

From: [Joe Ducombe](#)
To: [ECE-Eia-Conv](#)
Subject: RE: Letter from the Chair of the Implementation Committee - response requested by 1 June 2019
Date: Tuesday, May 28, 2019 3:32:39 PM
Attachments: [Loi du 15 mai 2018 EIE.pdf](#)

Dear Chair of the Implementation Committee,

In reply to your letter dated 11 April 2019, please find below the clarifications.

First of all I would like to draw your attention to the fact that Luxembourg has adopted a new bill on environmental impact assessments in 2018 (Loi du 15 mai 2018 relative à l'évaluation des incidences sur l'environnement) in order to implement Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (amended by Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014).

(a) How article 4(1) was implemented within the country's national legal and administrative framework

Article 6 and Annex III of the Luxembourgish law contain the minimum content the information to be submitted by developers.

- a description of the project comprising information on the site, design, size and other relevant features of the project;
- a description of the likely significant effects of the project on the environment;
- a description of the features of the project and/or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
- a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment;
- additional information specified in Annex IV relevant to the specific characteristics of a particular project or type of project and to the environmental features likely to be affected:
- a description of the location of the project
- a description of the physical characteristics of the whole project, including, where relevant, requisite demolition works, and the land-use requirements during the construction and operational phases;
- a description of the main characteristics of the operational phase of the project (in particular any production process), for instance, energy demand and energy used, nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;
- an estimate, by type and quantity, of expected residues and emissions (such as water, air, soil and subsoil pollution, noise, vibration, light, heat, radiation) and quantities and types of waste produced during the construction and operation phases;
- a description of the reasonable alternatives (for example in terms of project design, technology, location, size and scale) studied by the developer, which are relevant to the proposed project and its specific characteristics, and an indication of the main reasons for selecting the chosen option, including a comparison of the environmental effects;
- a description of the relevant aspects of the current state of the environment (baseline scenario) and an outline of the likely evolution thereof without implementation of the project as far as natural changes from the baseline scenario can be assessed with reasonable effort on the basis of the availability of environmental information and scientific knowledge;
- a description of the factors specified in Article 3(1) likely to be significantly affected by the project: population, human health, biodiversity (for example fauna and flora), land (for example land take), soil (for example organic matter, erosion, compaction, sealing), water (for example hydromorphological changes, quantity and quality), air, climate (for example greenhouse gas emissions, impacts relevant to adaptation), material assets, cultural heritage, including architectural and archaeological aspects, and landscape;

- a description of the likely significant effects of the project on the environment resulting from, inter alia:
 - the construction and existence of the project, including, where relevant, demolition works;
 - the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
 - the emission of pollutants, noise, vibration, light, heat and radiation, the creation of nuisances, and the disposal and recovery of waste;
 - the risks to human health, cultural heritage or the environment (for example due to accidents or disasters);
 - the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;
 - the impact of the project on climate (for example the nature and magnitude of greenhouse gas emissions) and the vulnerability of the project to climate change;
 - the technologies and the substances used;
- the description of the likely significant effects on the factors specified in Article 3(1) should cover the direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the project. This description should take into account the environmental protection objectives established at Union or Member State level which are relevant to the project;
- a description of the forecasting methods or evidence, used to identify and assess the significant effects on the environment, including details of difficulties (for example technical deficiencies or lack of knowledge) encountered compiling the required information and the main uncertainties involved;
- a description of the measures envisaged to avoid, prevent, reduce or, if possible, offset any identified significant adverse effects on the environment and, where appropriate, of any proposed monitoring arrangements (for example the preparation of a post-project analysis). That description should explain the extent, to which significant adverse effects on the environment are avoided, prevented, reduced or offset, and should cover both the construction and operational phases;
- a description of the expected significant adverse effects of the project on the environment deriving from the vulnerability of the project to risks of major accidents and/or disasters which are relevant to the project concerned. Relevant information available and obtained through risk assessments pursuant to Union legislation such as Directive 2012/18/EU of the European Parliament and of the Council (14) or Council Directive 2009/71/Euratom (15) or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of this Directive are met. Where appropriate, this description should include measures envisaged to prevent or mitigate the significant adverse effects of such events on the environment and details of the preparedness for and proposed response to such emergencies;
- a reference list detailing the sources used for the descriptions and assessments included in the report; and
- a non-technical summary of the information referred.

Paragraph 2 of article 6 foresees that the report has to be established by a person persons authorized in accordance with the la of 21st April 1993 concerning the licensing of persons for the execution of environmental studies and verifications.

(b) How Luxembourg as affected Party ensures public involvement in the environmental impact assessment procedure under articles 3(8) and 4(2)

Within the working Group “environment” of the “Greater Luxembourg Region” (Saarland, Lorraine, Luxembourg, Rhineland-Palatinate, Wallonia and the rest of the French Community of Belgium, and the German-speaking Community of Belgium - www.grossregion.net) one is currently working on a guidance for the public consultation of transboundary environmental impact assessment procedures.

I hope this addresses your expectations. Do not hesitate to come back to me for further information.

Regards,

Joe

Joe DUCOMBLE

Attaché de Gouvernement

LE GOUVERNEMENT DU GRAND-DUCHÉ DE LUXEMBOURG

Ministère de l'Environnement, du Climat et du Développement durable

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