

Report of the European Union for 2006-2009 on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (1991 Espoo Convention)

The European Union recalls its replies provided to the Espoo Secretariat in 2003¹ and 2006² regarding its competence to answer the questionnaires issued for the review of the Espoo Convention implementation. These responses remain valid and serve as the basis of the European Union's reply to the present questionnaire, subject of the following.

It should be noted that the European Union ratified the first and the second amendments to the UN ECE Espoo Convention in November 2007³. Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, amended by Directive 97/11/EC, Directive 2003/35/EC and Directive 2009/31/EC (EIA Directive), is consistent with the two amendments of the Espoo Convention. Therefore, no revision of the relevant EU legislation has been necessary for the conclusion of the two amendments.

In addition to the research projects mentioned in the 2006 reply, the following items should be added⁴:

- Report from the Commission on the application and effectiveness of the EIA Directive (Directive 85/337/EEC, as amended by Directives 97/11/EC and 2003/35/EC), COM/2009/0378.
- Report from the Commission on the application and effectiveness of the SEA Directive (Directive 2001/42/EC), COM/2009/469.
- Commission's Guidance on Interpretation of Project Categories in the EIA Directive.
- Case C-205/08⁵ - taking into account that the Court of Justice of the European Union (ECJ) provides the legally binding interpretation of the EU legislation, the Commission recalls a recent judgment of the Court (Case C-205/08) regarding the interpretation on the application of the EIA procedures for transboundary projects, spread across the territory of more than one country.

The European Union ratified the Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context (SEA Protocol) in October 2008⁶.

¹ <http://www.unece.org/env/eia/documents/Review%202003-2005/Questionnaire%20-%202003%20-%20EC.pdf>

² <http://www.unece.org/env/eia/documents/Review%202003-2005/Questionnaire%20-%202003-2005%20-%20EU.pdf> and <http://www.unece.org/env/eia/documents/Review%202003-2005/Questionnaire%20-%202003-2005%20-%20EU%20-%20annex.pdf>

³ Council Decision, 20 November 2007, 14352/07.

⁴ These files are available under <http://ec.europa.eu/environment/eia/home.htm>

⁵ <http://curia.europa.eu/jurisp/cgi-bin/form.pl?lang=EN&Submit=Submit&numaff=C-205/08>

⁶ Protocol on Strategic Environmental Assessment to the Convention on Environmental Impact Assessment in a Transboundary Context, OJ L 308, 19/11/2008, pp. 35-49.