

No. 143

SENATE

ORDINARY SESSION OF 2025–2026

18 June 2026

EUROPEAN RESOLUTION CONTAINING A REASONED OPINION

on the compliance with the principle of subsidiarity of the proposal for a regulation of the European Parliament and of the Council establishing a framework of measures to accelerate the development of industrial capabilities and decarbonisation in strategic sectors and amending Regulations (EU) 2018/1724, (EU) 2024/1735 and (EU) 2024/3110 - COM(2026) 100 final

The resolution adopted by the Committee on Economic Affairs, the text of which is set out below, has become a Senate resolution in accordance with Article 73g of the Senate's Rules of Procedure:

See issue:

Senate: 767 (2025–2026).

Having regard to Article 88-6 of the Constitution,

Having regard to Article 73 *octies* of the Rules of Procedure of the Senate,

Having regard to the proposal for a Regulation of the European Parliament and of the Council establishing a framework of measures to accelerate the development of industrial capabilities and decarbonisation in strategic sectors and amending Regulations (EU) 2018/1724, (EU) 2024/1735 and (EU) 2024/3110, of 4 March 2026, COM(2026) 100 final,

Having regard to the proposal for a regulation of the European Parliament and of the Council on the acceleration of environmental assessments, of 10 December 2025, COM(2025) 984 final,

Having regard to European Senate Resolution No 74 (2025–2026) of 26 March 2026 on the compliance with the principle of subsidiarity of the proposal for a regulation of the European Parliament and of the Council suspending the application of the rules on the appointment of an authorised representative for extended producer responsibility in relation to batteries and waste batteries, as well as packaging and packaging waste – COM(2025) 982 final; the proposal for a directive of the European Parliament and of the Council suspending the application of the rules on the appointment of authorised representatives for the extended producer responsibility scheme concerning waste, waste electrical and electronic equipment and single-use plastic waste – COM(2025) 983 final; the proposal for a regulation of the European Parliament and of the Council on the acceleration of environmental assessments – COM(2025) 984 final; the proposal for a directive of the European Parliament and of the Council amending Directive 2007/2/EC as regards the simplification of certain requirements for the provision of geographical information in the Union – COM(2025) 985 final; the proposal for a directive of the European Parliament and of the Council amending Directives 2008/98/EC, 2010/75/EU, (EU) 2015/2193 and (EU) 2024/1785 of the European Parliament and of the Council as regards the simplification of certain requirements and the reduction of the administrative burden – COM(2025) 986 final,

The Senate makes the following observations:

Article 5 of the Treaty on European Union (TEU) stipulates that, in accordance with the principle of subsidiarity, the European Union may act only *‘if, and in so far as, the objectives of the proposed action cannot be sufficiently achieved by the Member States, but can be*

better, by reason of the scale or effects of the proposed action, at Union level’; it specifies that, in accordance with the principle of proportionality, *‘the content and form of Union action shall not go beyond what is necessary to achieve the objectives of the Treaties’*; this implies examining not only whether the objective of the proposed action can be better achieved at Community level, but also whether the intensity of the action undertaken does not exceed what is necessary to achieve the objective that the action is intended to achieve;

Article 5 of Protocol No 2 on the application of the principles of subsidiarity and proportionality, annexed to the TEU and the Treaty on the Functioning of the European Union (TFEU), provides that *‘the reasons for concluding that a Union objective can be better achieved at Union level shall be based on qualitative and, wherever possible, quantitative indicators’*; this implies that draft European legislative acts must be sufficiently justified and detailed;

Against a backdrop characterised by the loss of competitiveness in certain European industrial sectors, the European Union’s desire to ensure its strategic autonomy and its commitment to pursuing a decarbonisation policy, the European Commission presented, on 4 March 2026, its aforementioned proposal for a regulation COM(2026) 100 final;

In order to support European industrial production, the European Commission proposes to classify decarbonisation projects in energy-intensive industries and those located in acceleration zones as ‘strategic projects’, within the meaning of the aforementioned proposed Regulation COM(2025) 984 final; it also proposes to establish a one-stop shop for the authorisation of industrial manufacturing projects; finally, it introduces a 45-day deadline for deciding on applications for industrial manufacturing projects;

The tacit authorisation mechanism, combined with the setting of binding deadlines, as provided for in the aforementioned proposed Regulation COM(2025) 984 final, raises significant concerns; it risks leading to the authorisation of a project without first having established the essential operational requirements; it could lead to an increase in rejections or result in a rise in litigation, due to a failure to ensure the legal certainty of projects in advance; these measures could thus cause further delays, running counter to the intended objectives;

The introduction of national permit-granting procedures, with a view to establishing a one-stop shop for industrial manufacturing projects, disregards the division of powers between central government and local authorities; this measure proposed by the European Commission therefore does not appear to comply with the principle of subsidiarity;

As things stand, the introduction of binding deadlines for the processing of permit applications by the relevant authorities risks increasing the legal uncertainty surrounding the projects under consideration; this increased uncertainty is likely to lead to higher costs for project promoters and longer lead times for the completion of such projects, running counter to the intended objectives of industrial acceleration; in this respect, this provision does not appear to comply with the principle of proportionality;

Consequently, on these grounds, the Senate considers that the aforementioned draft regulation COM(2026) 100 final is not in accordance with Article 5 of the TEU and Protocol No 2 on the application of the principles of subsidiarity and proportionality annexed to the TEU and the TFEU.

Adopted as a Senate resolution on 18 June 2026.

The President,

Signed: Gérard LARCHER