



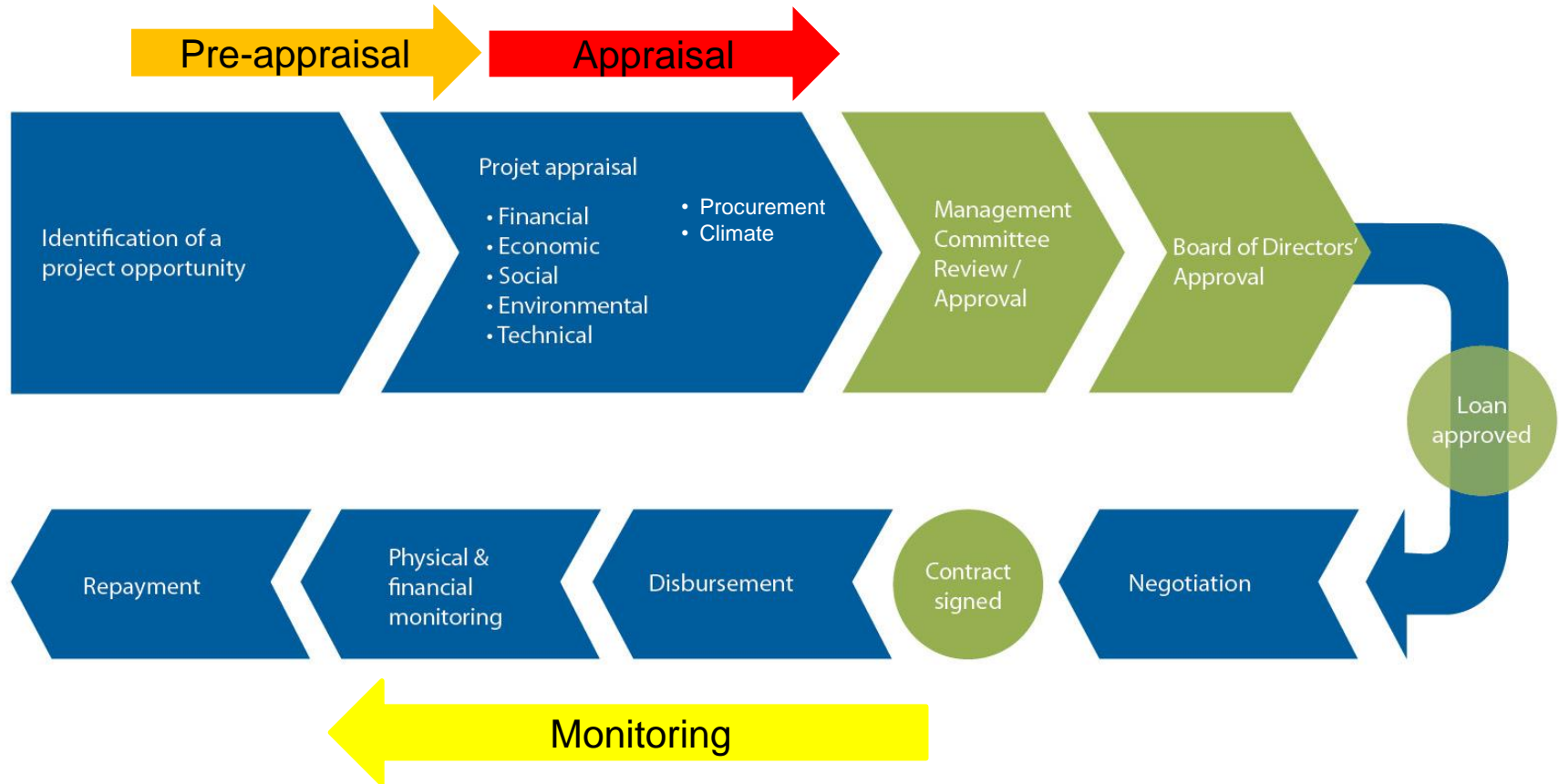
**European
Investment
Bank**

The EU bank

Application of art 6 (3) of Habitats Directive to the transboundary linear infrastructure projects

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The EIB project cycle



Due diligence process

Projects must:

- Be technically sound including on environmental and social aspects
- Be financially and economically justified
- **Comply with:**
 - *environmental & social legislation and EIB E&S Standards*
 - procurement rules and regulations

Due diligence process

EIB's main role :

- ❑ assessing the operation against legal framework
- ❑ assessing the operation against EIB E&S principles and standards;
- ❑ assessing the capacity of the Promoter to implement E&S requirements;
- ❑ disclose information about its project in accordance with Aarhus regulation and the EIB Transparency Policy

Due diligence process

When assess the compliance with art. 6 (3) and 6(4) for all projects located in EU MS, EIB consider the following :

- whether the project was subject to an appropriate assessment (AA) or not;
- for projects requiring an AA that the main stages of the process have been carried out and the corresponding documents (AA study and decisions issued by the competent authority) are received by EIB;
- for projects not requiring an AA, the main reasons to support the decision/opinion issued by the competent authority
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Lessons learned

- ❑ Inadequate knowledge base on which to assess impacts – difficulties (e.g technical deficiencies or lack of know-how) should be mentioned;
- ❑ Application of different criteria to similar projects with different outcome of the screening (in one case requiring an AA, others not);
- ❑ Lack of clear and documented justification of the main reasons for not requiring an AA;
- ❑ “Appropriate assessment” – impact not always quantified and the significance determined – misunderstanding of the relevant stages and steps included in the “EC methodological guidelines on the provisions of Art. 6(3) and 6(4) of Habitats Directive”.

Lessons learned

- ❑ Persistent lack of assessment of cumulative impacts (e.g. access roads or servitude roads are not taken into consideration);
- ❑ Mitigation measures very generic and not tailored to the impacts or done in isolation;
- ❑ Lack of an ecosystem approach or integrated landscape approach – very location specific;
- ❑ Coordination between local, regional and national competent authorities; specifically for private sector projects can be challenging.

Examples of projects

I. BLACK SEA GAS CONNECTION - Romania

- ❑ the project includes a 308 km transmission pipeline (32.5 km of DN1200 and 275.6 km of DN1000 pipeline at a pressure of 63 bar) with the associated facilities (valve stations, pig launching station and interconnection with the existing transmission lines and the Podisor compressor station)
- ❑ the project was subject to an EIA and AA procedure
- ❑ the project crosses eight Natura 2000 sites, three Ramsar sites and one protected area of national interest; the impact on all identified protected areas were evaluated in an Appropriate Assessment Study and relevant mitigation measures and conditions were imposed as part of the EIA Decision

Examples of projects

II. TAP – Trans Adriatic Pipeline - Albania, Greece, Italy

- ❑ the TAP section consists of the construction of a gas pipeline of 878km, connecting with the Trans Anatolian Pipeline (TANAP) at the Greek-Turkish border near Kipoi - Greece, then crossing Northern Greece, Albania and the Adriatic Sea before coming ashore in Southern Italy to connect to the Italian gas network
- ❑ the project was subject to an EIA procedure for each of the three countries during 2012-2014, as required by the respective national legislation and EU requirements and the decisions were issued in January 2013 (Albania) and September 2014 (Greece and Italy)
- ❑ On Greece and Italy sections, AA studies have been prepared and competent authorities have concluded that there would not be any significant effects on the sites. On the Albanian side a process in line with an AA was carried out;

More Information

For info or further questions on this seminar and the activities of the JASPERS Networking Platform, please contact the JASPERS Networking and Competence Centre at the following email:

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