



PROPOSAL FOR A REVISED EIA DIRECTIVE – COM(2012)628

Amendment of Directive 2011/92/EU

March 2013



Objectives of the revision

After 25 years of application, the EIA Directive has not significantly changed, while the policy, legal and technical context has evolved considerably.

Long public consultation period before the proposed revision.

General objective: adjust the EIA Directive in order to

- Render more effective the application.
- reflect ongoing environmental and socio-economic priorities and challenges.
- align with the principles of smart regulation.
- reflect the ECJ case-law.



European
Commission

Objectives

Specific and Operational
with clear benefits for the environment

Introduce and/or strengthen the quality related elements of the EIAD

- Specify the content and justification of the screening decision
- Specify the content and justification of the EIA report and the final decision
- Adjust the EIAD to the new environmental challenges

Enhance policy coherence and synergies with other EU/international law and simplify procedures

- Streamline environmental assessments
- Specify time-frames for the various stages of the EIA process



Overview of the EIA application (benefits)

Environmental benefits

- Environmental considerations are **integrated** as early as possible in decision-making process,
- More **sustainable** projects (prevention/mitigation of env. impacts).
- Increased environmental **awareness** of the public.

Wider socio-economic benefits

- **Avoided costs** for environmental and health damages
- **Governance** benefits (increased public participation, social acceptance, development of 'civil society', possibilities for the public to challenge the legality of final decisions).

Link between the amendments and the Articles/Annexes

Modification of Annex III
 Alternative procedure for Annex II projects
 Justification of negative screening decisions

Screening

Article 4
 Annex III
 Annex II.A

Mandatory assessment of alternatives
 Additional environmental issues
 Mandatory scoping
 Quality control of the EIA information
 Justification of final decisions
 Mandatory post-EIA monitoring

**EIA quality
 and
 analysis**

Article 3
 Article 5
 Article 8
 Article 9
 Annex III
 Annex IV

Coordinated/integrated procedure
 Specific time-frames for public consultation
 Maximum time-frames for decision-making

**Risk of
 inconcistencies**

Article 2.3
 Articles 6/7
 Article 4.6
 Article 8.3



Amended Articles - overview (1)

Article 1 - New definitions, such as

- EIA,
- Article 1(4): projects approved in detail by law (C-128/09), etc.

Amended Article 2(3): EIA one-stop shop

- Main obligation: coordinated/integrated procedure.

Screening: amended Art.4 & Annexes II.A and III

- time-frames (3+3), Annex III criteria, stating reasons, preventive measures

EIA report: amended Article 5 & Annex IV



EIA report: amended Article 5 & Annex IV

Article 5(2) – Scoping (mandatory)

- Becomes mandatory (no longer depends on the developer).
- Competent authority in close cooperation with the environmental authorities and the developer.
- Enlarged content of the scoping decision.

Article 5(3) – Quality of EIA report

- Guarantee the completeness and sufficient quality of the EIA report.
- Two possibilities: accredited and technically competent experts or committees of national experts.
- Situations of conflict of interest (i.e. where accredited and technically competent experts assisted the competent authority to prepare the scoping decision, the same experts shall not be used by the developer for the preparation of the EIA report).

Public consultation: amended Articles 6 and 7

Article 6

- Time-frame for consulting the public on the EIA report:
 - ✓ 30 to 60 days.
 - ✓ Possibility for extension by a further 30 days.
 - ✓ Conditions for extension:
 - in exceptional cases, where the nature, complexity, location or size of the proposed project so require.
 - the competent authority informs the developer of the reasons.
- Sufficient time for environmental authorities to be informed and consulted (Article 6(6)).

Article 7

- Obligation (shall) to determine detailed arrangements.
- Time-frames for public consultation highlighted.



Final decision: amended Article 8

Article 8(1) – content of the decision more concrete:

- a) the **environmental assessment** of the competent authority and the **environmental conditions** attached to the decision (including measures to avoid, reduce and offset significant adverse effects).
 - b) the **reasons** for choosing the project as adopted, in the light of the other **alternatives** considered.
 - c) a summary of the **comments** received during the consultation.
 - d) a statement summarising how **environmental considerations** have been integrated into the development consent and how the **results of the consultations and the EIA report** have been incorporated or otherwise addressed.
- Projects with significant **adverse transboundary effects**:
to provide information for not having taken into account comments received by the affected Member State.

Article 8(2) – monitoring (new provision) – if significant adverse effects – review EIA report+measures to mitigate



Final decision: amended Article 8

Article 8(3) – time-frame (new provision)

- 3 months – 3 conditions:
 - ✓ all necessary information (EIA report + consultations) gathered.
 - ✓ where relevant, specific assessments required under other EU legislation concluded (e.g. Habitats Directive).
 - ✓ consultations (public, env. authorities, transboundary) completed.
- Possibility for extension by a further 3 months; conditions for extension:
 - ✓ depending on the nature, complexity, location and size of the proposed project.
 - ✓ the competent authority explains the reasons and informs of the date when its decision is expected.

Article 8(4) – validity of EIA data (new provision)

- Last check (i.e. before granting development consent).
- Verify whether the EIA report is up to date (mainly measures envisaged to prevent, reduce and offset any significant adverse effects).



Thank you for your attention!

