



CICA Well-Prepared Projects Working Group Position Paper

The issue of Permitting

Date: November 2025

Preamble

CICA established a Working Group on Well-Prepared Projects (WG WPP) as early as 2010.

This WG has worked mainly in the field of Road Infrastructure, reaching out to the World Road Association (PIARC) to establish joint Taskforces (TF). These TF produced two main reports¹, with the last one considering the specific situation of Low- and Middle-Income Countries (LMICs) and the recent changes in procurement procedures introduced notably by the World Bank.

CICA's president, Juan Armando Vicuña, has however requested that the WG WPP should extend its activity beyond the mere procurement-related procedures and deal with the topical issue of Permitting: in many countries, including Chile, obtaining construction permits, either for housing or for infrastructure, is hindered by complex and time-consuming procedures that delay project implementation without clear benefit to the environment.

This paper outlines today's position of CICA, the World Construction Association, on the issue of Permitting. It should be considered as a first draft, since many organizations, notably the OECD, are also dealing with this issue and contemplate publishing recommendations in the near future.

Elements of context

Following are some examples of specific or general issues to illustrate the difficulties experienced by project owners:

France

Without doubt, the most exemplary case in France is that of A69, a toll motorway to be built between Toulouse and Castres in Southern France. After 14 decisions by administrative authorities in favour of the project dated as early as 2023, and after 60% of the works was implemented, the administrative tribunal of Toulouse eventually decided on 25 February 2025 to cancel the previous authorization, on the basis of excessive environmental damages. In May 2025, following an appeal by the Government to the appeal Court of the same city, the contractor was authorized to resume the works, on the basis of the major public interest of the project. This authorization is, however, temporary, and does not preclude a final decision cancelling the project again, which shall be made by the State Court (Conseil d'Etat). It is hard to predict the final result of this legal imbroglio, even though a law was passed in June 2025 to recognize the major public interest of A69 (however still under scrutiny of Constitutional Council).

¹ These reports are available at :

<https://www.piarc.org/ressources/publications/14/d25a5b5-37727-2022R12EN-Well-Prepared-Projects-A-PIARC-Collection-of-Case-Studies.pdf>

<https://www.piarc.org/ressources/publications/source/3/11d94e13-45222-2023R53EN-Well-Prepared-Projects-in-LMICs-PIARC-Technical-Report.pdf>

Acceleration laws

In order to streamline and accelerate project approval procedures, some countries have passed “acceleration laws”.

For instance, Germany’s laws² aimed notably at avoiding a double examination of projects at “Land” level and at Federal level. Italy’s acceleration laws aim at stimulating strategic investments by reducing administrative complexity and delays.

The above-mentioned examples serve only as an illustration and do not pretend to be exhaustive.

Recent work by the OECD

Under the aegis of its Regulatory Policy Committee, the OECD recently published (17 October 2025) a report titled “Licensing and Permitting; How to Manage Risks While Supporting Growth”. This committee was mandated in 2012 by the OECD Council to develop recommendations for governments on a range of topics, “to ensure that, where regulation is used, its economic, social and environmental benefits justify its costs, that redistributive effects are taken into account, and that the net benefit is maximized”.

The scope of this recommendation is much broader than infrastructure projects alone. Activities covered can be as varied as the sale of alcoholic beverages, the production of low-carbon energy, the operation of a meat processing plant or the use of special machinery. Conferences organized by the OECD in 2025 upstream of the publication showed however clearly that infrastructure projects were at the core of member countries’ concerns. Case studies presented in these conferences highlighted the potential drawbacks of excessive infrastructure regulations: on the legitimate grounds of protecting the environment, biodiversity, etc., these regulations can lead governments to lose sight of the usefulness of infrastructure projects, and delay, hinder or even prevent their implementation, entailing in any case cost and time overruns.

² « Beschleunigungsgesetze »

Licensing and permitting are among the tools available to governments for managing risks while supporting growth. When used appropriately, they can help prevent or reduce potential harms before certain activities begin, particularly in areas where significant risks to health, safety or the environment cannot be effectively managed otherwise. Targeted L&P can contribute to public trust by setting clear standards for entry, compliance and competition, while also building confidence and stability into regulatory frameworks that enable investment and growth.

However, governments can over-rely on L&P as a default option, driven by risk aversion or the need to collect information or revenue. This over-reliance can lead to practices that are burdensome, slow, complex, rigid, and misaligned with the objectives of risk management. Over-use of L&P creates barriers to market entry and can stifle innovation, delay critical investments, distort competition, and weaken government's ability to respond effectively to crises. Fragmented L&P practices across sectors and jurisdictions further generate confusion and distrust, while public expectations can exceed what L&P can realistically achieve.

For L&P to have positive effects, governments and licensing authorities must balance the protection of public goods with market development and innovation. Governments and licensing authorities need to ensure L&P are used only when needed and avoid complex and burdensome processes and requirements.

Excerpt from "Licensing and Permitting; How to Manage Risks While Supporting Growth"
Executive Summary)

More work is expected in year 2026 from the OECD that will deal more specifically with infrastructure projects. It is therefore timely for CICA to present the following position paper on this critical issue. This position paper shall be amended as and when the OECD comes up with new recommendations.

CICA Position

Here are some recommendations established by CICA's Working Group. They include the recommendations made by CICA members (FIEC, FNTF...) in their respective constituency.

General recommendations

- ✚ The time dimension should never be lost of sight; infrastructure projects take a long time in preparation and implementation. Lengthy procedures lead to time and cost overruns, and partial loss of the benefits expected from the project;
- ✚ Maximum time limits should be set and enforced for all approval procedures. One way to achieve this is to consider that, if some organizations fail to provide their opinion in due time, they have given a tacit approval;
- ✚ Digitalization can help achieve these recommendations; it can also help make procedures more transparent to the public;
- ✚ Coordination across governmental, regional and municipal entities should be enhanced and clearly organized; simplification should be sought after, and duplications avoided. Some projects are complex in nature (e.g., windfarms producing electricity that shall be stored before being used by a projected railway to serve a port facility). They require even more coordination and breaking down of silos at government level;

- ✚ No matter how complex the project is, there should be a single, final decision for project approval, with no further possibility to appeal.

Recommendations pertaining to Environmental Impact Assessments

While CICA clearly recognizes the legitimacy of measures aimed at protecting the environment, these measures should not be used to delay endlessly the final permitting decision. Indeed, infrastructure projects often bring a solution to environmental issues. Permitting should achieve the right balance between the utility of the infrastructure and environmental requirements.

In particular:

- as mentioned above, there should be such a thing as a final permitting decision, based on the utility of the project, with no further possibility to appeal. For instance, in France, the so-called “déclaration d'utilité publique” (public utility declaration), once approved, used to be final. This is no longer the case, as shown in the A69 example;
- once Environmental Impact Assessments, which are an important component of the permitting procedure, have been carried out and approved by the competent authority in the prescribed timeframe, they should not be challenged beyond a certain time limit;
- it should not be possible to invoke grounds based on laws enacted after a precise stage of the procedure.