



Major Projects in the 2014-2020 programming period

Lessons learnt in the years 2015-2017

**Closure and Major Projects Unit
DG REGIO**

There is some progress both in substance and in the presentation of information, but there are still, even if fewer, recurring questions linked with the environmental profile of major projects.

Environmental considerations in many cases are still considered an external requirement only.

Recurring questions affecting timely decision-making

- ❖ Why that specific investment option was selected? Is that the most environmental friendly?
- ❖ How reliable is the environmental profile of the project if the project demand analysis is unreliable? (for transport projects)
- ❖ Has the EIA covered the necessary area?
- ❖ Was population consulted?
- ❖ How the outcome from public consultation was taken into consideration in the environmental permit?

Recurring questions affecting timely decision-making

- ❖ Is the environmental permit still valid?
- ❖ How the protection of drinking water sources is ensured?
- ❖ How noise protection is ensured?
- ❖ How Natura 2000 site(s) is/are protected/not endangered?
- ❖ Where there construction changes? Was there a new screening?
- ❖ What about the protection of migration corridors for wild life?

Recurring questions

In general none in this section.

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F. AN ANALYSIS OF THE ENVIRONMENTAL IMPACT, TAKING INTO ACCOUNT CLIMATE CHANGE ADAPTATION AND MITIGATION NEEDS, AND DISASTER RESILIENCE

F.1. **Consistency of the project with environmental policy**

F.1.1 *Describe how the project contributes and takes into account the environmental policy objectives including climate change (as guidance, please consider the following: resource efficiency, preservation of biodiversity and ecosystem services, reduction of GHG emissions, resilience to climate change impacts etc.).*

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F.1.2 *Describe how the project respects the precautionary principle, the principle of preventive action, the principle that environmental damage should as a priority be rectified at source and the 'polluter pays' principle.*

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Recurring questions

2/7

In general none in this section.

F.2. Application of Directive 2001/42/EC of the European Parliament and of the Council ⁽¹⁾ (the ‘SEA Directive’)

F.2.1 Is the project implemented as a result of a plan or programme, other than Operational Programme? <type='C' input='M'>

Yes

No

F.2.2. If the reply to question F.2.1 is ‘Yes’, please specify if the plan or programme was made subject to a strategic environmental assessment in accordance with the SEA Directive <type='C' input='M'>

Yes

No

— If the reply is ‘No’, please provide a short explanation:

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— If the reply is ‘Yes’, please provide the non-technical summary ⁽²⁾ of the Environmental Report and the information required by Article 9(1)(b) of that Directive (either an internet link or an electronic copy).

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Recurring questions

Not recurring Q for the moment.

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F.3. **Application of Directive 2011/92/EU of the European Parliament and of the Council ⁽³⁾ (the ‘EIA Directive’)**

F.3.1 *In case of non-fulfilment of the ex-ante conditionality on environmental legislation (Directive 2011/92/EU and Directive 2001/42/EC), as per Article 19 of Regulation (EU) No 1303/2013 demonstrate link to the agreed action plan*

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F.3.2 *Is the project listed in EIA Directive annexes ⁽⁴⁾:*

- Annex I to the EIA Directive (go to question F.3.3)
- Annex II to the EIA Directive (go to question F.3.4)
- Neither of the two Annexes (go to question F.4) — please explain below

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Recurring questions

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Was population consulted?

How the outcome from public consultation was taken into consideration in the environmental permit?

Is the environmental permit still valid?

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F.3.3 *When covered by Annex I to the EIA Directive, include the following documents (as Appendix 6) and use a text box below for additional information and explanations ⁽¹⁾:*

- (a) The non-technical summary of the EIA Report ⁽²⁾.
- (b) Information on consultations with environmental authorities, the public and if applicable, consultations with other Member States, carried out in accordance with Articles 6 and 7 of the EIA Directive.
- (c) The decision of the competent authority issued in accordance with Articles 8 and 9 of the EIA Directive ⁽³⁾, including information on how it was made available to the public.

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Recurring questions

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Surely Annex III? Surely Annex II? Why not Annex I?

Was population consulted?

How the outcome from public consultation was taken into consideration in the environmental permit?

Is the environmental permit still valid?

F.3.4 *When covered by Annex II to that Directive, has an EIA been carried out?* Yes No

Yes

No

— If the reply is 'Yes', please include the necessary documents listed under point F.3.3

— If the reply is 'No', please include the following information:

- (a) The determination required in Article 4(4) of the EIA Directive (known as 'screening decision').
- (b) The thresholds, criteria or case by case examination carried out to reach the conclusion that an EIA was not required (this information is not needed, if it is already included in the decision mentioned under point (a) above).
- (c) An explanation of the reasons why the project has no significant environmental effects, taking into account the relevant selection criteria listed in Annex III to the EIA Directive (this information is not needed, if it is already included in the decision mentioned under point (a) above).

Recurring questions

Is the environmental permit still valid?

Why that specific investment option was selected? Is that the most environmental friendly?

Where there construction changes? Was there a new screening?

F.3.5 *Development consent/construction permit (as applicable)*

F.3.5.1. Is the project already in the construction phase (at least one works contract)? <type='C' input='M'>

Yes*

No

F.3.5.2. Has the development consent/construction permit already been given to this project (for at least one works contract)? <type='C' input='M'>

Yes

No (*)

(*) Projects in construction phase ('Yes' answer to question F.3.5.1.) and without development consent/construction permit for at least one works contract at the time of their submission to the European Commission are not admissible by the Commission

F.3.5.3. If 'Yes' (to F 3.5.2.), on which date

<type='D' input='M'>

Recurring questions

How Natura 2000 site(s) is protected/not endangered?

What about the protection of migration corridors for wild life?

Is there a right Natura 2000 declaration? (new question)

F.4. **Application of the Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora ⁽¹⁾ (Habitats Directive); assessment of effects on Natura 2000 sites**

F.4.1. *Is the project likely to have significant negative effects, either individually or in combination with other projects, on sites included or intended to be included in the Natura 2000 network? <type='C' input='M'>*

Yes

No

F.4.2 *If the reply to question F.4.1 is 'Yes', please provide:*

(1) the decision of the competent authority and the appropriate assessment carried out according to Article 6(3) of the Habitats Directive;

(2) if the competent authority has determined that the project has significant negative effects on one or more sites included or intended to be included in the Natura 2000 network, please provide:

(a) a copy of the standard notification form 'Information to the European Commission according to Article 6(4) of the Habitats Directive' ⁽²⁾, as notified to the Commission (DG Environment) and/or;

(b) an opinion of the Commission under Article 6(4) of the Habitats Directive in case of projects having significant impacts on the priority habitats and/or species and justified by imperative reasons of overriding public interest other than human health and public safety or beneficial consequences of primary importance for the environment.

The time context of major projects

Time you need



Time you still have





Thank you for your attention!

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