



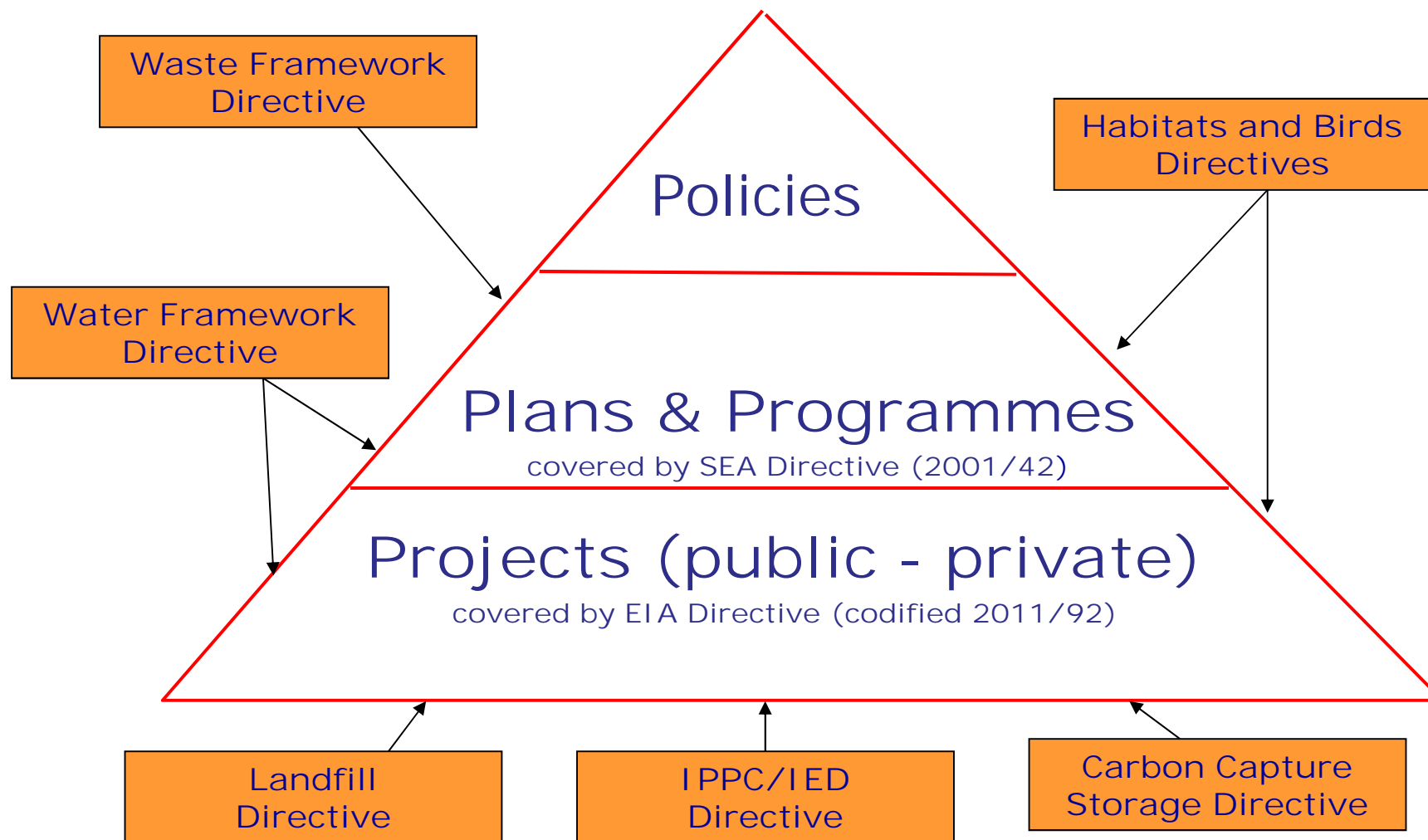
# The revised Environmental Impact Assessment (EIA) Directive – consideration of climate change

18 May 2015

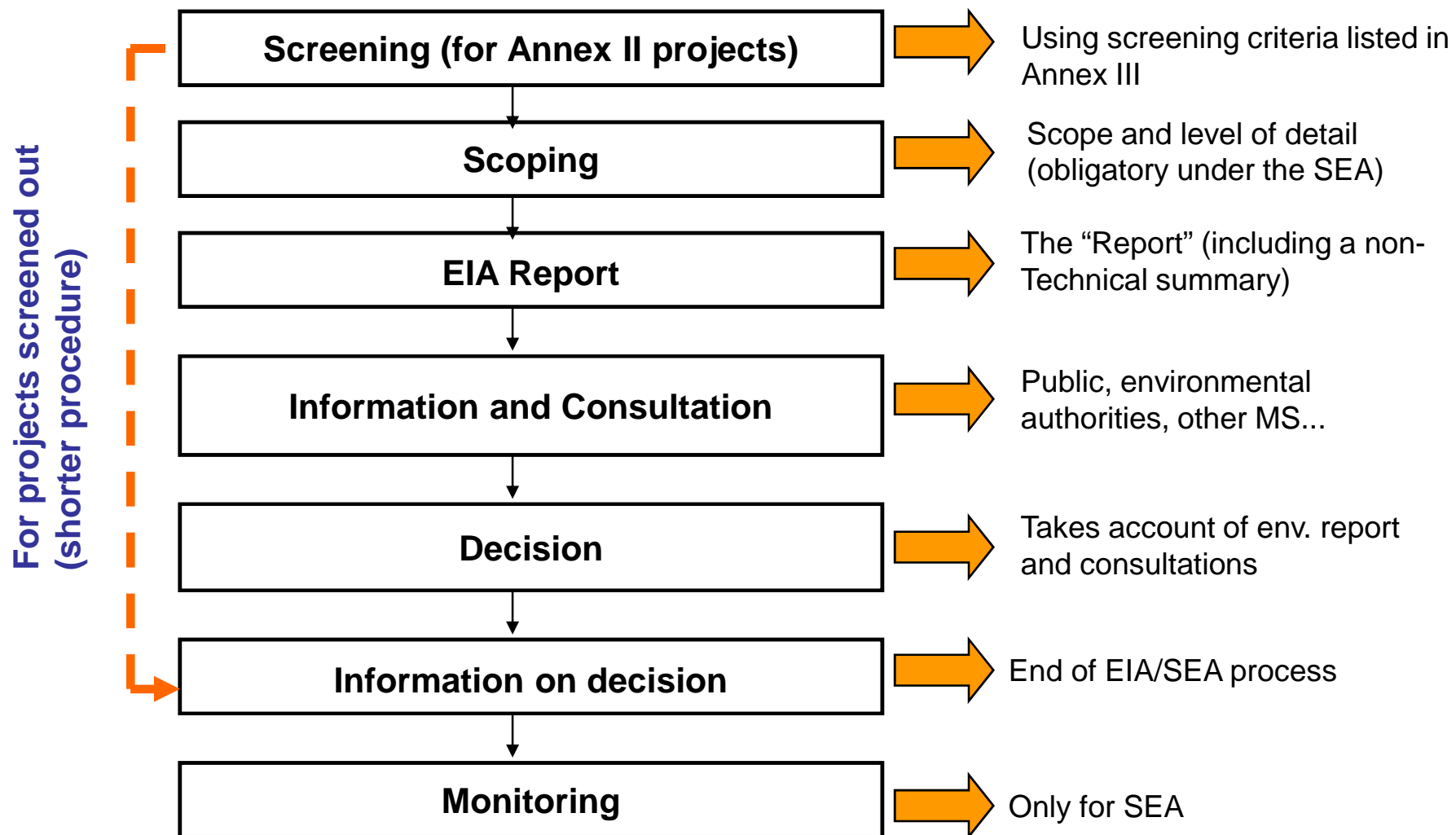


European  
Commission

# Environmental Assessments



## The **current** Environmental Assessment Procedures





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

- Main obligation: coordinated/integrated procedure, where appropriate, for assessments under EIA and/or Habitats/Birds Directives.
- For assessments under EIA and other Union legislation (e.g. SEA, Water Framework, IED, Waste Framework, Seveso, listed in recital 37) possibility to apply one-stop shop.
- Short explanations of coordinated/integrated procedures.
- COM to issue guidance on coordinated/integrated procedures.





## Amended Article 3

### Adaptation to new environmental issues

- Use of natural resources (biodiversity, land, soil, water, air).
- Biodiversity with focus on species/habitats protected under the two Nature directives.
- Risks of major accidents and or/ disasters.
- Recitals 7 to 16.

### Consistency with other provisions

- Population and human health (instead of "human beings").
- Reference to "significant" effects, i.e. objective of Article 2(1).
- Annex IV.4.

Climate (change) – no changes in Art. 3(1)(c) – however, new recitals 7 and 13.





## Screening: amended Article 4 and Annex III

New items – no direct reference to CC

- Art. 4(3) - thresholds/criteria to decide when projects have/have not to undergo screening or EIA.
- Art. 4(4) and Annex II.A – list of information to be provided by the developer.
- Art. 4(5): screening decision-making/content of the screening decision:
- Art. 4(6): time-frame of the screening decision
- Annex III – 1. Characteristics of the projects - (f) the risk of major accidents and/or disasters which are relevant to the project concerned, including those caused by climate change, in accordance with scientific knowledge

(COM proposal for Annex III - (g) impacts of the project on climate change (in terms of greenhouse gas emissions including from land use, land-use change and forestry), contribution of the project to an improved resilience, and the impacts of climate change on the project (e.g. if the project is coherent with a changing climate)





# EIA report: amended Article 5 & Annex IV

## Art. 5(1) – EIA report

- description of the project (site, design, size and other relevant features);
- description of the likely significant effects;
- 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;
- description of the reasonable alternatives and an indication of the main reasons for the option chosen;
- non-technical summary;
- any additional information specified in Annex IV.

## Annex IV – content of the EIA report

- Description of the factors specified in Article 3(1) likely to be significantly affected by the project - climate (for example greenhouse gas emissions, impacts relevant to adaptation)
- Description of the likely significant effects of the project on the environment resulting from, inter alia 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





# EIA report: amended Article 5 & Annex IV

## Art. 5(3) – Quality of EIA report (new provision)

- Guarantee the completeness and quality of the EIA report.
- Two cumulative conditions:
  - Developer shall ensure that the EIA report is prepared by competent experts and
  - CA shall ensure that it has, or has access as necessary to, sufficient expertise to examine the EIA report.
- Where necessary, CA shall seek from the developer supplementary information, directly relevant to reaching the reasoned conclusion on the significant effects of the project.







## Public consultation: amended Article 6

### New items

- Art. 6(1) - local and regional authorities clearly spelled out as bodies given an opportunity to participate in the EIA consultation.
- Art. 6 (2) - public shall be informed electronically [and by public notices..].
- Art. 6(5) – relevant information shall be electronically accessible to the public, through at least a central portal or easily accessible points of access, at the appropriate administrative level.
- Art. 6(6) - reasonable time-frames for the different phases to be provided (for information and for participation in the decision-making).
- Art. 6(7) - time-frame for consulting the public concerned on the EIA report - at least 30 days.





## Final decision: new Article 8a

- Art. 8a(1) - decision to grant development consent:
  - the reasoned conclusion;
  - any environmental conditions attached to the decision, a description of any features of the project and/or measures envisaged to avoid, prevent or reduce and, if possible, offset significant adverse effects on the environment as well as, where appropriate, monitoring measures.
- Art. 8a(2) - decision to refuse development consent – main reasons for the refusal.
- Art. 8a(3) – reflecting different EIA systems in the EU (also recital 21).





## Final decision: new Article 8a (cont.)

- Art. 8a(4) - monitoring (new provision – recital 35).
- Requirements for projects with significant + adverse environmental effects;
  - Measures/features to avoid, prevent, reduce offset effects to be implemented by the developer.
  - MS to determine appropriate procedures to monitor such effects.
    - type of parameters to be monitored / duration of the monitoring: proportionate to the nature, location and size of the project and the significance of its effects on the environment;
    - use of existing monitoring from EU legislation (to avoid duplication).





## Transitional provisions – Art. 3 of Directive 2014/52/EU

- Projects for which the screening was initiated before 16 May 2017 shall be subject to the provisions of Directive 2011/92/EU (i.e. current regime).
  
- Projects for which:
  - the scoping was initiated or
  - the EIA report was submitted by the developerbefore 16 May 2017 shall be subject to the provisions of Directive 2011/92/EU (i.e. current regime).





## Important dates

25 April 2014 – publication in OJ

16 May 2014 – entry into force of Directive 2014/52/EU

Till 16 May 2017 – transposition/application in Member States

Text of Directive 2014/52/EU: [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2014.124.01.0001.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.124.01.0001.01.ENG)

Unofficial consolidated text:

[http://ec.europa.eu/environment/eia/pdf/EIA\\_Directive\\_informa\\_l.pdf](http://ec.europa.eu/environment/eia/pdf/EIA_Directive_informa_l.pdf)

