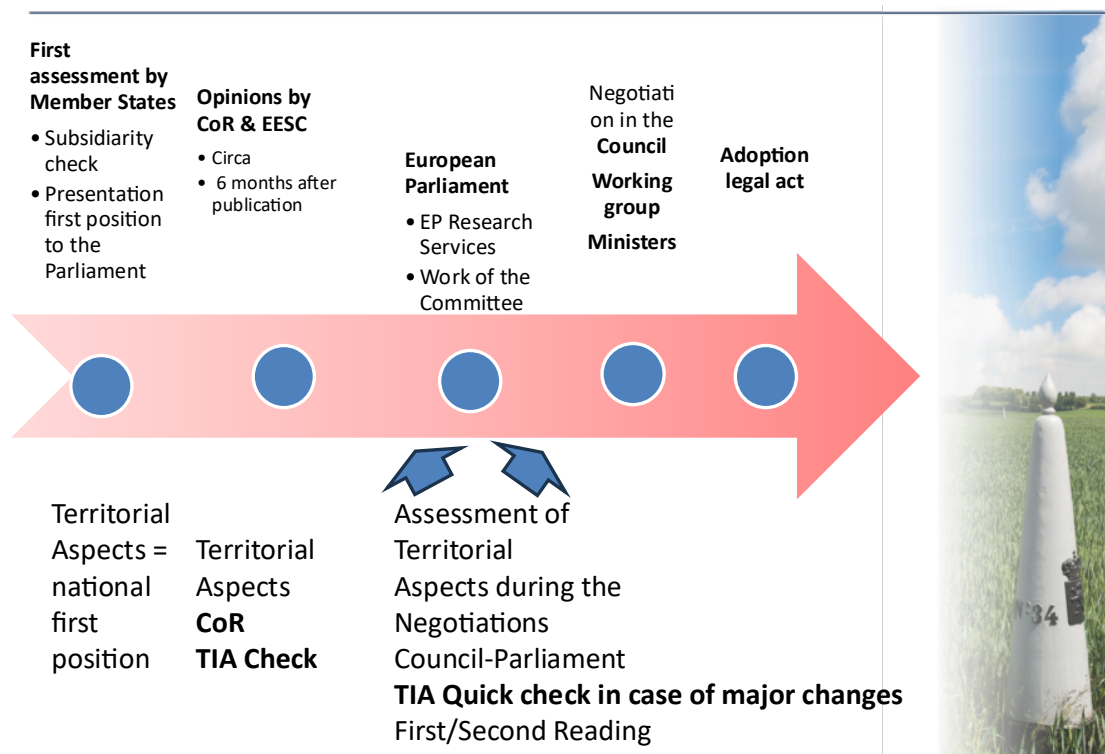
assessments Developments during the 2019-2024 term, February 2025.

7.6. Recommendation 5: Applying a TIA quick check at the national level

A more frequent application and improvement of the Commission's necessity check and TIA quick check (or a new updated ESPON tool in the future) would be also very relevant for the Member States' own TIA practice. The Member States are aiming at a convincing methodology that can improve the quality of Commission impact assessments. In addition, the TIA quick check or the new updated ESPON tool could also be applied at the national level (for those Member States who see the need) to assess territorial impacts in their own Member State. So far, most of the Member States have not developed their own Quick Check instrument. This could be relevant when the government is formulating its own position vis-à-vis a Commission proposal and presents it to the national Chambers. Member States could adapt a future

improved version of the ESPON TIA tool dependent on their own needs and integrate it into their specific impact assessment framework. Or they could develop their own Quick-Check methodology more adapted to the national framework. A nationally applied TIA quick check could contribute to the improvement of the position of the territorial departments/ministries vis-à-vis the line ministry. Following the approach of dynamic impact assessment, there should be room for the application of a TIA quick check at the national level during the entire process of formulating and adapting the national position in the Council. Relevant changes to the initial Commission proposal could be again subject of a TIA Quick Check at a later stage of the negotiations. In the best case, that would be still possible when major changes are tabled by amendments of the European Parliament.

Negotiation Phase

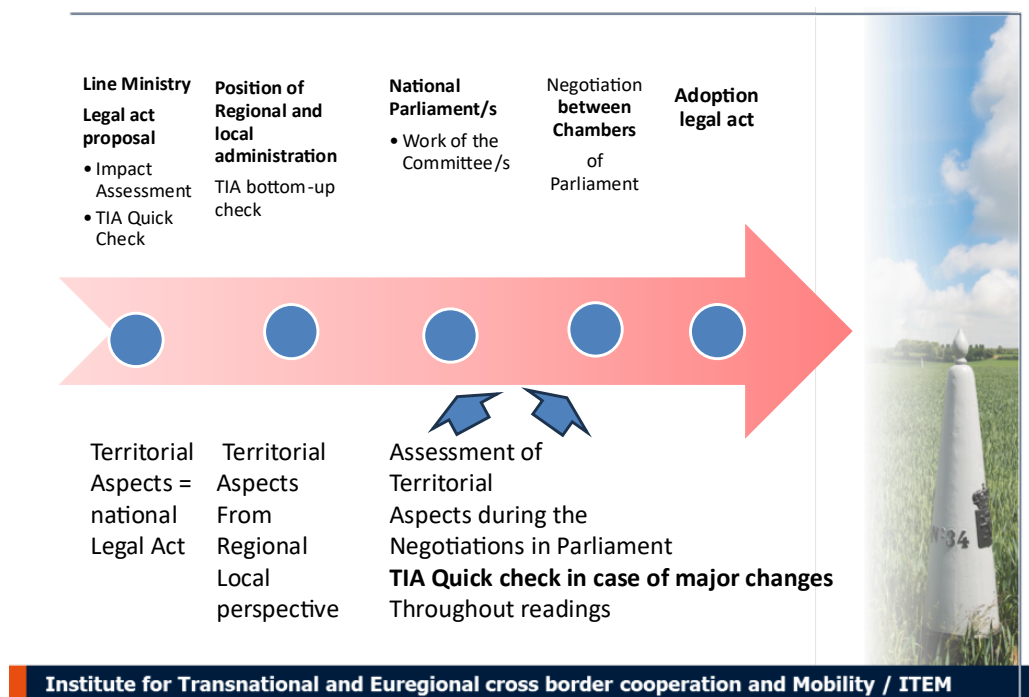


7.7. Recommendation 6: Integrating TIA into the national ex-ante impact assessment practice

Every Member State has developed its own regulatory impact assessment scheme when it comes to legislative proposals. In most of the Member States, the consideration of territorial aspects within the existing framework can be improved, meaning there is no specific methodology for TIA. In general, Member States ministries are hesitant to introduce new and elaborated impact assessment obligations. Therefore, a new recommendation has to be 'light' and should avoid too much administrative burden. The development of a light TIA Quick Check that fits into the national framework could be seen as a positive support of the line ministries impact assessment tasks. Territorial experts who are familiar with a national tool can better monitor the EU TIA process. The results of the EU check can play a role when the national or regional territorial experts

apply a TIA Quick Check with respect to the national legal proposal. In addition, the idea of dynamic impact assessment should also be pursued at the national level. Meaning that the application of TIA is not only important with respect to the initial legislative proposal, but also during the national parliamentary process. In this respect, territorial experts could apply the TIA Quick Check at a later stage of the law-making process. As already mentioned, a future national TIA Quick Check has to fit into the framework of the national impact assessment scheme. A more dynamic TIA approach would be certainly an innovation in most of the Member States where impact assessment is mainly done ex-ante. It is obvious that in Member States as the Netherlands or Slovenia, where innovative impact assessments have been recently developed, a more dynamic approach has to be discussed against the background of the national scheme. Here, specific guidance documents in case of EU transposition legislation may also be of use.

National Implementation



7.8. Recommendation 7: Increasing the capacities of regional and local administrations

It is obvious that a lot of expertise with respect to specific territorial impacts cannot be found in national ministries but in regional or local administration. For example: the very specific impacts on certain urban areas can be better assessed by municipal administrations, while specific impacts on border regions by regional administrations in border regions. National departments/ministries do need this expertise when they assess ex ante potential impacts of legislative proposals. This means, if they apply for instance a TIA quick check methodology, they better involve experts from the regional and local level depending on the specific topic. However, regional and local administrations today very often lack the capacity to be involved in impact assessment practices. Therefore, national governments could invite regional and local experts to discuss their capacities and support them to play a more important role when it comes to TIA. In the Netherlands for example, there is a working group established with the task of

assessing new legislative proposals. Legislation in the field of nature conservation or industrial emissions are examples where regional administrations in many Member States have expertise with respect to implementation and enforcement. Capacity building could mean joined workshops on specific EU policies and the application of TIA instruments. Departments/ministries could also establish a TIA network of regional and local experts who could be regularly invited to join, for instance TIA quick check exercises. The European Committee of the Regions is also stimulating the application of TIAs at the regional level. In this respect, there are already certain regional experts who have been involved in CoR TIA workshops. These regional experts could support national ministries when thinking about their own TIA approach. Regional and local experts can especially play a role when it comes to qualitative assessments of the territorial impacts of a certain legislative proposal. Beyond quantitative data, they can refer to practical problems related to implementation and enforcement of legislation.

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9. Annex A: Interview questions

Questions to the Member States with respect to the recommendations on Territorial Impact Assessment

Do you think it is important to better monitor the Work Programme of the European Commission to anticipate legislation that will have an important territorial dimension?

How could the unit/ministry that is responsible for the territorial impacts of policies get a grip on the Commission expert phase? How to improve the coordination with the lead ministries and make sure that territorial aspects are already put on the agenda at an early stage in the Commission phase?

Do you think it could help to contribute more to the public consultation process of the European Commission with reflections on potential territorial effects? Would it be also helpful to better monitor the contribution of stakeholders from your Member State?

Could it also be beneficial in your case to better consult with regional and local stakeholders with respect to the contributions to the EC consultation?

Would it be important to better monitor the Impact Assessment of the European Commission and provide input if territorial aspects are important from your national perspective?

Do you think that the improvement of the Commission's necessity-check and TIA quick-check is important?

Would you also use a TIA quick check in your Member State?

Would it be helpful to better analyze the impact assessment reports/reports of the scrutiny board of the European Commission?

Is it necessary that territorial impacts are more prominently part of the first assessment of your government when a Commission proposal is presented?

Do you think that assessing the territorial impacts of legislation should be an explicit requirement of your Member State's regulatory impact assessment?

Do you think that regional administrations should also increase their capacities for the assessment of territorial effects?

Do you think that the Committee of the Regions should play a more prominent role in the ex-ante assessment of legislative proposals?

Your Member State's practice with respect the assessment of the territorial dimension of EU legislative proposals

Phase 1: Conducting the Impact Assessment by the Commission

1. Were stakeholders of your Member State involved in the process and making of the European Commission's (Territorial) Impact Assessment of one (or more) of the ten legislative proposals?

Please assess per legislative proposal:

| | |
|---|--|
| Proposal for a Nature restoration regulation | |
| Proposal for a Soil protection monitoring Directive | |
| Proposal for a regulation establishing a framework for ensuring a secure and sustainable supply of critical raw materials, 16 March 2023, COM(2023) 160 | |
| Proposal for a regulation on establishing a framework of measures for strengthening Europe's net-zero technology products manufacturing ecosystem ('Net Zero Industry Act'), COM(2023)161 | |
| Proposal for a Directive on Corporate Sustainability Due Diligence, 2022/0051 (COD) COM/2022/71 final | |
| Proposal for a Directive on Renewable energies (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/20010 | |
| Proposal for a Directive concerning urban wastewater treatment (recast), COM(2022) 541 | |
| Proposal for a Regulation on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 | |
| Proposal for a Regulation of the European Parliament and of the Council Guidelines for the development of the trans-European transport network, amending Regulation (EU) 2021/1153 and Regulation (EU) No 913/2010 and repealing Regulation (EU) 1315/2013 (COM(2021)0812 - C9-0472/2021 - 2021/0420(COD)) | |
| Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste COM/2023/420 final | |

2. If yes, was there a reference to the territorial dimension of the proposal?

Phase 2: Own assessment of your government of the legislative proposal and the territorial dimension

3. Did your government conduct an own analysis of the potential territorial effects of the initial ideas for the legislative proposal? If yes, what were the concerns? Were they communicated by national experts in Commission expert groups?

| | |
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| Proposal for a Nature restoration regulation | |
| Proposal for a Soil protection monitoring Directive | |
| Proposal for a regulation establishing a framework for ensuring a secure and sustainable supply of critical raw materials, 16 March 2023, COM(2023) 160 | |
| Proposal for a regulation on establishing a framework of measures for strengthening Europe's net-zero technology products manufacturing ecosystem ('Net Zero Industry Act'), COM(2023)161 | |
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| Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste COM/2023/420 final | |

Phase 3: Consultation / Expert phase

4. Did stakeholders from your country react on the territorial dimension of the legislative proposal in the consultation phase?

| | |
|---|--|
| Proposal for a Nature restoration regulation | |
| Proposal for a Soil protection monitoring Directive | |

| | |
|---|--|
| Proposal for a regulation establishing a framework for ensuring a secure and sustainable supply of critical raw materials, 16 March 2023, COM(2023) 160 | |
| Proposal for a regulation on establishing a framework of measures for strengthening Europe's net-zero technology products manufacturing ecosystem ('Net Zero Industry Act'), COM(2023)161 | |
| Proposal for a Directive on Corporate Sustainability Due Diligence, 2022/0051 (COD) COM/2022/71 final | |
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| Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste COM/2023/420 final | |

5. If yes, what type of stakeholders? And what was the content of the reactions?

6. Has the Member State, e.g. a Ministry or regional government, association of municipalities, responded during the consultation phase? If yes, what was the content?

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| Proposal for a Nature restoration regulation | |
| Proposal for a Soil protection monitoring Directive | |
| Proposal for a regulation establishing a framework for ensuring a secure and sustainable supply of critical raw materials, 16 March 2023, COM(2023) 160 | |
| Proposal for a regulation on establishing a framework of measures for strengthening Europe's net-zero technology products manufacturing | |

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| ecosystem ('Net Zero Industry Act'), COM(2023)161 | |
| Proposal for a Directive on Corporate Sustainability Due Diligence, 2022/0051 (COD) COM/2022/71 final | |
| Proposal for a Directive on Renewable energies (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/20010 | |
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| Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste COM/2023/420 final | |

Phase 4: Publication of the legislative proposal by the Commission

7. In your country: Is there an obligation to make a governmental assessment of EU legislative proposals for your national Parliament or with respect to the initial negotiation position in the Council?

8. If yes: In the framework of the first assessment of the legislative proposal, did your government raise concerns about certain territorial impacts? What were the concerns?

| | |
|--|--|
| Proposal for a Nature restoration regulation | |
| Proposal for a Soil protection monitoring Directive | |
| Proposal for a regulation establishing a framework for ensuring a secure and sustainable supply of critical raw materials, 16 March 2023, COM(2023) 160 | |
| Proposal for a regulation on establishing a framework of measures for strengthening Europe's net-zero technology products manufacturing ecosystem ('Net Zero Industry Act'), COM(2023)161 | |

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| Proposal for a Directive on Corporate Sustainability Due Diligence, 2022/0051 (COD) COM/2022/71 final | |
| Proposal for a Directive on Renewable energies (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/20010 | |
| Proposal for a Directive concerning urban wastewater treatment (recast), COM(2022) 541 | |
| Proposal for a Regulation on the sustainable use of plant protection products and amending Regulation (EU) 2021/2115 | |
| Proposal for a Regulation of the European Parliament and of the Council Guidelines for the development of the trans-European transport network, amending Regulation (EU) 2021/1153 and Regulation (EU) No 913/2010 and repealing Regulation (EU) 1315/2013 (COM(2021)0812 – C9-0472/2021 – 2021/0420(COD)) | |
| Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste COM/2023/420 final | |

9. Was there a negative official subsidiarity assessment with respect to one or more of the ten legislative proposals? If yes, what was the exact concern?

| | |
|--|--|
| Proposal for a Nature restoration regulation | |
| Proposal for a Soil protection monitoring Directive | |
| Proposal for a regulation establishing a framework for ensuring a secure and sustainable supply of critical raw materials, 16 March 2023, COM(2023) 160 | |
| Proposal for a regulation on establishing a framework of measures for strengthening Europe's net-zero technology products manufacturing ecosystem ('Net Zero Industry Act'), COM(2023)161 | |
| Proposal for a Directive on Corporate Sustainability Due Diligence, 2022/0051 (COD) COM/2022/71 final | |
| Proposal for a Directive on Renewable energies (EU) 2023/2413 of the European Parliament and of the Council of 18 October 2023 amending Directive (EU) 2018/20010 | |
| Proposal for a Directive concerning urban wastewater treatment (recast), COM(2022) 541 | |
| Proposal for a Regulation on the sustainable use of plant protection | |

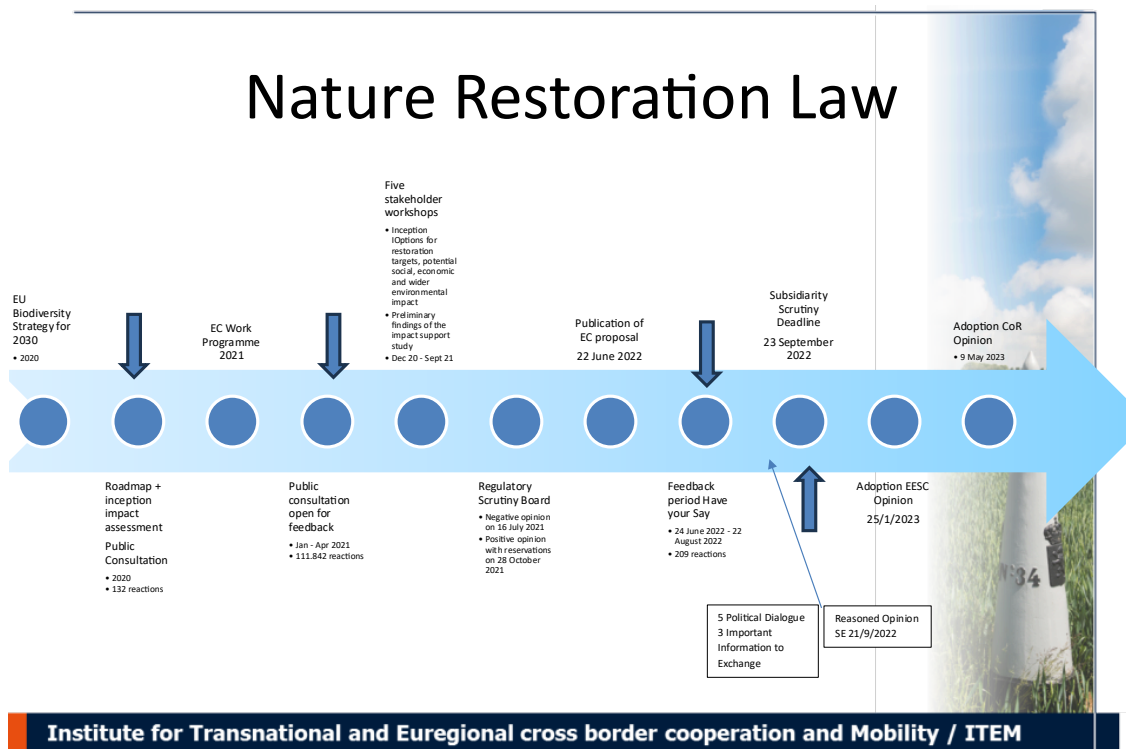
| | |
|---|--|
| products and amending Regulation (EU) 2021/2115 | |
| Proposal for a Regulation of the European Parliament and of the Council Guidelines for the development of the trans-European transport network, amending Regulation (EU) 2021/1153 and Regulation (EU) No 913/2010 and repealing Regulation (EU) 1315/2013 (COM(2021)0812 - C9-0472/2021 - 2021/0420(COD)) | |
| Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/98/EC on waste COM/2023/420 final | |

10. In general: Is there a special and structured system of spatial assessments by the government when dealing with Commissions proposals? If yes, can you briefly refer to the practice?

10. Annex C: Screening pilot dossiers

10.1. In detail: Nature Restoration Law

The figure below provides a schematic timeline of the Nature Restoration Law and important consultation / feedback periods. In the following, the Impact Assessment will shortly be discussed as well as the input received by different stakeholders.



Territorial considerations in Impact Assessment, RSB and CoR Impact Assessment

The Impact Assessment for the Nature Restoration Law counts 655 pages. There is no mentioning of a specific Territorial Impact Assessment. Nevertheless, the Impact Assessment does notice different effects for types of ecosystems (wetlands, forests etc), translating it to EU Member State-level. Distribution of benefits and costs between EU Member States are estimated. Also transboundary issues, calling for cooperation across borders is mentioned.⁷¹

RSB Opinion

The first opinion was negative, raising attention for difference at Member State-level. Mentioning among others that: "The report should be clearer about [...] any resulting distributional impacts. It should also assess the costs for different Member States and regions." And "It is not clear how different the efforts to be made by Member States will

⁷¹ See SWD (2022) 167 final, p. 104-107.

be, given that they have different ecosystems and habitats on their respective territories".⁷²

The second opinion was positive with reservations, but no territorial considerations were shared.

CoR Opinion

The CoR issued an Opinion, raising territorial considerations multiple times in its policy recommendations⁷³:

- 'notes that the impact assessment report has examined the amount of green space and the potential for increasing it through land use change across the EU and thus found the targets to be realistic. However, the analysis overlooked the differing circumstances and starting points in different countries, regions and cities. The CoR stresses that the proposal must be urgently adapted to take account of the widely differing current situations in the various Member States, regions and municipalities in terms of the quantity and quality of different ecosystems, regional, urban, municipal and agglomeration structure, administrative structure and land ownership'
- 'highlights the key role of local and regional authorities (LRAs) in co-drafting National Restoration Plans (NRPs), identifying restoration areas and determining indicators based on local priorities and community needs, public and private co-finance, stakeholder and public engagement, and executing local, integrated, place-based restoration actions; emphasises the key role of LRAs in monitoring and reporting on progress towards the targets for urban and other ecosystems that fall within the boundaries of LAUs'
- 'insists that local and regional authorities should define the targeted ecosystems, including urban green areas and their quantitative and qualitative development needs, taking into account to their local integrated urban development, in close partnership with the Member States and managing authorities, to ensure that local conditions in terms of urban structure and nature are taken into account, as well as a fair approach to restoration across urban and peri-urban areas;'
- 'reiterates the importance of integrating the NRL with existing local, regional and other sub national policies and strategies, and highlights the need for adequate instruments and mechanisms to strengthen the mandatory character and qualitative impact of the law at local and sub-national level. At the same time, the CoR stresses that the capacity of local and regional authorities to contribute to the achievement of common nature objectives through local knowledge and local solutions must be increased, not hindered'

Feedback on Roadmap & Inception Impact Assessment November-December 2020

A Roadmap with an inception impact assessment was published and consulted for feedback at the end of 2020. Three (3) from the 132 feedback submissions were from public authorities; Dutch Province of Fryslân ("area-based solutions"), the Belgian Bruxelles Environnement and the Czech Ministry of the Environment ("address the concerns of all relevant stakeholders who might be affected in different ways across the EU").

⁷² SEC (2022) 256, p. 10

⁷³ ENVE-VII/030

Public Consultation Period Januari-April 2021

A public consultation was held; there were 111.842 reactions of which 264 public authorities. This consultation covered three separate EU biodiversity policy initiatives, among which the development of legally binding EU nature restoration targets. One of the questions targets the regional implementations as well as the possible impacts to be considered. Some reactions argue for the implications at regional/local level, as it should be coordinated with regional strategies.

Fast facts on the consultation:

| | | |
|---|---|--|
| <p>Netherlands</p> <ol style="list-style-type: none"> 1. Ministry of Agriculture, Nature and Food Quality 2. Dutch Water Authorities | <p>Germany (all regional or local)</p> <ul style="list-style-type: none"> - Landesamt für Naturschutz - Behörde für Umwelt, Klima, Energie und Agrarwirtschaft - Forst Baden-Württemberg ForstBW - Rhein-Erft-Kreis, Amt für Kreisentwicklung, Ökologie und Klimafolgenanpassung - Landkreis Rhön-Grabfeld - Fachberatung für Fischerei Niederbayern - Regierungspräsidium Darmstadt Naturschutzbehörde Hessen - Ministerium für Ländlichen Raum und Verbraucherschutz Baden-Württemberg - AELF - Niedersächsischer Landesbetrieb für Wasserwirtschaft, Küsten- und Naturschutz (NLWKN, Fachbehörde für Naturschutz des Landes Niedersachsens) - SHLF - NLWKN - Niedersächsischer Landesbetrieb für Wasserwirtschaft Küsten- und Naturschutz | <p>Austria</p> <ul style="list-style-type: none"> - Wirtschaftskammer Tirol |
| <p>Slovenia n/a</p> | <p>Ireland n/a</p> | <p>Poland 167 responses recorded under 'public authority', among others the Parliament.</p> |

Feedback period on Proposal June 2022 – August 2022

Six (6) of the 209 feedback submissions came from public authorities, mainly targeted flexibility to national and regional circumstances and differences.

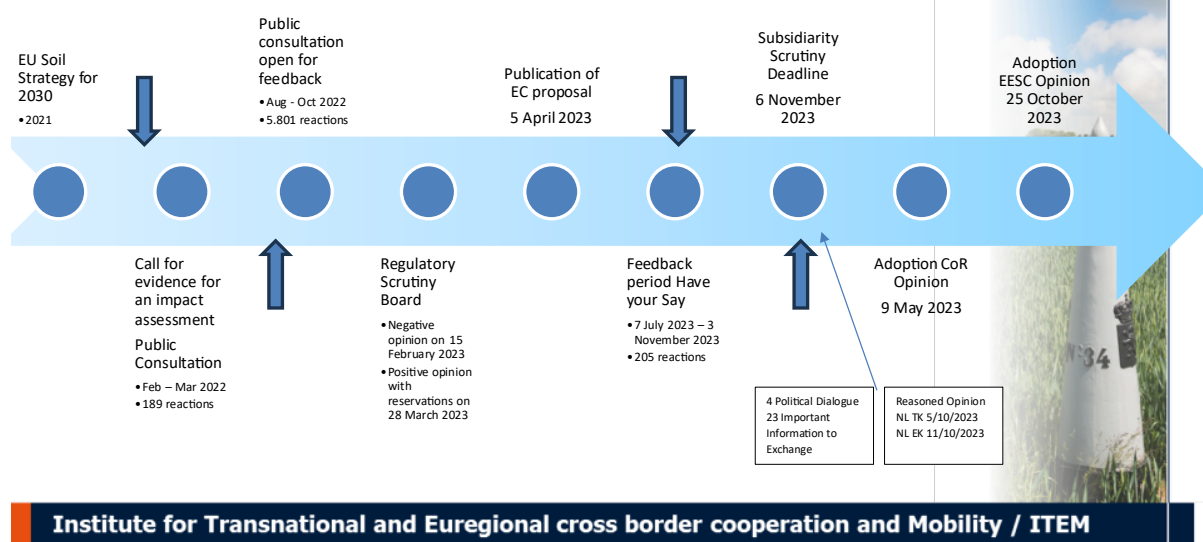
| Authority | Territorial considerations |
|--|----------------------------|
| <p>German Environment Authority (UBA)</p> | <p>-</p> |

| | |
|---|---|
| <p>Polish Ministerstwo Klimatu Środowiska RP</p> | <p>According to the impact assessment, forest habitats differ in European regions, including the presence of bird communities. Therefore, the indicator is also developed at regional (transnational) level and different regions show different trends in their 'common' forest birds. As indicated, the current work is being carried out to fine-tune the selection of species that will contribute to the achievement of the indicator. Therefore, it is not possible to use this indicator until the list is established. Member States must be strictly involved in the selection of species.</p> |
| <p>Portuguese General Directorate for Energy and Geology</p> | <p>Portugal as a Member State, wishes to have the flexibility to make the right choices applied to specific local conditions. We know through experience that biodiversity is best managed at a local and regional level, so that every specificity is addressed. The settlement of realistic and reachable policy goals is essential for better policy developments and for good and balanced results, and this needs to be done at MS level and not at EU level. The restoration goals need to be flexible so that they can adapt to local situations, which is the case of Directives and not the case of a Law with is legally binding.</p> |
| <p>Finnish Forest Centre</p> | <p>[...] maintaining national and/or regional flexibility on the indicators could be beneficial and best support also the national efforts in this subject</p> |
| <p>The eight regions of Eastern and Northern Finland</p> | <p>[...] it is important to take into account national decision-making and region-specific circumstances in the initiative; the proximity of the Equator, the area of the ecosystem, the stability of environmental conditions, the nutrient and wet shelf and the periphery all have a direct impact on biodiversity.</p> |
| <p>Bavarian State Ministry for the Environment and Consumer Protection (StMUV)</p> | <p>The objectives and deadlines of the Regulation must be set in such a way that they can also be met in a densely populated, intensively used country, which therefore requires a wide range of ecological restoration measures, such as Germany.</p> |

10.2. In detail: Soil Monitoring Law

The figure below provides a schematic timeline of the Soil Monitoring Law and important consultation / feedback periods. In the following, the Impact Assessment will shortly be discussed as well as the input received by different stakeholders.

Soil Monitoring Law



Territorial considerations in Impact Assessment, RSB and CoR

Impact Assessment

There is no specific Territorial Impact Assessment mentioned. Yet, some territorial considerations were mentioned. First, under implementation risks, the EU prioritisation criteria may lead to inconsistencies with national and regional regulations and budgets.⁷⁴ In the problem definition, it was also acknowledged that regions through the CoR called upon certain flexibility. The preferred option would allow Member States to take into account their specific local, climatic and socio-economic conditions.⁷⁵ Under the overview of costs and benefits of the preferred option, the impacts on urban and rural areas are taken into account: “The preferred option is likely to have a different impact on rural and urban areas.”⁷⁶ Rural areas will more likely be impacted.

RSB Opinion

The first opinion was negative, raising that the report is not clear what the concrete implications are for Member States. The distributional impact needs to be further developed and social impacts on urban and rural areas should be further analysed.⁷⁷ The second opinion was positive with reservations. Territorial remarks are limited to making a distinction between Member States with good overview and monitoring systems and those who have not.

⁷⁴ SWD(2023) 417 final, p. 56.

⁷⁵ Ibid, p. 66.

⁷⁶ Ibid. p. 94.

⁷⁷ SEC(2023) 416 p. 10.

CoR Opinion

The CoR also issued an opinion. It raises two territorial considerations⁷⁸:

- 'acknowledges the critical role of Local and Regional Authorities (LRAs) in implementing sustainable soil management practices, particularly in less developed regions, and emphasises the importance of their active participation in soil health improvement initiatives;'
- 'stresses that soil policies have a strong local and territorial dimension. This is due to widely differing conditions in terms of ecosystems, soil composition, natural background concentrations, differences in land use, population density and climate conditions as well as different administrative structures at local, regional and national levels. This diversity must be taken into account through a fully applied multilevel governance approach, ensuring the adequate implication of LRAs in all relevant policies and programmes. This is the only way to ensure clear, but flexible and locally implementable soil descriptors and criteria relevant to all soils, while still allowing for comparability between Member States;'

Feedback Call for evidence February 2022 - March 2022

On 16 February 2020, the European Commission published the call for evidence for an impact assessment. Eight (8) of the 189 feedback submissions came from public authorities:

| Authority | Territorial Considerations |
|---|--|
| German Environment Agency | No territorial considerations. |
| Ministry of the Environment of the Czech Republic | Advocate for cross-EU aim for 2050. |
| Autonomous Region of Friuli Venezia Giulia - Service for rural policies and information systems in agriculture (Italy) | Call for bigger budgets for local and scientific entities/agencies to analyse of the phenomena mentioned at the farm rather than European wide scale. Further underscore the need to limit the bureaucratic burden for the local responsible bodies. |
| Regione Friuli Venezia Giulia (Italy) | Demand exclusion of local centuries-old mining. The "polluter pays" principle is no longer applicable since the governments that allowed these operations do not longer exist. |
| Samenwerkingsverband Noord-Nederland | Foregrounds the local expertise and different programmes as well as policies within the 3 Northern provinces. |
| EPT Grand Paris Grand Est (France) | No territorial considerations. |
| Danish Ministry of Environment | Underscore the need to take into account the differences across the biogeographical states and regions in the EU. Further highlight the expertise within Denmark on dealing with the efforts as documented by the Commission's proposal. |
| North Karelia region (Finland) | Stress for the need to the adopt legal binding definitions for concepts and phenomena within the EU. Further foreground Finland's and North Karelia's expertise in the topic. |

⁷⁸ ENVE-VII/042

Feedback during the consultation period August 2022 - October 2022

The European Commission opened the consultation on August 1st, 2022. It focused on four (4) types of actors: (i) highest, intermediate and lowest level national authorities, (ii) multilateral organisations, (iii) economic operators, and (iv) broader related associations. 5,801 responses were received, from which came from 96 public authority entities.

| | | |
|--|---|--|
| <p>Netherlands</p> <ul style="list-style-type: none"> - Ministry of Infrastructure and Watermanagement - IPO & HNP - Provincie Noord-Brabant - Provincie Flevoland - Gemeenten Amsterdam, Middelburg, Rotterdam, Krimpenerwaard, Schouwen-Duiveland - Omgevingsdienst IJmond - VNG - Gemeentelijk netwerk bodem en ondergrond | <p>Germany (all regional or local)</p> <ul style="list-style-type: none"> - German Federal Environment Agency (Umweltbundesamt) - Ministerium für Energiewende, Klimaschutz, Umwelt und Natur des Landes Schleswig-Holstein - Landwirtschaftskammer Niedersachsen - Geologischer Dienst NRW - Bundesamt für Naturschutz (Untere) Bodenschutzbehörde - Sächsisches Staatsministerium für Regionalentwicklung - Landesanstalt für Landwirtschaft und Gartenbau Sachsen-Anhalt - Gemeinde Aurach, Städtische Forstverwaltung Kaufbeuren | <p>Austria</p> <ul style="list-style-type: none"> - Amt der NÖ Landesregierung Umwelt- und Energiewirtschaft - Gemeinde Großschönau |
| <p>Slovenia</p> <ul style="list-style-type: none"> - Ministry of agriculture, forestry and food | <p>Ireland</p> <ul style="list-style-type: none"> - National Parks and Wildlife Service | <p>Poland</p> <p>n/a</p> |
| <p>Luxembourg</p> <ul style="list-style-type: none"> - Administration de l'environnement - Ministry of Agriculture, Viticulture and Rural Development | | |

The majority indicated that both EU and national legislation and policies were insufficient. A selection of reactions hint on territorial sensitivity:

| Original | English |
|---|---|
| <p>Daar hoort een afweging op maat bij, zeker gezien de grote diversiteit aan bodemtypen in Nederland. Daar spelen bovenstaande indicatoren allemaal een rol in, maar dan in samenhang (en niet als eigenstandige normen die allemaal</p> | <p>This requires a tailored assessment, especially given the wide variety of soil types in the Netherlands. The above indicators all play a role in this, but in conjunction with each other (rather than as independent standards that must all be</p> |

| | |
|--|--|
| gehaald moeten worden). Het is meer een waaier van indicatoren, waarvan per gebied wordt bepaald welke essentieel zijn voor de duurzame benutting van de bodem. | met). It is more of a range of indicators, with each area determining which ones are essential for the sustainable use of the soil. |
| De gemeente Rotterdam is van mening dat kaders en normen op nationaal of zelfs regionaal niveau vastgesteld moeten worden. Op die manier kan beter recht worden gedaan aan de gebiedsspecifieke kenmerken en omstandigheden. | The municipality of Rotterdam believes that frameworks and standards should be established at national or even regional level. This would allow better account to be taken of area-specific characteristics and circumstances. |
| Bodenfunktionen sollten in Landschaftsrahmenplänen und regionalen Raumordnungsplänen regionalisiert werden. Ersatz- und Ausgleichsmaßnahmen sollten geschützt werden. | Soil functions should be regionalised in landscape framework plans and regional spatial planning plans. Replacement and compensation measures should be compensated for in relation to the protected resource. |

Feedback on the Commission adaption July 2023 - November 2023

The Commission received 283 submissions upon adaptation of the Directive, of which 13 were from public authorities:

| Authority | Territorial considerations |
|--|---|
| German Agency (UBA) Environment | Argues that the directive should not be applied on a NUTS 1 level, citing that the national administrations at this administrative scale can not account for the geographical differences between Member states. They further stress that the current directive lacks clear conceptualisation, as MS typically use different land classification systems. |
| Food and Agriculture Organisation of the United Nations Helsinki-Uusimaa Regional council (Finland) | No territorial considerations. Emphasise the need for more flexibility and autonomy at the national, regional, and local levels. They highlight that Finnish municipalities maintain high autonomy under the Member State's Finnish planning system. The lack of a universal land classification system among Member States is also a concern. |
| Landwirtschaftskammer Nordrhein-Westfalen (Germany)⁷⁹ | Caution for the "considerable red tape" in the draft directive for small-scale areas. Echoes the need for more flexibility and autonomy at the national, regional, and local levels. They also highlight the absence of an EU-based land classification system. |
| ARSIAL Regional Agency for Agricultural Development and Innovation of Lazio (Italy) | Critiques the technical thresholds, citing that Member States use different land classification systems. Also notes that the directive does not consider areas that have been cultivated for historical and cultural reasons. Hence, they argue for more authority at the regional and national level. |
| P.O. Monitoraggio e cartografia dei suoli (Italy) | Similar to other Italian agencies, it proclaims that "it should be left to the Member State to decide on the |

⁷⁹ Feedback from various departments within this public authority are combined and synthesised for redundancy.

**Landwirtschaftskammer
Schleswig-Holstein
(Germany)**

**Europaforum
Sweden, EFNS**

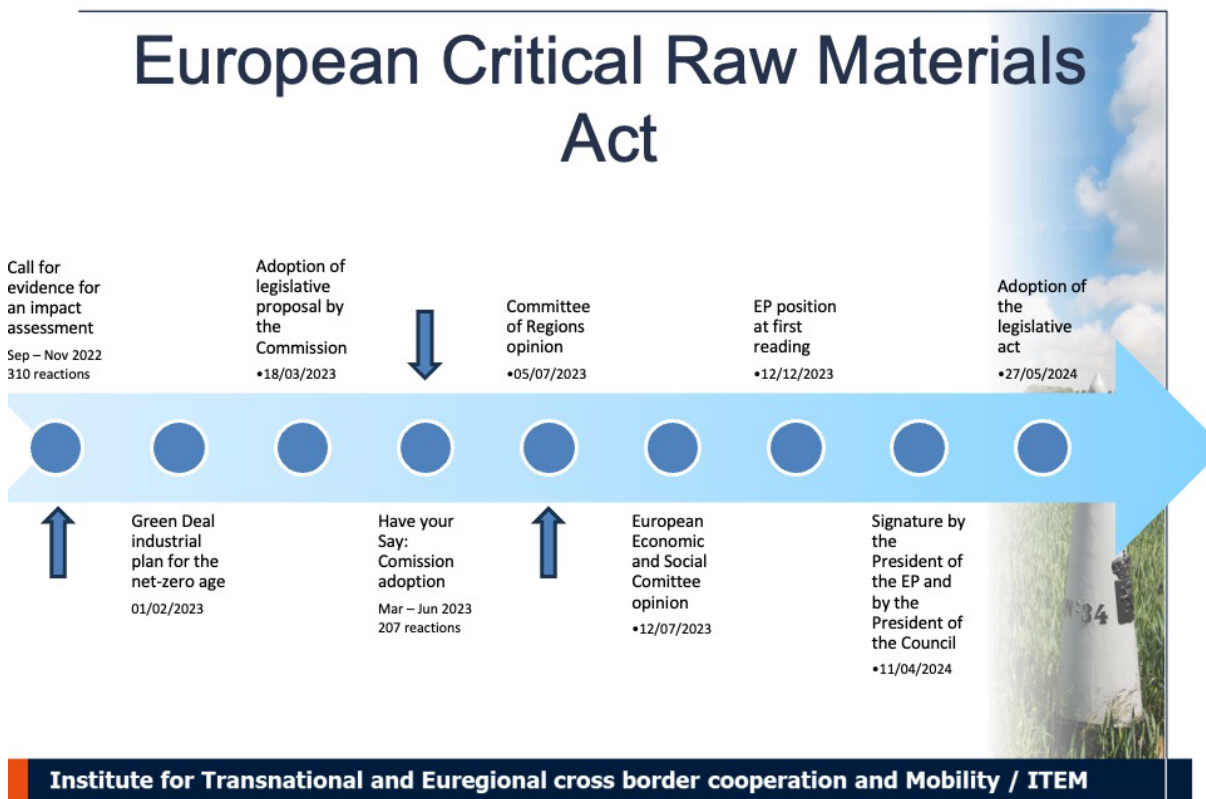
Northern

health threshold and the factor to be taken into account". Further underscores the differences in land classification systems among EU Member States.

Foregrounds the red tape for regional authorities, which they deem "unjustified" because "soil types can change over very small spatial scales regionally". Thus, they suggest shifting the responsibility to higher administrative levels.

Primarily criticise the directive considering its overlap with other EU-level legislation, rendering the legislation "not justified". It is also argued that Sweden already has an effective monitoring system, rendering the directive for the country ineffective. Therefore, the forum suggests that competence should remain at the Member State level.

10.3. In detail: European Critical Raw Materials Act



Regulation, COM(2023) 160

*Territorial considerations in Impact Assessment, RSB and CoR
Impact Assessment*

There is no specific Territorial Impact Assessment. Yet, all policy options are tested against economic impacts on Member States (public authorities), which is more an implementation issue. Social impacts on jobs and cohesion of EU regions were considered as positive.⁸⁰

RSB Opinion

The first opinion was negative but does not specifically target territorial considerations. Neither does the second opinion, which was positive with reservations.⁸¹

CoR Opinion

The CoR issued an opinion, with some territorial reservations – mainly concerning the regional involvement⁸²:

- 'underlines the role of local and regional administrations, which should be seen as important representatives of people potentially affected by strategic projects'
- 'regrets, however, that the European Commission has not provided for an explicit role for European local and regional authorities in this Board; calls on the European Commission, therefore, to extend the membership of the European Critical Raw Materials Board to include a representative of European local and regional authorities, appointed by the CoR.'

Call for Evidence September 2022 – November 2022

During the feedback period there were 308 reactions, of which 12 from public authorities.

| Authority | Territorial considerations |
|---|---|
| Ministries of the Flemish region (Belgium) | Belgium stresses the need for a sustainable supply of critical raw materials (CRMs) to support Europe’s green and digital transition, with domestic extraction playing a key short-term role alongside recycling and circularity. Public acceptance of sustainable mining and broadening the CRM scope are important. Strong EU internal value chains, diversified imports through international partnerships, and competitive markets without overburdening industry are crucial. Improved monitoring, early warning systems, and streamlined permitting can reduce supply risks. Belgium advocates for better recycling policies, regulation of raw material exports to secure domestic industry access, and eco-design to extend material life cycles. Expanding strategic partnerships and developing skilled workforce across EU regions are also essential. |
| North Norway European Office (Belgium) | North Norway is a crucial region for sustainable mineral development but faces challenges from lengthy permitting processes and conflicts with local land uses like reindeer husbandry, environmental protection, and cultural heritage. There is a need for faster, clearer permitting frameworks and regional conflict resolution teams involving municipalities, companies, and local actors. Increasing local value creation from |

⁸⁰ SWD (2023) 161, p. 76.

⁸¹ SEC (2023) 360.

⁸² ECON-VII/031

| | |
|--|---|
| | mineral activities and improving social acceptance through responsible mining practices are key territorial priorities. |
| Kommunförbundet Jämtland Härjedalen (Sweden) | Jämtland County contains critical raw materials but currently no metal mining, with strong local opposition to uranium mining. The region stresses the importance of strong local influence in environmental assessments and decision-making, including the use of municipal vetoes, to protect sustainable community development and living environments. Local authorities seek to maintain their planning autonomy under the Planning and Building Act to ensure extraction projects respect local needs and benefit the local population. |
| German Environment Agency (Germany) | The German Environment Agency supports sustainable critical raw material (CRM) supply, especially for green technologies, and recommends banning CRM use in single-use products and packaging where possible. They propose stricter recycling rules, including separation requirements for rare-earth magnets and recycling obligations for silicon and indium. To support industrial recycling investments, they suggest interim storage of CRM-containing waste to ensure sufficient material volumes. These measures aim to improve resource efficiency and reduce waste within the EU territory. |
| DGEG - General Directorate for Energy and Geology (Portugal) | The territorial considerations from DGEG emphasize the importance of respecting each Member State's sovereignty and regional specificities in implementing the Critical Raw Materials Act. The Act should avoid restricting future mining projects in any Member State, ensure no added administrative or legal burdens for countries with established regulations, and support diversified raw material supply through mining projects developed within each country. Harmonization with existing laws is important, but local conditions and competences must be acknowledged to allow effective and sustainable mining development. |
| National Board of Trade (Sweden) | The territorial considerations in the National Board of Trade Sweden's feedback emphasize the importance of open, rules-based international trade and broad free trade agreements to secure access to Critical Raw Materials. These agreements should respect social and environmental sustainability and reduce export restrictions affecting producers in all countries. The responsibility for reliable access should lie primarily with industry, with EU and member states collecting necessary information in consultation with businesses. New rules must comply with WTO regulations and avoid discrimination based on origin. Regular, objective reviews of the list of Critical Raw Materials should be done in cooperation with member states. |
| Secretaría General de Industria y Minas. Consejería de Política Industrial y Energía Junta de Andalucía (Spain) | The Junta de Andalucía emphasizes that the Critical Raw Materials Act should account for regional priorities by allowing the inclusion of raw materials essential at Member State or local level, ensuring land-use compatibility for mining, avoiding unjustified territorial bans, and involving mining authorities in spatial planning. It calls for streamlined permitting via one-stop shops, sufficient regional administrative capacity, the development of local value chains and infrastructure, and the creation of regional raw materials agencies. Social acceptance, workforce training, and public participation are seen as key to enabling mining projects crucial for the green and digital transition. |

| | |
|---|--|
| Ministry of Climate and Environment of Poland (Poland) | No territorial considerations. |
| Geological Survey of Sweden SGU (Sweden) | The Geological Survey of Sweden stresses that territorial considerations in the EU Critical Raw Materials Act should include support for increased domestic sourcing based on national geological potential and the recognition that critical raw materials are often by-products of base metals. It calls for better land-use balance, as mineral deposits cannot be relocated, and urges reforms to EU and national permitting to make them more efficient and investment-friendly. The paper recommends mapping mineral potential, producing national strategies, and designating areas of mineral public importance—similar to Natura 2000—under Member State leadership. Enhancing geological data infrastructure through a distributed Geological Service and balancing recycling with primary extraction are also key to building a resilient supply chain. |

Public consultation September 2022 – November 2022

During the feedback period there were 308 reactions, of which 12 from public authorities. No territorial considerations were brought up by the pilot action Member States.

| | | |
|---------------------------|---|--|
| Netherlands n/a | Germany (all regional or local) - Ministry for Economic Affairs, Transport, Construction and Digitalization Saxony | Austria - Federal Ministry of Finance & Federal Ministry of Labour and Economy |
| Slovenia n/a | Ireland n/a | Poland n/a |
| Luxembourg n/a | | |

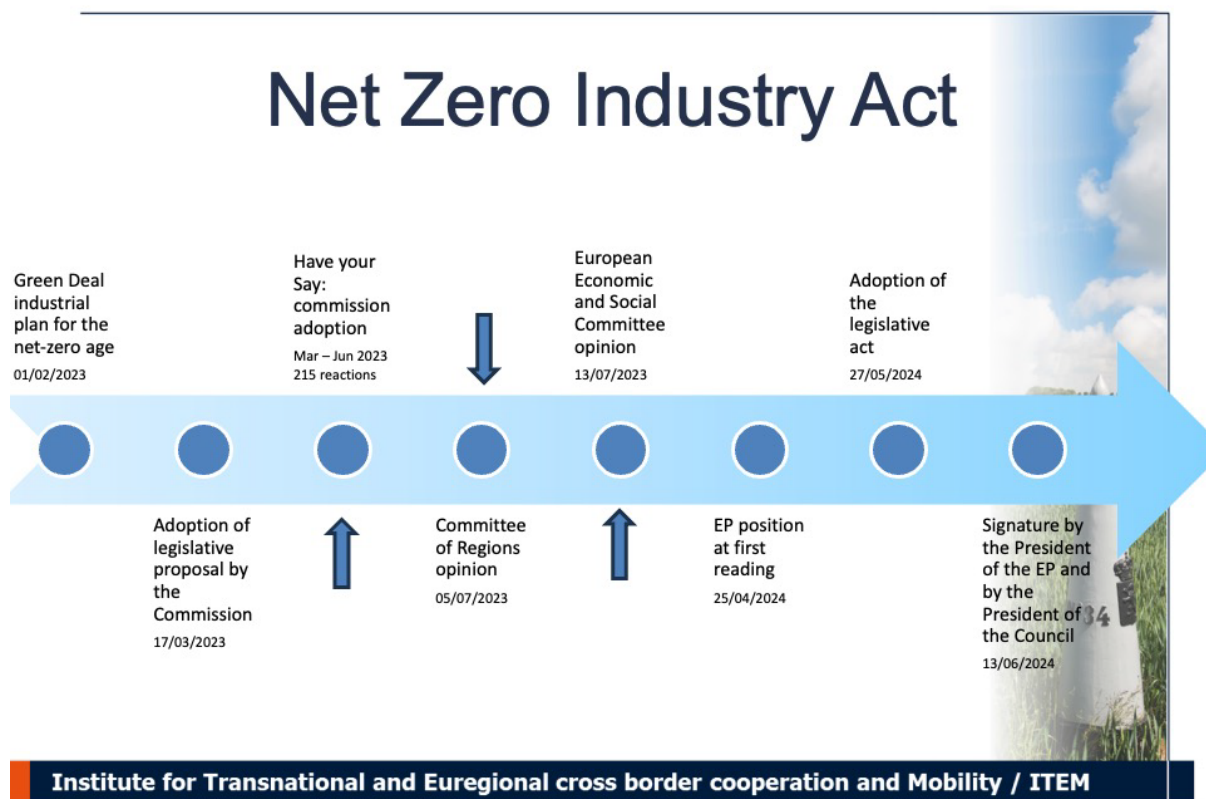
Feedback period on Commission Adoption March 2023 – June 2023

During the feedback period there were 207 reactions, of which 6 from public authorities.

| Authority | Territorial considerations |
|--|--|
| North Norway European Office (Norway) | A strong framework and streamlining permitting processes will be important to provide both mineral actors and local communities more predictability and continuity. - Conflict solution and cooperation with local community and indigenous people - Leave more of the value creation to local communities, among others through introduction of a resource rent. |
| Kainuun liitto (Finland) | The Kainuu region emphasizes that the success of the European Critical Raw Materials Act (CRMA) depends on a strong territorial dimension. Local and regional involvement is crucial throughout the entire value chain—from sustainable extraction to transport and recycling. Local communities must be engaged early through meaningful dialogue to ensure social acceptance and respect for local livelihoods. Regions like Kainuu are essential in identifying local conditions, challenges, and opportunities, and must be included in strategic project planning. Investment in regional skills, cooperation between education and industry, and |

| | |
|---|---|
| | maintaining high environmental standards are key. Logistic operations should also be optimized at the regional level to enhance ecological and economic efficiency. Involving regions and local SMEs helps ensure sustainable and secure supply chains for critical raw materials across the EU. |
| Viken County Council (Norway) | Viken County Council emphasizes that territorial and environmental sustainability must be at the core of the European Critical Raw Materials Act. While supporting the EU's aim to strengthen sustainable mineral production and supply chains, the Council underlines that land use should be a key element in national strategies. It calls for intensified mapping of mineral resources, strong environmental safeguards, and respect for planetary boundaries. The Council also advocates for more ambitious recycling targets and the phase-out of fossil inputs, stressing that the green transition must not compromise ecosystems or responsible land use. |
| East and North Finland EU Office (Belgium) | East and North Finland stress that territorial considerations are essential for a sustainable critical raw materials strategy. They emphasize the need for early and meaningful dialogue with local communities, respect for livelihoods, and democratic decision-making to ensure social acceptance. The regions highlight their key role in defining local conditions and call for a multi-level, territorial approach that involves regional actors and SMEs throughout the supply chain. They also underline the importance of investing in local skills and maintaining high environmental standards, promoting sustainability, circularity, and responsibility at every stage of the value chain. |
| The Sámi Parliament in Norway (Norway) | The Sámi Parliamentary Council, representing the Sámi Parliaments of Finland, Norway, and Sweden, emphasizes that the Critical Raw Materials Act must respect and protect the rights of the Sámi people across their traditional territory, Sápmi. They call for the Act to include concrete mechanisms that safeguard Indigenous rights and ensure compliance with international human rights standards. The Council stresses that the interests of the Sámi people must be fully considered in the implementation of the Act. |

10.4. In detail: Net Zero Industry Act



Regulation, COM (2023) 161

Territorial considerations in Impact Assessment, RSB and CoR

No Impact Assessment has been made or included with the Commission proposal. There is also no RSB Opinion. The CoR did issue an opinion⁸³, with some territorial considerations. First, it recalls the role of local and regional authorities, but also call upon a proper impact assessment including the territorial dimension:

- “underlines that LRAs are often directly affected by the measures proposed in the Net-Zero Industry Act. Due to the competences of LRAs, many of the rules regarding enabling conditions for net-zero technology manufacturing, access to markets and enhancing skills for quality job creation give LRAs a vital role in the implementation of the Net-Zero Industry Act. Therefore, LRAs have to be considered as an integral part of the future success of net-zero technologies in Europe. They have to play an active role in the implementation process, which should be clearly recognised in the relevant articles of the regulation. In particular, to avoid a difficult and lengthy implementation processes – especially in decentralised structures in the Member States – the creation of the "One Stop Shops" at regional level and/or in cooperation between national and regional level should be possible; These platforms would facilitate the coordination of efforts, including the identification, training, and deployment of a highly skilled labour

⁸³ ECON-VII/032

workforce necessary for the successful adoption and deployment of net-zero technologies;”

- “highlights that the industrial landscape may see profound changes as a result of the green and digital transition. All regions of the European Union have to be able to contribute to the increase in the manufacturing capacity of net-zero technologies. Some regions and territories that are now economically well off may lose out while some that are less well-off may gain. In this respect, emphasises that a strong and effective EU Cohesion Policy will play an important role in supporting these regions in managing a just and fair transition. Sustainable and socially responsible investments to avoid disparities between industries and regions and to support innovation will have to be an imperative, paying particular attention to regions with specific territorial and demographic characteristics. Furthermore, other policy options in cohesion policy – e.g. higher co-financing rates for net-zero projects – should be considered as additional measures;”
- “notes that the European Commission did neither commission a standard impact assessment in preparation for the Net-Zero Industry Act nor produce a specific subsidiarity assessment grid, as it did for the Critical Raw Materials Act, with the argument of the need to urgently respond to the American Inflation Reduction Act. While the Commission's proposal does not raise specific subsidiarity concerns except for the issue of one stop shops (article 4), the review of the regulation should be prepared by a proper impact assessment, including its territorial dimension, and also analyse the practice of regulatory sandboxes against the background of active subsidiarity.”

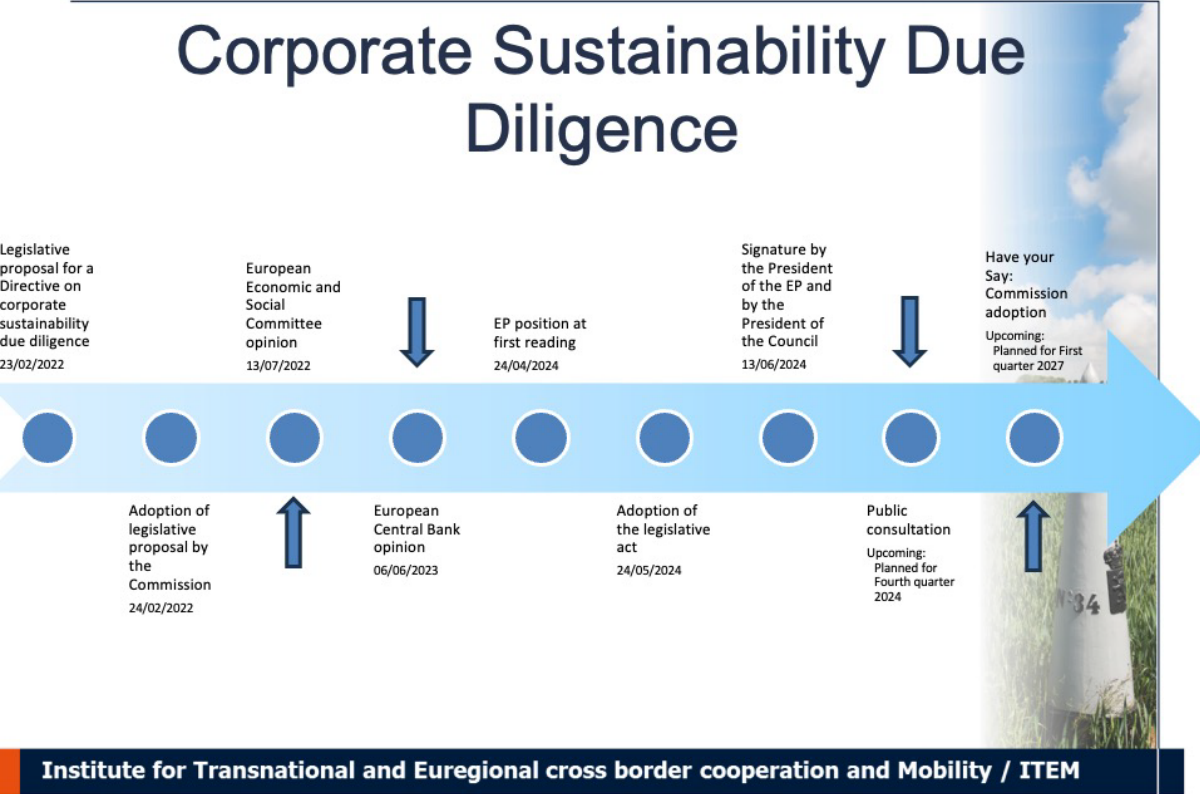
Feedback period on Commission Adoption March 2023 – June 2022

During the feedback period there were 215 reactions, of which four (4) from public authorities.

| Authority | Territorial considerations |
|--|---|
| Behörde für Wirtschaft und Innovation (Germany) | The territorial considerations emphasize the difficulties in applying the NZIA across different national legal systems, given tight deadlines and complex permitting processes that span multiple governance levels. The proposed one-stop-shop and automatic approval mechanisms raise legal uncertainties within existing frameworks. Moreover, excluding non-EU CO ₂ storage projects—like those in Norway—from strategic status is seen as counterproductive, despite their relevance to EU climate goals. A binding framework is needed to enable such external projects to contribute to EU targets. |
| North European Office (Norway) | The territorial considerations in the NNEO’s response to the NZIA stress the importance of preserving national, regional, and municipal decision-making powers. The proposal's detailed regulations risk overriding local self-determination, which is essential for democratic legitimacy and societal acceptance of industrial projects. The NZIA should incorporate a stronger territorial dimension by engaging local and regional actors and respecting their capacity to tailor permitting processes to their specific contexts. Fast-tracking strategic projects must not come at the expense of other important local initiatives. Finally, the focus should remain on climate outcomes rather than prescribing |

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| | specific technologies, ensuring flexibility for regional innovation and development. |
| Northern Sparsely Populated Areas, NSPA (Belgium) | The territorial considerations in the implementation of the Net-Zero Industry Act (NZIA) highlight significant challenges tied to the complex and decentralised regulatory landscape within EU Member States. Although a one-stop-shop for authorisations and shortened procedural deadlines are intended to streamline implementation, these measures are difficult to transpose due to the fragmented governance across federal and regional levels, particularly concerning environmental and building laws. Legal uncertainties, especially surrounding automatic permit approvals and tight deadlines, risk undermining industrial confidence and feasibility. Moreover, the exclusion of CO ₂ storage projects in nearby non-EU countries like Norway from strategic project status limits territorial cooperation, despite these regions offering viable and willing partners. A more integrated legal framework is needed to ensure that cross-border storage contributions can count toward EU targets. Overall, territorial coherence—both within and beyond EU borders—is essential to achieving the NZIA's goals, particularly in harmonising procedures and enabling transnational climate infrastructure. |

10.5. In detail: Corporate Sustainability Due Diligence



Territorial considerations in Impact Assessment, RSB and CoR

No Impact Assessment has been made or included with the Commission proposal. There is also no RSB Opinion, nor the CoR issued an Opinion.

Feedback period on Roadmap July-October 2020

On 30 July 2020, the European Commission published the impact assessment for the sustainable corporate governance initiative. A total of 114 feedback submissions were received, which two (2) were from public authorities. The Dutch Ministry of Foreign Affairs and the Danish Ministry of Industry, Business and Financial Affairs both advocated for a mix of binding and voluntary measures. They argued that harmonised EU level regulation to ensure a level playing field and prevent market fragmentation. Both also stressed that any new obligations must remain proportionate considering a company's size.

Public Consultation October 2020 – February 2021

The consultation included 26 questions, from which several were open-ended for further input. It focused on four themes: (i) the necessity and objectives of EU intervention, (ii) stakeholder interests, (iii) due diligence obligations, and (iv) elements of sustainable corporate governance. 473,461 responses were received, from which came from 19 public authority entities. Notwithstanding Estonian Ministry of Justice, all these authorities advocated for a mandatory rather than a voluntary-based legislation. The following table summarises these contributions regarding territorial considerations:

| Authority | Territorial considerations |
|---|--|
| Spanish Public Authorities⁸⁴ | Emphasise the need for a level playing field. |
| Autorité des marchés financiers (France) | Underscores the need for alignment with existing EU law and the introduction of legal obligations to prevent market fragmentation in the EU. |
| UNECE | No territorial considerations. |
| French Authorities | Too much of a "one size fits all" approach. |
| Estonian Ministry of Justice | No territorial considerations. |
| Dutch Ministries | No territorial considerations. |
| Ministry of Justice (Luxembourg) | The absence of third-country companies in the law. |
| German Environment Agency | Recommend existing environmental management systems and introducing legal liability in the provisions of the law. |
| Finnish Government | Argues that binding regulation is necessary to prevent divergent national rules. |
| Belgian Foreign Affairs | No territorial considerations. |
| Danish Ministry of Industry | Prefers harmonisation of existing laws rather than creating a new one, especially as earlier similar voluntary approaches failed. |
| Ministry of Justice of Czech Republic | No territorial considerations. |

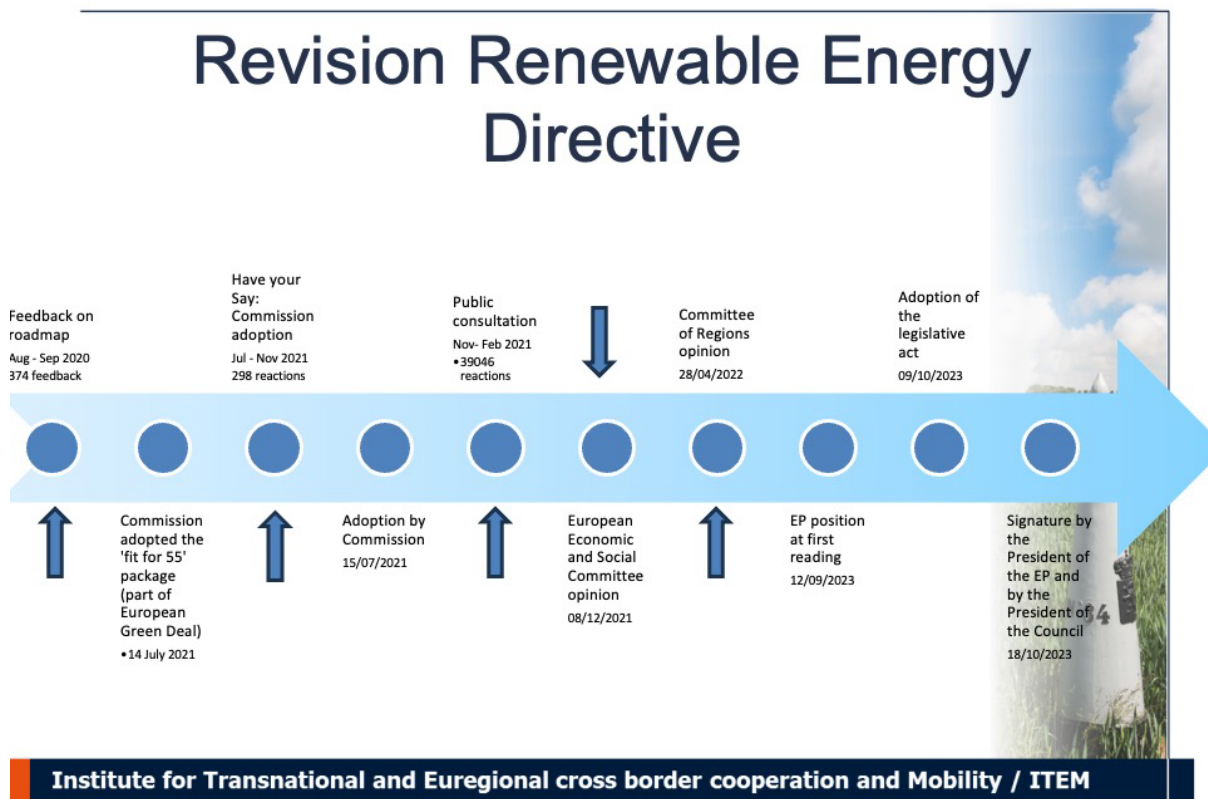
Feedback period March 2022 - May 2022

The Commission received 283 submissions upon adaptation of the Directive, of which two (2) of them were from public authorities. The agency for Improvement and Development of the City of Oslo argued for expanding the directive to cover all business partners to

⁸⁴ All the feedback from the Spanish Public Authorities were anonymous, hence their input is synthesised.

prevent competitive advantage through human rights abuses. Dominican Republic's Ministry of Industry, Trade and MiSMEs insisted that the directive is an "unreasonable barrier" to market access, given the compliance costs for developing economies.

10.6. In detail: Revision Renewable Energy Directive



Directive, COM (2021) 557

Territorial considerations in Impact Assessment, RSB and CoR Impact Assessment

No Territorial Impact Assessment was specifically made. However, among others under social impacts, it was mentioned that it "may provide an opportunity for the regions most affected by the transition to a climate-neutral economy to diversify their economies, ranging from carbon-intensive and coal regions [...] to peripheral and outermost regions."⁸⁵ In the discussion of policy options, reflections are made on the possibilities to develop measures according to their own national circumstances – in line with subsidiarity.⁸⁶

⁸⁵ SWD (2021) 621, p. 165.

⁸⁶ For instance: *ibid*, p. 193.

RSB Opinion

The first opinion was negative, among others calling upon a better modelling of the distribution of effects across Member States.⁸⁷ The second opinion was positive with reservations. Here, the justification on subsidiarity and the presentation of how measures have different impacts across Member States are mentioned.

CoR Opinion

The CoR issued an opinion with some territorial remarks.⁸⁸ These mainly address the competences and differences across European authorities:

- 'reiterates the importance for the Union of taking into account the specific features of each region, supporting cost-effective solutions and demands that proposals to further increase the emission targets be subject to a thorough impact assessment, including the territorial dimension, in cooperation with the European Committee of the Regions.'
- 'points out that the competences of local and regional authorities are not homogeneous across the European Union and decisions should be taken on the level of governance that provides the most effective solution; the CoR is committed to monitoring the implementation of the subsidiarity and proportionality principles as well as the territorial impact of the proposed legislation in order to ensure the successful implementation of the climate targets in the most sustainable and cost-efficient manner;'
- 'Calls for more cross border renewable energy projects beyond those planned under the TEN-E framework, involving local and regional authorities and supports new requirement for joint offshore energy planning and measures for linked integrated grid planning in Member States bordering sea basins'

Feedback period on Roadmap August 2020 – September 2020

During the feedback period there were 373 reactions, of which 12 from public authorities.

| Authority | Territorial considerations |
|--|---|
| Umweltbundesamt - Federal Environment Agency – Germany (Germany) | No territorial considerations. |
| Government of the Netherlands - Ministry of Economic Affairs and Climate Policy (Netherlands) | The Dutch authorities emphasize the importance of flexibility for member states within the EU-wide climate targets, reflecting their different starting points and cost-effective approaches. While supporting increased ambition under the European Green Deal, they oppose binding renewable energy sub-targets at the national level, preferring contributions through national plans. Their territorial consideration lies in respecting national policies and conditions, especially in sectors like industry, buildings, and transport. They urge the European Commission to build on existing national measures, minimize administrative burdens, and support diverse pathways such as electrification and advanced renewable fuels tailored to each country's context. Overall, the Dutch approach highlights the need for EU-level |

⁸⁷ SEC(2021) 657, p. 8.

⁸⁸ ENVE-VII/023

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| | coordination that accommodates regional and national differences rather than imposing uniform, rigid requirements. |
| Ministry of Transport of the State of Baden-Württemberg (Germany) | The territorial considerations in this statement from Baden-Württemberg focus on the regional role and potential of renewable synthetic fuels—particularly electricity-based fuels (Power-to-Liquid)—to meet ambitious transport sector climate goals by 2030. The region highlights the need for a stronger EU regulatory framework that supports market development and investment in production capacity, recognizing that local technological scaling and infrastructure are critical. Baden-Württemberg also notes the importance of imports (e.g., from the MENA region) and the necessity of tailored push-pull policies to enable industrialization and deployment. Overall, the territorial aspect centers on how regional industrial capacity, technology readiness, and regulatory conditions interact to achieve transport decarbonization within a broader EU framework. |
| Region Östergötland (Sweden) | The territorial considerations highlighted focus on the unique regional strengths of Östergötland in developing a long-established circular bio-based economy centered on bio-refineries. This regional system integrates energy production with agriculture and protein supply, supporting local economic resilience, energy security, and sustainability. The region stresses that EU policies should recognize and support such place-based, integrated circular economy models rather than penalizing biofuels linked to food production. The key territorial message is that EU renewable energy rules should promote and accommodate diverse local and regional solutions that leverage specific regional conditions and synergies for a sustainable bioeconomy. |
| E-Control (Austria) | No explicit territorial considerations. |
| City of Stockholm (Sweden) | The contribution emphasizes Stockholm’s and Sweden’s specific territorial needs, including funding for urban grid expansion and port infrastructure to support electrification. It highlights Sweden’s advantage in sustainably producing biofuels from local farmland and forestry, which EU restrictions currently limit. The integration of renewable energy with local heating systems and waste-to-energy is also noted. Additionally, Stockholm sees strong potential for bioenergy carbon capture and storage (BECCS) to cut emissions but stresses the need for financial incentives to cover costs. Overall, it calls for EU policies to better support regional and local conditions. |
| Consiglio Nazionale dei Periti Industriali (Italy) | CNPI emphasizes the importance of promoting renewables across all sectors with cost-effective, comprehensive approaches tailored to local conditions. For Italy and similar EU territories, CNPI stresses integrating renewable energy use within the specific technical and cultural context of buildings, especially historic ones, and encourages local energy consumption rather than concentrating production in limited areas. They advocate for simplified installation processes and support diverse transport solutions, including alternatives to electricity for rural and freight transport, reflecting regional needs and infrastructure realities. |
| CEMR Council of European Municipalities and Regions (Belgium) | CEMR emphasizes the importance of supporting ambitious renewable energy targets aligned with climate neutrality by 2050, while respecting the voluntary nature of measures set by Member States. They highlight the need for adequate resources |

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| | and Green Deal financing to implement the directive effectively. CEMR advocates for simplified, flexible frameworks that focus on overall targets and carbon pricing, recognizing that renewable energy deployment varies across EU regions. They caution against over-regulation and stress the role of local and regional governments in developing tailored energy and climate plans. |
| Business Finland (Finland) | They emphasize the importance of a stable and predictable market to foster clean-energy innovation and caution against reopening RED II before current national implementations are complete, as this could disrupt ongoing projects. Finland's experience shows the value of technology-neutral policies and tailored support for low-carbon solutions, reflecting territorial differences in market maturity and innovation ecosystems across the EU. |
| Bayerisches Staatsministerium für Wohnen, Bau und Verkehr (Bavarian State Ministry of Housing, Building and Transport) (Germany) | The territorial considerations emphasize Bavaria's specific challenges with affordable housing amid strong population growth and urbanization. The revision of RED II could increase construction and renovation costs due to energy efficiency and renewable energy requirements, potentially raising rental prices and affecting investment willingness in housing. It is crucial to minimize negative impacts on housing affordability and support investors through targeted financial incentives to ensure climate goals do not undermine economic viability. Similarly, in the transport sector, higher costs from new renewable technologies may affect affordability and require support schemes to maintain accessible mobility. Overall, the social and economic impacts on regions with housing pressure and transport needs must be carefully addressed in the directive's revision. |
| Havenbedrijf Antwerpen (Belgium) | The territorial considerations highlight the challenges faced by densely populated and industrialized regions like Belgium, where domestic renewable energy expansion is limited due to geographic and infrastructural constraints. The Port of Antwerp, as a major industrial and chemical hub, emphasizes the strategic role of large-scale renewable hydrogen imports to meet EU renewable energy targets. It advocates for updating RED II to better recognize hydrogen carriers as a key solution rather than a last resort, reflecting the importance of renewable energy imports from regions with abundant sun and wind resources. This approach supports both local industrial strengths and the integration of renewable energy across Europe. |
| Barcelona provincial Council (Diputació de Barcelona) (Barcelona) | The territorial considerations emphasize the crucial role of local authorities (LAs) in advancing renewable energy, highlighting barriers they face such as complex administrative, procurement, and data-sharing procedures. To empower LAs, cross-sector regulatory updates are needed to remove contradictions and ease implementation. With over 7,000 LAs as Covenant of Mayors signatories, leveraging their data and experiences can inform better strategies and reduce reporting burdens. Funding constraints limit local action, so mandated budget allocations for renewables in public authorities are suggested. Additionally, the use of local biofuels should align with agricultural and environmental protections to avoid ecosystem harm. Clear rules on energy communities and standards on waste and air quality from renewables are necessary. Overall, distributed energy production led by LAs can help reduce energy poverty and foster climate action at the local level, demanding swift deployment of these measures. |

Public consultation November 2020 – February 2021

During the feedback period there were 39046 reactions, of which 27 from public authorities.

| | | |
|---|--|---|
| <p>Netherlands</p> <ul style="list-style-type: none"> - Ministry of Economic Affairs and Climate Policy, Government of the Netherlands - Province of Drenthe - SNN (Samenwerkingsverband Noord-Nederland) | <p>Germany (all regional or local)</p> <ul style="list-style-type: none"> - Landeshauptstadt München - Ministerium für Verkehr Baden-Württemberg - Freistaat Bayern (unmittelbar beteiligt: Wirtschaftsministerium, Bau- und Verkehrsministerium, Landwirtschaftsministerium, Umweltministerium) | <p>Luxembourg</p> <ul style="list-style-type: none"> - Institut Luxembourgeois de Régulation (Luxembourg's National Regulatory Authority) |
| <p>Slovenia n/a</p> | <p>Ireland n/a</p> | <p>Poland n/a</p> |
| <p>Austria n/a</p> | | |

In general, reactions confirm the success and need for regional cooperation within and across national boundaries. A reaction states that bi- or multilateral cooperation might be useful but should be seen in relation to the targets of the Member State. These are set on the specific domestic situation. Another reaction warns for potential greater difference between urban and rural areas. Another reaction emphasises the need for more room to cross-border renewable energy communities

Feedback period on Commission Adoption July 2021 – November 2021

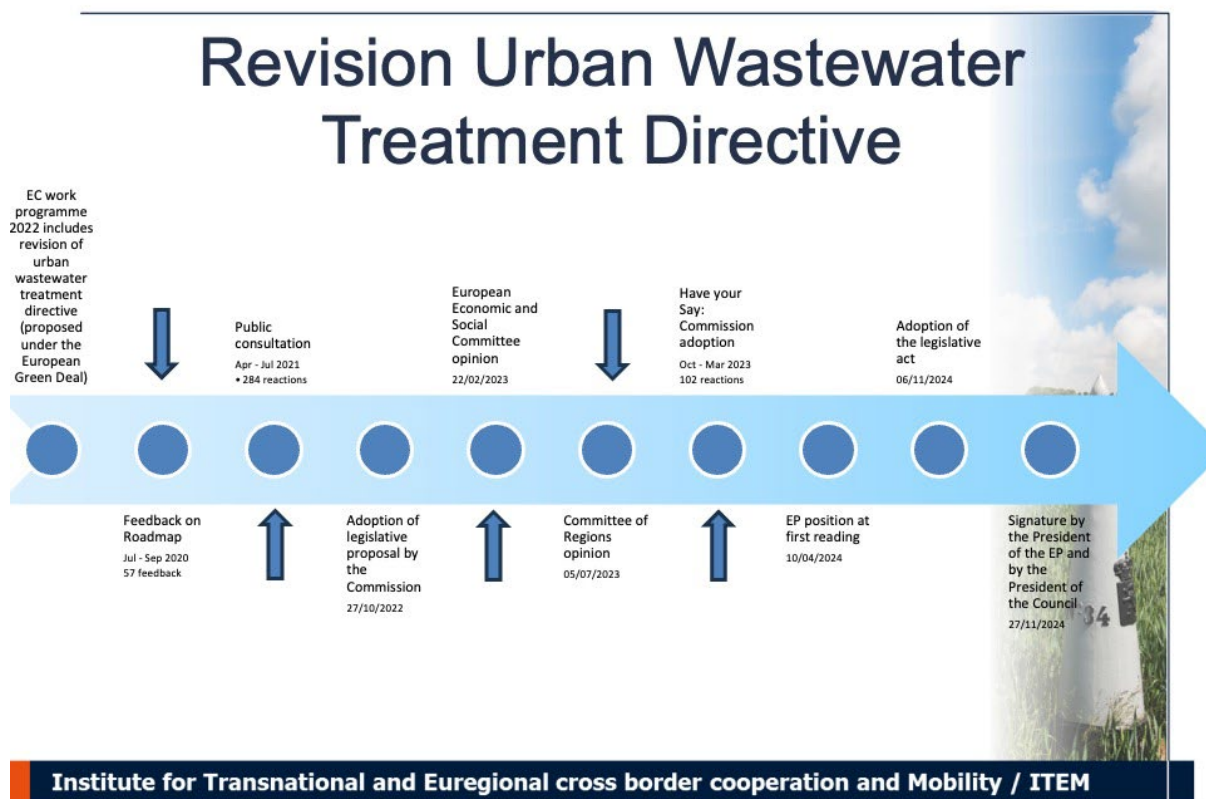
During the feedback period there were 298 reactions, of which 9 from public authorities.

| Authority | Territorial considerations |
|---|--|
| <p>Deutsches Nationalkomitee für Denkmalschutz / German National Committee for Monument Protection (Germany)</p> | <p>The territorial considerations highlighted by the German National Committee for Monument Protection (DNK) focus on balancing EU renewable energy goals with the protection of cultural heritage across member states. While supporting the Renewable Energy Directive (RED III) amendments, the DNK stresses that obligatory renewable energy measures must not harm Europe's architectural and archaeological heritage. They call for a clear EU-level framework allowing individual, heritage-sensitive solutions rather than one-size-fits-all mandates, cautioning against incentives that favour standard installations over tailored approaches compatible with protected sites. The DNK urges the Commission to take direct responsibility for integrating heritage protection into EU climate policies, rather than leaving it solely to national authorities, and proposes explicit exemptions for protected buildings to preserve their character and appearance.</p> |
| <p>Norwegian Ministry of Petroleum and Energy (Norway)</p> | <p>The territorial considerations in the Norwegian response to the Renewable Energy Directive revision emphasize the need for flexibility to accommodate diverse national energy systems, especially Norway's nearly 100% renewable electricity production. Norway highlights the importance of including renewable electricity in heating and cooling calculations to avoid misleading incentives and better reflect actual renewable shares.</p> |

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| | <p>The country calls for indicative, not mandatory, targets for renewable hydrogen use due to differing production costs and methods, stressing that definitions of renewable hydrogen must consider national specifics. Regarding offshore renewable energy, Norway supports regional cooperation like the North Sea Energy Cooperation but underscores that energy mix decisions, grid development, and regulatory oversight remain national competencies under the EEA Agreement, preserving sovereign control over support schemes and market rules.</p> |
| <p>Région Bretagne - Brittany Region (France)</p> | <p>The Brittany Region stresses the crucial role of European regions as an intermediate level between national and local governments in achieving carbon neutrality by 2050. Regions have unique territorial, economic, social, and environmental characteristics, and their proximity to citizens and local stakeholders positions them as key actors in driving and gaining acceptance for the energy transition. The region calls for stronger regional involvement in governance, ensuring regions actively participate in the design and implementation of national climate and energy plans, including social climate plans and infrastructure deployment. Brittany emphasizes tailored support for regions facing major transition challenges, both financially and technically, and advocates for flexible state aid rules and better coordination with EU funding programs. Finally, the region highlights the importance of inclusiveness, urging more socially sensitive measures to support vulnerable groups and enhance citizen engagement and acceptance of the transition. Overall, Brittany seeks recognition of the territorial dimension in EU climate policy to ensure effective, equitable, and locally adapted implementation.</p> |
| <p>Agencia Andaluza de la Energía (Spain)</p> | <p>The Andalusian Energy Agency highlights the need for clearer definitions and accounting methods that reflect territorial realities in renewable energy promotion. Specifically, it calls for a stricter definition of “renewable fuels of non-biological origin” to exclude fuels synthesized from fossil raw materials, ensuring the classification aligns with genuine renewability. Additionally, the Agency proposes a standardized method to calculate renewable energy consumption from solid biomass, recognizing its highly variable, territory-specific use—especially linked to the cyclical olive industry in Andalusia. By averaging biomass consumption over six years, the approach accounts for local economic and seasonal fluctuations, promoting more accurate and fair assessments of renewable energy shares at the regional level.</p> |
| <p>Lappeenranta kaupunki (Finland)</p> | <p>No territorial considerations.</p> |
| <p>Riksantikvaren (Norway)</p> | <p>While supporting the directive’s push for increased renewable energy use in buildings—especially public buildings as role models—NDCH insists that heritage buildings should be exempt from mandatory renewable energy requirements if such measures risk irreversible damage to their character, fabric, or appearance. This protection should be clearly stated in the directive itself, not left solely to Member States, ensuring consistent EU-wide commitment. NDCH proposes an explicit exemption clause for protected and historic buildings and calls for a holistic life-cycle approach to emissions that values the</p> |

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| | reuse of existing building substance, emphasizing that the EU should support but not regulate cultural heritage preservation. |
| Region Kalmar län (Sweden) | The county's regional development strategy prioritizes reducing CO2 emissions, enhancing energy efficiency, and fostering a sustainable, growing business sector, with the public sector acting as a leader in this transition. Significant investments have been made, especially in sustainable transport and biogas systems, which have both reduced fossil fuel use and boosted the bioeconomy, offering scalable solutions for EU-wide climate targets. Region Kalmar emphasizes the importance of lifecycle analysis and a holistic system approach to accurately assess climate impact, advocating for recognition of bioenergy's benefits and cautioning against overly strict sustainability criteria or rigid regulations like cascade use that could hinder innovation and resource efficiency. The region also highlights the diversity of Europe's geographic and demographic contexts, stressing that regional solutions tailored to local conditions are vital and should be supported alongside EU-wide targets without favoring specific technologies. |
| Northern Sparsely Populated Areas (NSPA network) (Finland) | The NSPA, representing northern regions of Sweden, Finland, and Norway, emphasizes the need for the EU's climate policies under the European Green Deal to account for regional differences, especially in forestry and biodiversity management. They advocate for recognizing bioenergy, biofuels, and green hydrogen as key to reducing emissions in transport and industry. The NSPA stresses balancing environmental, economic, and social needs in sustainability goals, highlighting the importance of long-term, landscape-level forest management that supports biodiversity while utilizing resources sustainably. They insist on maintaining national-level decision-making in forest policy and preserving existing renewable energy sustainability criteria to support active Nordic forestry. Overall, the NSPA calls for EU initiatives to integrate a strong regional dimension that rewards sustainable practices, strengthens forest multifunctionality, and supports local livelihoods and well-being in sparsely populated northern areas. |
| Region Östergötland (Sweden) | Region Östergötland supports the EU's Fit for 55 climate package and emphasizes the importance of accelerating net greenhouse gas removals. The region advocates for bioenergy development within a circular bioeconomy framework, focusing on sustainable supply chains that avoid negative impacts on biodiversity. They call for equal treatment of all sustainable bioenergy alternatives based on comprehensive life-cycle assessments including CO2 emissions and environmental factors, and support technology-neutral climate policies. Östergötland stresses the need for clear, long-term, and simple Renewable Energy Directive rules that incentivize renewable energy use while ensuring transparency and consistency in regulations and administrative requirements. |

10.7. In detail: Revision Urban Wastewater Treatment Directive



Directive, COM (2022) 541

Territorial considerations in Impact Assessment, RSB and CoR

Impact Assessment

The Impact Assessment counts 160 pages, without specific Territorial Impact Assessment. Yet, under the costs and benefits, a distribution has been made across Member States. This shows that costs, but also benefits, may be higher for certain Member States.⁸⁹

RSB Opinion

The first opinion was negative, among others stating that the report should show transparently where the impact is expected to be different across Member States.⁹⁰ The second opinion was positive with reservations, not specifically addressing territorial considerations.

CoR Opinion

The CoR published an Opinion, having territorial considerations.⁹¹ These call upon a better consideration of certain areas, such as sparsely or densely populated areas and foster decentralised solutions.

⁸⁹ SWD (2022) 541, p. 70-71.

⁹⁰ SEC (2022) 541, p. 8.

⁹¹ ENVE-VII/034.

- 'is of the opinion that individual systems are an adequate solution for the treatment of wastewater in isolated and sparsely populated areas and in the outermost regions; underlines that collection of wastewater in these areas is costly and inefficient and does not necessarily provide better environmental benefits and, for such cases, calls for decentralised solutions with adequately functioning individual systems, to be regulated within the Member States or at the regional level.'
- 'To make the Directive future-proof, an exemption from the non-deterioration ban should be provided where technical treatment measures cannot further compensate for a growing population in regions or cities.'

Consultation on Roadmap July – September 2020

During the feedback period there were 57 reactions received, of which six (6) from public authorities.

| Authority | Territorial considerations |
|--|---|
| WAREG-European Water Regulators (Italy) | N/A |
| Dutch Water Authorities (Netherlands) | N/A |
| Ministry of Interior (Hungary) | N/A |
| City of Stockholm (Sweden) | The Stockholm municipality identifies three omissions in the proposal. First, it notes that storm-water treatment varies widely across Europe. Second, the municipality calls for funding to help local and regional authorities manage the administrative burden of compliance. Finally, it urges the Commission to allow more flexibility in prioritising local needs, arguing that measures effective in one member state may not be in another. |
| Swedish Association of Local Authorities and Regions (Sweden) | Swedish local authorities advocate for less stringent standards for northern European countries, given the technical challenges posed by their cold climates and high-altitude regions. Meanwhile, they would like to see that Member States retain the autonomy to set more ambitious targets than those mandated by Brussels. |
| Swedish Environmental Protection Agency (Sweden) | Although supportive of a more harmonised approach, it calls for greater flexibility in requirements. Such leeway is deemed essential for fostering "general understanding and acceptance in society". |

Public Consultation April - July 2021

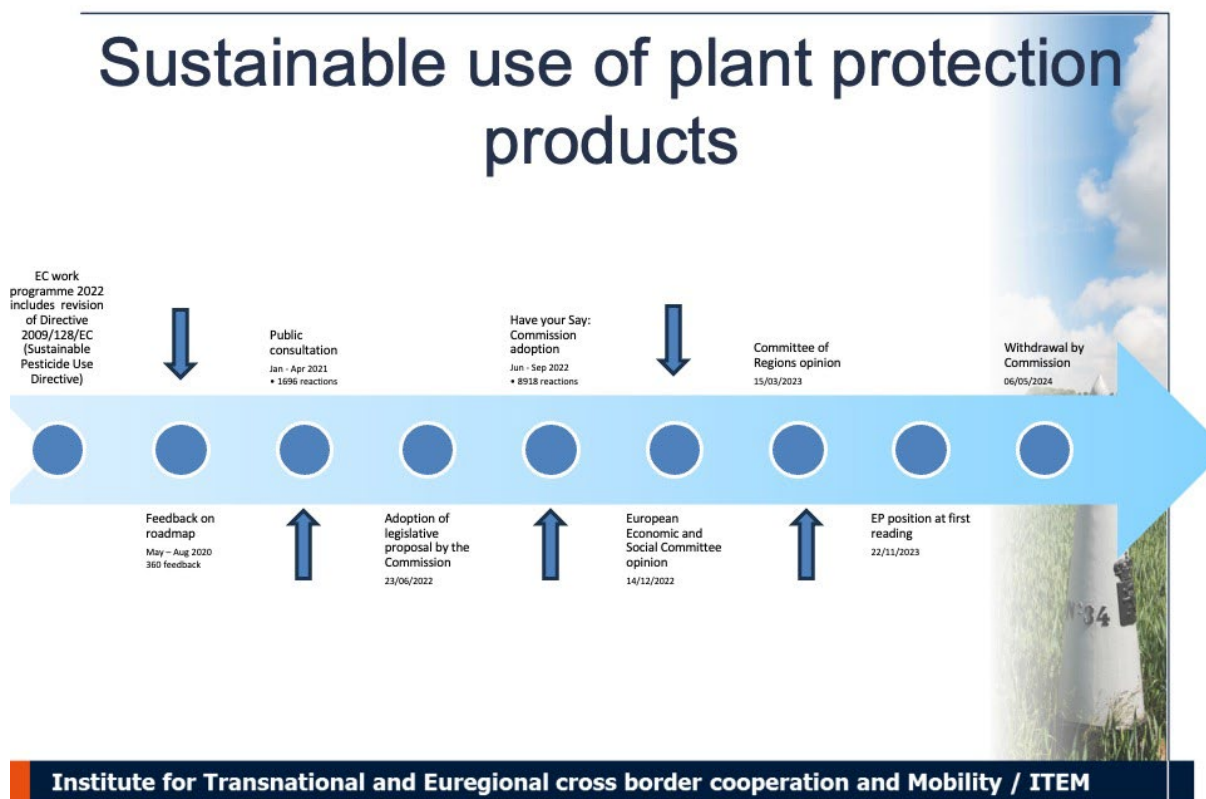
During the feedback period there were 2284 reactions received, of which 47 from public authorities. Notably, there is no statistics available on this public consultation (merely a summary of it). The summary does not report any territorial or spatial considerations.

Consultation on Commission Adoption October 2022 - March 2023

During the feedback period there were 102 reactions received, of which ten (10) from public authorities.

| Authority | Territorial considerations |
|---|--|
| Øygarden Municipality (Norway) | The municipality maintains that for smaller, scattered settlements, the environmental benefit of secondary treatment does not justify the significant economic consequences and high resident fees. The proposal involves very high investment costs that will eventually lead to higher fees for residents. |
| Icelandic association of local authorities and Samorka (Iceland) | The associations highlight that the proposal does not account for cold climates and low water temperatures. Northern regions have sparse populations, long coastlines, and generally high recipient water quality; offering diminishing additional environmental results. Therefore, the associations argue that there should be exemptions for fewer "sensitive areas". |
| Åre kommun (Sweden) | Åre Municipality notes that the proposal ignores Swedish conditions, warning that the local costs would be disproportionate to the gains. The municipality is against EU legislation in areas where it is unnecessary: "we should not have to build away problems that do not exist here". |
| Consortio de Aguas Bilbao Bizkaia (Spain) | The Spanish water authority warns that the proposal imposes a high economic expenditure and long-term operating costs. |
| Ministry of Climate and Environment (Norway) | Notes that the proposal does not account for Norway's specific topography, frigid climate, and unique geography. The ministry also underscores that the existing Norwegian national legislation already aligns with the Directive. Finally, it stresses that the local Norwegian administrations lack the technical capacity to comply with the current proposal's design. |
| Ministry of the Environment, Energy and Climate (Iceland) | "What type of treatment is needed in densely populated areas and small municipalities." "Very unlikely that Iceland will be able to fulfil the time limits set forth in the new proposal." |
| Stavanger Kommune (Norway) | "The main objections to the proposal are requirements that are inflexible, poorly adapted to local circumstances, require considerable resources, and involve a process that is difficult to implement in practice." |
| Härjedalens kommun (Sweden) | "No consideration for cold climates"; "no geographical distinction"; "economic impact on small communities". |
| Bergs kommun (Sweden) & Bräcke kommun (Sweden) | "Economic Impact on Small Communities"; they cite high costs, low benefit; VA-Tax increases. |
| Øygarden Municipality (Norway) | The municipality maintains that for smaller, scattered settlements, the environmental benefit of secondary treatment does not justify the significant economic consequences and high resident fees. The proposal involves very high investment costs that will eventually lead to higher fees for residents. |

10.8. In detail: Sustainable use of plant protection products



Regulation, COM (2022) 305

Territorial considerations in Impact Assessment, RSB and CoR

Impact Assessment

The Impact Assessment has 203 pages, without specific Territorial Impact Assessment.⁹² Also in the general impact assessment, no territorial aspects are really considered.

RSB Opinion

The first opinion was negative, among others due to subsidiarity concerns but not specifically based on territorial considerations.⁹³ The second opinion was positive with reservations, not specifically addressing territorial considerations but warning for the high implementation discrepancy across Member States.

CoR Opinion

The CoR published an opinion⁹⁴, highlighting the right of regional and local authorities in Europe to replan their territories and their role in the implementation of the European Green Deal.

⁹² SWD (2022) 170.

⁹³ SEC (2022) 257.

⁹⁴ NAT-VII/031.

Feedback period on Roadmap May – August 2020

During the feedback period there were 360 reactions, of which none were from public authorities.

Consultation period January 2021 – April 2021

During the consultation period there were 1696 reactions, of which 34 from public authorities. No territorial or spatial considerations were found in the consultation.

| | | |
|-----------------------------------|---|---|
| <p>Austria - Forst</p> | <p>Germany (all regional or local)</p> <ul style="list-style-type: none"> - BMU - Federal Ministry for the Environment, Nature Conservation and Nuclear Safety - Bundesamt für Verbraucherschutz und Lebensmittelsicherheit - Landwirtschaftliches Technologizentrum Augustenberg, D-76227 Karlsruhe - Pflanzenschutzdienst Hessen - Dienstleistungszentrum Rheinpfalz - Sächsisches Landesamt für Umwelt, Landwirtschaft und Geologie, Amtlicher Pflanzenschutzdienst - Federal Institute of Risk Assessment - BfR - Department of Pesticides Safety - Chambre of Agriculture - Plant Protection Service | <p>Luxembourg</p> <ul style="list-style-type: none"> - Institut Luxembourgeois de Régulation (Luxembourg's National Regulatory Authority) |
| <p>Slovenia n/a</p> | <p>Ireland</p> <ul style="list-style-type: none"> - Food Safety Authority of Ireland | <p>Poland</p> <ul style="list-style-type: none"> - Podlaski Ośrodek Doradztwa Rolniczego w Szepietowie |
| <p>Netherlands n/a</p> | | |

Feedback period on Commission Adoption June – September 2022

During the feedback period there were 8909 reactions, of which 97 from public authorities.

| Authority | Territorial considerations |
|---|---|
| <p>PGL Nadleśnictwo Namysłów (Poland)</p> | <p>LP N/A</p> |
| <p>German Environment Agency</p> | <p>The Agency argues that "to ensure that there is no distortion of the internal market and that no unfair competitive advantages are created under Article 113 TFEU, a levy should be introduced in all MS of the EU". It suggests that "for a regulation at the EU level [...] both a total ban and a restriction to low-risk products are possible."</p> |
| <p>Colegio Profesional (Spain)</p> | <p>N/A</p> |
| <p>Nadleśnictwo Manowo (Poland)</p> | <p>The local forest management highlights that "on the ground, very often these roads do not differ from neighbouring land (land, forests)."</p> |

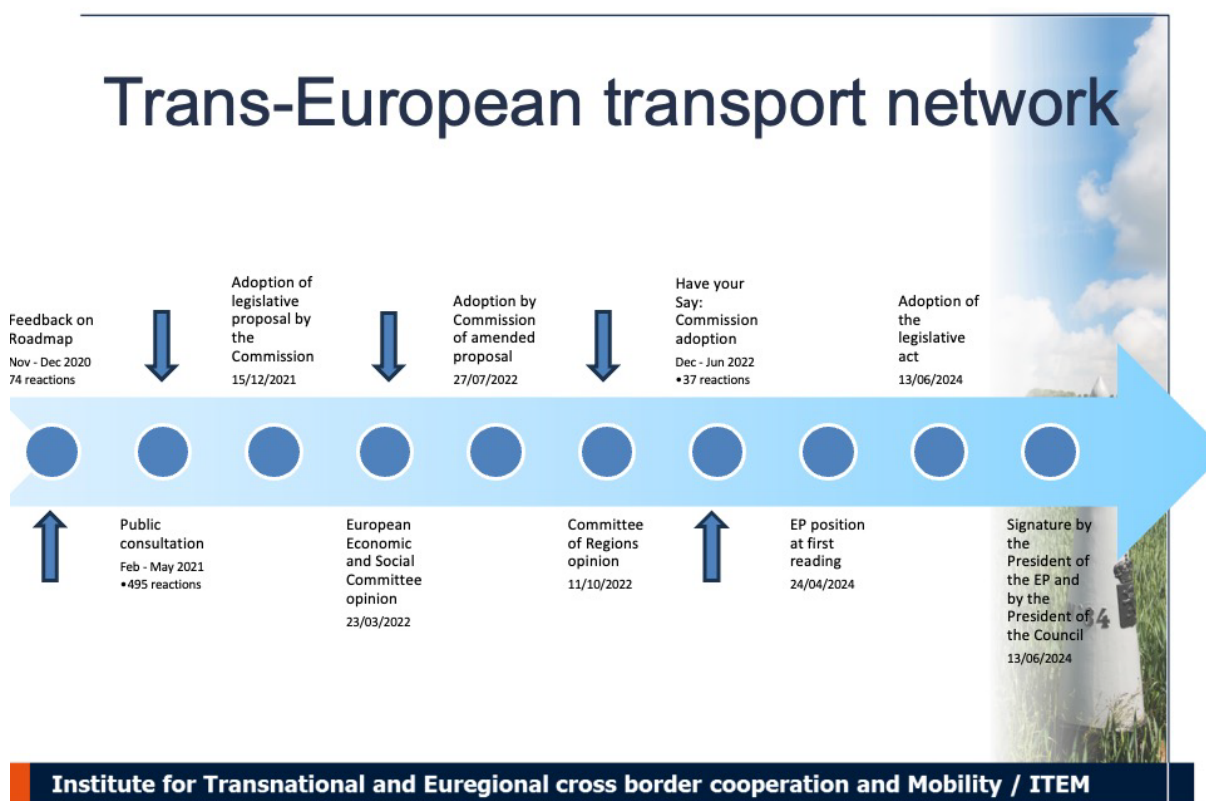
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| Nadlesnictwo Miechów (Poland) | N/A. |
| Nadleśnictwo Garwolin (Poland) | Notes that “for chemical plant protection products used for the control of these organisms, another method should be developed to evaluate the performance of the Member State.” |
| Nadleśnictwo (Poland) | N/A. |
| Nadleśnictwo Łuków (Poland) | According to the forest district, the regulation “does not take into account the fact that many pests occur in graduation and fluctuation.” |
| Lasy Państwowe Nadleśnictwo Radoszyce (Poland) | N/A. |
| Nadleśnictwo Suwałki (Poland) | The polish local forest management stresses that “[...] roads are often not visible only on the geodetic maps, as each cadastral parcel should be accessed by a public road. On the ground, these roads do not differ significantly from neighbouring meadows and forests. It will not be possible in practice to carry out treatments, especially agro-aircraft in forest areas with small plots of land, or to include private forests in the treatment fields.” |
| Lasy Państwowe, Nadleśnictwo Bogdaniec (Poland) | Like its local counterparts, the local Polish forester authority underscores that some of the roads included in the proposal are in Poland only visible on the geodetic maps, as each cadastral plot should be accessed by a public road (generally municipal).” Thus, “on the ground, very often these roads do not differ from neighbouring land (land, forests).” |
| Nadleśnictwo Lutowiska (Poland) | N/A |
| PGL LP Nadleśnictwo Nowogród (Poland) | The district argues that the regulation’s current framework is overly narrow, noting that “the derogations only apply to quarantine pests and invasive species and clearly do not take into account hailing [native] species that threaten the sustainability of the forest in Poland.” |
| PGL LP Nadleśnictwo Olkusz (Poland) | N/A |
| Nadleśnictwo (Poland) | N/A |
| Nadleśnictwo Gołębki (Poland) | Like its local counterparts, the local Polish forester authority underscores that some of the roads included in the proposal are in poland only visible on the geodetic maps, as each cadastral plot should be accessed by a public road (generally municipal).” Thus, “on the ground, very often these roads do not differ from neighbouring land (land, forests).” |
| PGL LP Nadleśnictwo Świerczyna (Poland) | Similarly, this local Polish forester authority underscores that some of the roads included in the proposal are in poland only visible on the geodetic maps, as each cadastral plot should be accessed by a public road (generally municipal).” Thus, “on the ground, very often these roads do not differ from neighbouring land (land, forests).” s |
| Państwowe Gospodarstwo | The regional directorate in almost the same terms that “the draft regulation also includes public roads — even municipal |

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| Leśne Państwowe - RDLP w Szczecinie (Poland) | Lasy LP | roads — among other sensitive areas. In forest areas, these are often roads only visible on maps, narrow, ground, occasionally used”. |
| PGL Nadleśnictwo Szczecinek (Poland) | LP | Emphasises that the “treatments may not be carried out either in economic areas through which public roads pass, i.e. also in municipal areas. In practice, it will not be possible to carry out treatments, in particular agro-aircraft, in forest areas with small plots of land or to include private forests in the treatment fields, as it is not possible to exclude public roads, especially municipal roads, from intervention fields.” |
| Nadleśnictwo (Poland) | | N/A |
| Nadleśnictwo Czerniejewo (Poland) | | Claims that the inclusion of roads in sensitive areas are “unjustified” because they are occasionally used and “only visible on geodetic maps”. |
| PGL Nadleśnictwo Starogard (Poland) | LP | N/A |
| PGL LP (Poland) | | N/A |
| Nadleśnictwo Spała (Poland) | | N/A |
| Nadleśnictwo Świeradów (Poland) | | N/A |
| Nadleśnictwo Nowogard (Poland) | | “Other sensitive areas include public roads — even municipal roads (Article 2 ‘Definitions’, paragraph 16(a)). These are often roads only visible on the geodetic maps, as each cadastral plot should be accessible by a public road (generally municipal). On the ground, very often these roads do not differ from neighbouring land (land, forests). In such a situation, it will not be possible in practice to carry out treatments [...]” |
| Nadleśnictwo Oborniki Śląskie (Poland) | | Also points out that the “t will not be possible in practice to carry out treatments, especially agro-aircraft operations, in forest areas with small plots of land or to include private forests in the treatment fields”. |
| Nadleśnictwo Kozienice (Poland) | | N/A |
| Lasy Państwowe Nadleśnictwo Świdnik (Poland) | | N/A |
| Nadleśnictwo Zagnańsk (Poland) | | N/A |
| Nadleśnictwo Miechów (Poland) | | N/A |
| Nadleśnictwo Lubartów (Poland) | | N/A |
| Nadleśnictwo Pułtusk (Poland) | | The Polish district identifies two shortfalls in the provision. First, it “does not take into account the graduation species present in Poland”. Second, “the inclusion of public roads (all categories) as sensitive areas will in practice result in private forests not being included within the boundaries of the treatment fields (aggregates).” |
| Nadleśnictwo Szubin (Poland) | | N/A |

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| Nadleśnictwo Rokita (Poland) | Notes that “[it] do[es] not take into account hailing species that threaten the sustainability of the forest in Poland |
| Państwowe Gospodarstwo Leśne Lasy Państwowe Nadleśnictwo Żołędowo (Poland) | N/A |
| Nadleśnictwo Manowo (Poland) | “These are often roads only visible on the geodetic maps, as each cadastral plot is subject to a public road (generally a municipal road). On the ground, very often these roads do not differ from neighbouring land (land, forests).” |
| Państwowe Gospodarstwo Leśne Lasy Państwowe Nadleśnictwo Kaczory (Poland) | N/A |
| Nadleśnictwo Oleszyce (Poland) | N/A |
| Państwowe Gospodarstwo Leśne Lasy Państwowe Nadleśnictwo Wisła (Poland) | N/A |
| PGL LP Nadleśnictwo Gidle (Poland) | Like its local counterparts, the local Polish forester authority underscores that some of the roads included in the proposal are in Poland only visible on the geodetic maps, as each cadastral plot should be accessed by a public road (generally municipal).” Thus, “on the ground, very often these roads do not differ from neighbouring land (land, forests).” |
| Nadleśnictwo (Poland) | N/A |
| Nadleśnictwo Lipusz (Poland) | N/A |
| Nadleśnictwo Woziwoda (Poland) | N/A |
| Stadt Neustadt an der Weinstraße - Verwaltungsleitung (Germany) | N/A |
| Gemeinde Südharz (Germany) | N/A |
| Nadleśnictwo Piotrków (Poland) | Echoes the repeated discourse that by a public road (generally municipal).” Thus, “on the ground, very often these roads do not differ from neighbouring land (land, forests).” |
| PGL LP Nadleśnictwo Wołów (Poland) | N/A |
| Rada Powiatowa WIR Oborniki (Poland) | The council reckons that “Member States with lower consumption of plant protection products will not be able to respond effectively to new threats from pests and weeds”. |
| STS Ivanjkovci (Slovenia) | Warns that “as there are currently no available alternative methods for most diseases and pests in Slovenia, the proposed |

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| | bans and restrictions are unacceptable as they would lead to the abandonment of agriculture”. |
| Nadlesnictwo Kluczbork (Poland) | N/A |
| Lasy Państwowe (Poland) | Polish central administrative body for Polish state forest that the country “will not be able to carry out procedures limiting the pest’s population by means of agro-aeronautical or ground-based techniques, which may endanger the persistence of the forest and the death of large tree stands”. |
| Nadleśnictwo Poddębice (Poland) | N/A |
| Nadleśnictwo Babimost (Poland) | N/A |
| Nadleśnictwo Karnieszewice (Poland) | “Sensitive areas also include public roads, municipal roads which are signposted on geodetic maps but do not differ from the surroundings in the field. In forest areas, the above-mentioned forms of protection represent a significant proportion of the surface area and are covered by a relatively dense road network. In such a situation, it will be very difficult and, in some cases, impossible to carry out procedures” |
| PGL LP Nadleśnictwo Kup (Poland) | Underscores that the regulations “do[es] not take account of graduation species present in Poland”. |
| Nadleśnictwo Lwówek Śląski (Poland) | “Poland is a country with a high graduation potential for many harmful insects and removing the capacity to counter the damage they cause can lead to significant natural and economic losses, not only in protected areas, but also as a location for graduation in neighbouring areas.” |
| PGLLP (Poland) | “These are often roads only visible on the geodetic maps, as each cadastral plot is subject to a public road (generally a municipal road). On the ground, very often these roads do not differ from neighbouring land (land, forests).” |
| Nadleśnictwo Wyszków (Poland) | it “do[es] not take into account the graduation species present in Poland |
| Gobierno de Canarias (Spain) | Stresses “the need for measures to be adopted at European level to ensure reciprocity of EU plant health and environmental legislation, so that the same standards are applied to agri-food products from third countries.” |
| Nadleśnictwo Kościan (Poland) | Criticises the definition of sensitive areas used in the Regulation, “it covers all forms of surface nature conservation in Poland”. |
| Kreis Euskirchen (Germany) | The district administrative body notes that “the nature protection legislation of other Member States does not provide for the protection category of landscape protected areas”. It thus claims that “the proposed ban on use in LSGs goes far beyond the objective of consistent implementation of plant protection rules envisaged by the proposal for a Regulation and even has the opposite effect.” |
| Stadt Neustadt an der Weinstraße (Germany) | Cautions the Commission that German public authorities have not the “control staff at [the] level” necessary for the regulation. Thud,” the Regulation would seriously destroy trust in the proportionality of EU environmental legislation”. Overall, the municipality concludes that the legislation in its current format harms “European and national climate objectives”. |

10.9. In detail: Trans-European transport network



Regulation, COM(2021) 812

Territorial considerations in Impact Assessment, RSB and CoR Impact Assessment

The Impact Assessment counts 174 pages, without specific Territorial Impact Assessment. A small part of the Impact Assessment is discussing connectivity and cohesion, including in outermost regions. It states that TEN-T should be defined properly and wide enough to cover all European regions. Additional attention is paid to outermost regions, who often rely on air and maritime transport.⁹⁵

However, in 2020 a Territorial Impact Assessment on the Trans-European transport network was made by the CoR.⁹⁶ The report concludes the results of an expert workshop about the TEN-T guidelines. It assessed expected economic effects (GDP/capita and GDP loss due to cross-border obstacles) across regions, the potential accessibility by rail across regions and the expected environmental effects (urban populations exposed to PM10 concentrations, emissions of Nox per capita) across regions. The results are expert judgements ranging strong negative to strong positive effects. Environmental impacts are seen to be modest, economic weak positive while accessibility by rail is strong positive.

RSB Opinion

⁹⁵ SWD(2021) 472, p. 65-66.

⁹⁶ CoR (2020). Territorial Impact Assessment Trans-European transport network.

The RSB issued its first opinion positively with reservations.⁹⁷ Among others, the RSB calls upon a better elaboration on proportionality and subsidiarity. Especially, since it may be likely that local authorities would develop hubs where needed without the EU requirements on urban nodes for passenger transport.

CoR Opinion

The CoR published its opinion in 2022, welcoming the attention for outermost and sparsely populated regions, but also stressing the wide variety of territories and challenges.⁹⁸ In general, it calls upon the application of the 'do no harm to cohesion' principle.

- 'recommends that the Commission define the "do no harm to cohesion" principle developed in the 8th Cohesion Report, in order to make it possible to monitor how it is applied to TEN-T and in particular to projects of common interest;'
- 'calls for the governance of the TEN-T network to be significantly strengthened in order to facilitate its implementation, in particular for missing cross-border links; welcomes, in relation to this, the Commission's proposals to strengthen the role of coordinators and encourage the coordination of national plans with European policies.'
- 'welcomes the attention paid to rural, remote, mountainous, sparsely populated, peripheral, island and outermost regions; - suggests that the criteria for sustainable urban mobility plans (SUMP) should emphasise flexibility so that these plans can be integrated successfully into existing plans.'
- 'believes that the transnational dimension of the TEN-T network provides strong European added value. Regional and local authorities can attest to the socio-economic benefits of cross-border projects in their territories.'

Feedback period on Roadmap November – December 2020

During the feedback period there were 74 reactions, of which 14 from public authorities.

| Authority | Territorial considerations |
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| HEP d.d. (Croatia) | N/A |
| Société Du Grand Paris (France) | N/A |
| Île-de-France Région (France) | <p>it "translate[s] into increased pressure on the European transport network, especially in highly populated urban areas. Without proper anticipation, such a situation could lead to a dramatic increase in congestion and pollution within urban nodes."</p> <p>"Multi-level governance should include all authorities – from the European Union to the local level in order to improve the coordination of projects. The local and regional authorities play an important role in the organisation and financing of the transport system."</p> |
| Region Stockholm (Sweden) | <p>It "need[s] to be [better] connected to both modal hubs and to the regional-local transport system."</p> <p>"[...] wishes to highlight and highlight the importance of including the entire Stockholm-Oslo stream [...]"</p> |

⁹⁷ SEC(2021) 435.

⁹⁸ COTER-VII/019, p. 17.

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| | "[...] wishes to highlight the need for enhanced dialogue between the EU, the regional and regional level on the transport system." |
| AMT - Autoridade da Mobilidade e dos Transportes (Portugal) | N/A |
| Conseil Régional & Préfecture de la Région Grand Est FRANCE (France) | N/A |
| Office of the Government Commissioner for the Mediterranean Corridor (Spain) | <p>"It is therefore essential to point out that the main objective of the 1315 revision is to speed up work on the implementation of the European Transport Corridors as quickly as possible, since without them territorial cohesion and economic efficiency will not be achieved at European level."</p> <p>"there is a need to strengthen the role of European Coordinators by providing them with greater enforceability and more efficient coordination in and between Member States."</p> <p>"[...] it is necessary to give the European Coordinators greater executive power"</p> <p>"Rail freight transit faces difficulties, sometimes insurmountable, in the disparity of technical, signalling, safety and management requirements between national networks."</p> <p>"[...] should require instruments appropriate to the complexity of the cross-border sector such as shared studies (traffic, capacity, gallib, etc.), cross-border cost-benefit analysis and the creation of a common cross-border fund between border rail administrations."</p> <p>"Interoperability problems occur not only on cross-border sections between Member States but also within a country."</p> <p>"There are no uniform criteria or minimum reference values (e.g. EUR/train-km) for all Member States." Meanwhile, "some countries also lack support for rail".</p> <p>"[...] coordinate and promote both passenger and freight services along the corridors, both at international and national level."</p> <p>"Appropriate connection between different railway stations, ports or airports in the same urban node."</p> |
| Nouvelle-Aquitaine region (France) | "Strengthen the role of European coordinators, who should be consulted by Member States when drafting national investment plans or legislation" |
| CA Pays Basque - Syndicat des Mobilités Pays Basque Adour (France) & Communauté | N/A |

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| d'agglomération Pays Basque (France) | |
| City of Helsinki (Finland) | <p>"The role of the comprehensive network at both EU and national level needs clarification."</p> <p>"[...] a need to invest in the quality of rail links and in the overall intermodality of the transportation system in this core network corridor."</p> |
| Euregio (Germany) | "Greater importance for rail passenger transport and thus [cross-border] networking of citizens" |
| Region Västra Götaland (Sweden) | <p>"The cross-border perspective needs to be given high[er] importance."</p> <p>"[...] also needs a comprehensive infrastructure planning method considering the actual and potential transport flows across regional and national borders."</p> |
| Northern Netherlands Alliance (Netherlands) | N/A |

Public consultation February – May 2021

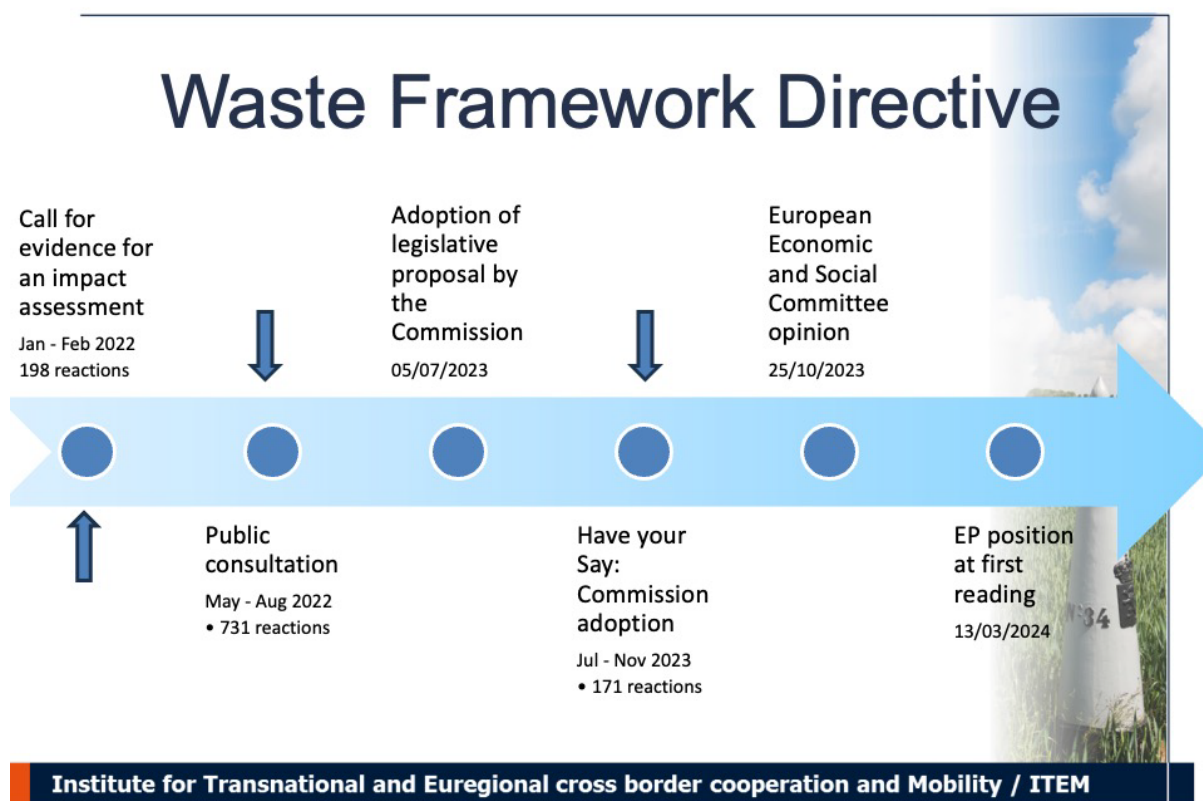
During the feedback period there were 495 reactions, of which 134 from public authorities. No data, summary or documentation is published on this consultation round.

Feedback period on Commission Adoption December 2021 – June 2022

During the feedback period there were 37 reactions, of which 9 from public authorities.

| Authority | Territorial considerations |
|--|--|
| Autoridad Portuaria de Motril Granada (Spain) | "[...] is not in line with the main specific objectives set out therein (sustainability, cohesion, efficiency and resilience) in the area of the regional urban node of the Tropical Coast in the province of Granada." |
| Samenwerkingsverband Noord-Nederland (Netherlands) | "[...] an important missing link in the network and wants to strengthen cross-border rail transport towards Germany and Scandinavia" |
| ADIF-Oficina del Comisionado del Gobierno Español para el Corredor Mediterráneo (Spain) | <p>"improve governance through an Integrated Cross-border Mobility Plan to promote territorial cohesion and European Territorial Cooperation."</p> <p>"For cross-border sectors, a Common Cross-border Fund (FCT) should be set up between two bordering countries to address joint actions, whether of an infrastructural nature or to promote better service."</p> <p>"The transit of goods by rail encounters difficulties, sometimes insurmountable, in the disparity of technical requirements, signaling, safety and management between national networks."</p> <p>"need for [further] financing required by works in urban areas.."</p> |
| Varsinais-Suomen liitto (Finland) | "[...] the definition of nodes focuses only on the population of the central city. However, the regulation should have a stronger urban perspective, taking into account the entire |

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| | <p>catchment area of the central city, functional urban area (FUA)."</p> <p>"The new draft regulation proposes that airports on the core network should have a rail connection. However, this is not the case at Turku airport."</p> <p>"[...] creation of working groups in each country, in which the most relevant agents (state, regional and local institutions) will participate."</p> |
| Moravskoslezský kraj (Czechia) | Its current structure "limits the development of cross-border ties and mutual trade" between Czech Republic, Poland and Slovakia |
| Lahden kaupunki (Finland) | "the improvement of rail traffic connections to Russia, presented as one of the justifications for the implementation of the new eastern railway line, must be re-examined in the current geopolitical situation". |
| Stadt Mannheim / City of Mannheim (Germany) | "[...] a Broadening of the corridor will lead in case of bottlenecks to a shifting of responsibility for the expansion between different nations and regions." |
| Päijät-Hämeen liitto (Finland) | <p>Urges for "exceptions to the quality requirements for transport infrastructure, since Finland has less traffic than in central Europe."</p> <p>"[...] expect to support the implementation of these requirements through CEF funding."</p> |
| Region Örebro län / Region Örebro County (Sweden) | <p>"[...] ensure accessibility for all regions of the EU and the proposal should therefore be complemented by additional routes and nodes in cross-border areas that are considered to have a strong European added value".</p> <p>It "projects that contribute to better transport flows in a European perspective have not been prioritised in the same way as nationally initiated projects in the national transport plans" in Sweden.</p> <p>More "support and guidance from the national level" is necessary.</p> |



Directive, COM(2023) 420

Territorial considerations in Impact Assessment, RSB and CoR Impact Assessment

The Impact Assessment counts 712 pages, including a discussion of the impacts considered. Territorial impacts are mentioned, being assessed qualitatively as quantification was not possible.⁹⁹ There seems to be no specific application of the Territorial Impact Assessment or TIA Quick Check, but the document does have a specific section on the territorial distribution of economic and social impacts.¹⁰⁰ Annex 11, section 2.5.2 discusses the approach towards the territorial distribution of impacts, mainly on regional employment and regional added value. For the calculation of potential impacts, the assumption holds that the regions whose production structure includes the most affected sectors by the food waste reduction objectives, will be the most exposed to the overall economic impact.¹⁰¹

RSB Opinion

The first opinion of the RSB was negative, the second positive with reservations.¹⁰² Both ask for a better explanation of how Member States would be expected to implement the

⁹⁹ SWD(2023) 421, p. 67-68.

¹⁰⁰ Ibid, p. 77.

¹⁰¹ Ibid, p. 617.

¹⁰² SEC(2023) 430.

targets and whether implementation is feasible, considering the contrasted situation between Member States. Real territorial considerations are not shared.

Feedback period Call for Evidence January – February 2022

During the feedback period there were 198 reactions, of which 4 from public authorities.

| Authority | Territorial considerations |
|---|---|
| Norwegian Environment Agency (Norway) | "Experience has shown us [Norway] that it is a challenge to motivate all citizens to separate their waste correctly, despite frequent use of information campaigns and similar measures." |
| Syctom l'agence métropolitaine de traitement des déchets ménagers (France) | N/A |
| German Environment Agency - Umweltbundesamt (Germany) | "Reference values for the calculation of generated waste oil" in table 4, may vary from member state to member state and also over time and have an influence on the amounts of waste oils available for a treatment and therefore the quotes." |
| Landkreis Wesel (Germany) | "the European Commission's evaluation activities should therefore [...] aim at identifying the most significant environmental, resource and climate impacts of waste management in the Member States from a global perspective." |

Public Consultation May – August 2022

During the feedback period there were 730 reactions, of which 32 from public authorities. No territorial or spatial considerations were brought forward in the questionnaire.

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| Austria - Magistrat der Stadt Krems, Abfallwirtschaft - Amt der Wiener Landesregierung - Stadt Wien Umweltschutz - Bundesministerium für Klimaschutz, Umwelt, Energie, Mobilität, Innovation und Technologie | Germany (all regional or local) - Biostadt Bremen, Freie Hansestadt Bremen - Landratsamt Regensburg - Abfallwirtschaftsbetrieb Böblingen | Netherlands - Gemeente Amsterdam - Gemeente Den Haag - Ministry of Infrastructure and Water Management |
| Slovenia n/a | Ireland n/a | Poland n/a |
| Luxembourg n/a | | |

Feedback period on Commission Adoption July –November 2023

During the feedback period there were 168 reactions, of which one (1) from public authorities.

| <i>Authority</i> | <i>Territorial considerations</i> |
|---|---|
| <i>Norwegian Environment Agency (Norway)</i> | Highlights national sectoral challenges over differences between definitions. |



Colophon

This publication was produced in collaboration between the Ministry of Housing and Spatial Planning and ITEM – Institute for Transnational and Euregional Cross-Border Cooperation and Mobility.

Pilot Action in the framework of the Territorial Agenda

Partner states are The Netherlands (lead), Poland, Germany, Slovenia, Ireland and as observers are included Austria and Sweden. Additional cooperation partners are the European Committee of the Regions, The Committee of European Municipalities and Regions and ESPON.