



Streamlining environmental assessments

(as per Art. 2(3) of the EIA Directive)

DG ENV

Brussels, 16 December 2019

Amended Article 2(3): Streamlining

- Main obligation: coordinated/joint procedure, *where appropriate*, for assessments under EIA and 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 streamlining.
- Joint procedure – MSs arrange a single assessment of the environmental impact of a given project. A single assessment, conducted in accordance with the EIA Directive, replaces multiple assessments of a given project.
- Coordinated procedure – MSs designate an authority to coordinate the various assessments of a project's environmental impact. Single point of contact responsible for all environmental assessments improves clarity and efficiency for developers and administration and provide guidance throughout the procedure. The designated body plays a central role in coordination and ensures that the environmental assessments run smoothly

EIA and nature legislation

Nature legislation:

- ✓ Birds Directive (1979)
- ✓ Habitats Directive (1992) → appropriate assessment (AA)

EIA Directive 2014/52/EU → streamlining

- ✓ Joint procedure (one-stop-shop)
- ✓ Coordinated procedure

Streamlining (integrated assessments): already in place in many MS (e.g. FR, DE, IE, UK, PL, AT)

EIA & Habitats Directive → almost 25 years of "joint" implementation

- ✓ Similar logic
- ✓ Cross-references: EIA refers to BHD
- ✓ Shared concepts and definitions (e.g. "project")
- ✓ ECJ jurisprudence

Differences

EIA

- All projects (annex I; annex II [annex III])
- Outcome: procedural (have to be taken into consideration)
- Who: authority, developer
- Consultations: obligatory (authorities/public)

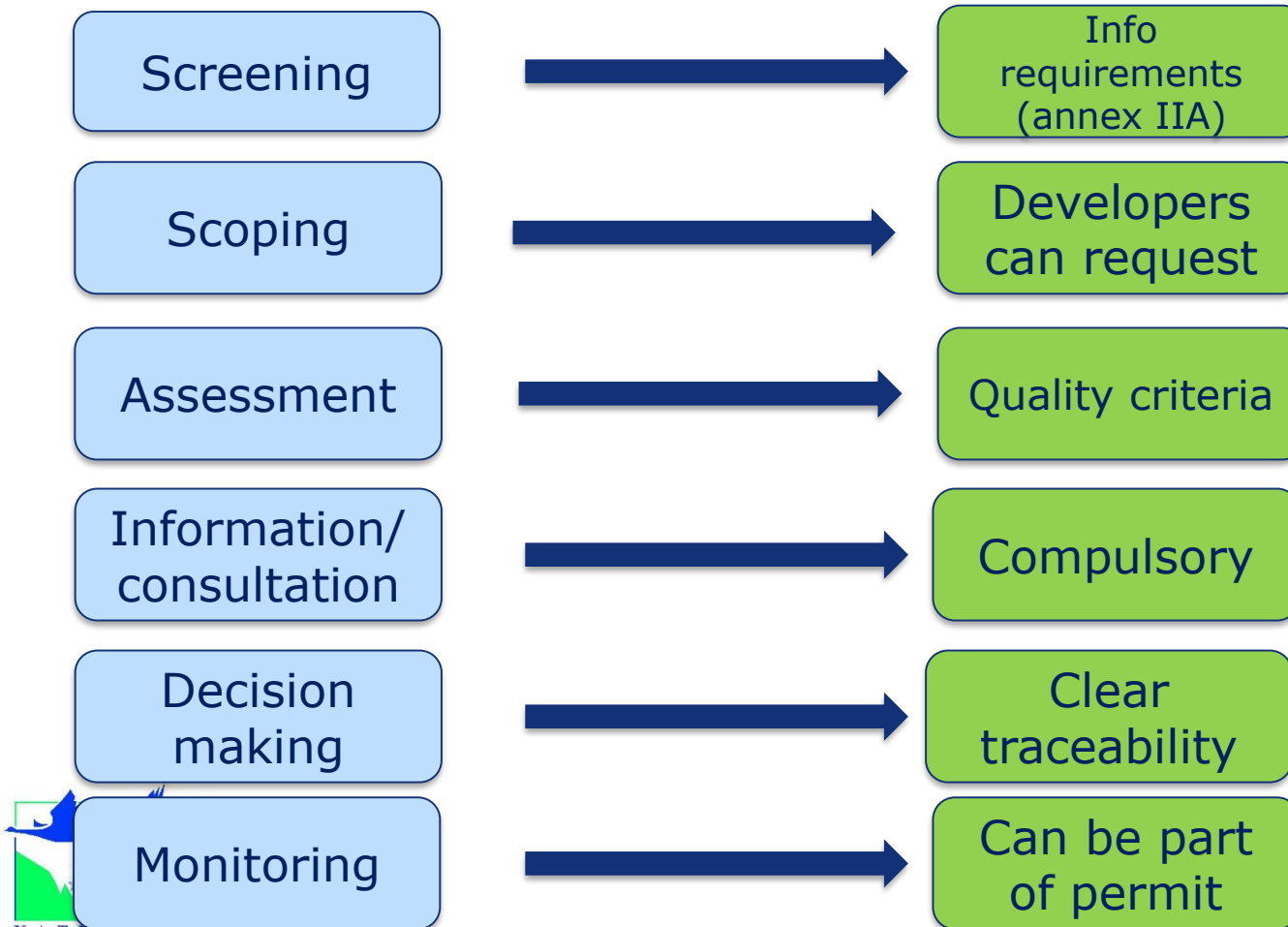
AA

- Only projects with likely impact on N2000
- Outcome: binding
- Substantive obligations (site conservation objectives; impact on integrity)
- Who: the authority
- Consultations: "if appropriate"



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Streamlining: benefits of EIA for AA



Guidance on coordinated/joint procedures

- **Commission notice - OJ 273, 27.07.2016**
- **Drawing up the EIA report:**
 - ✓ data and information included in the EIA report should be in accordance with Annex IV of the EIA Directive;
 - ✓ given the differences in the scope of the EIA and AA, the information relevant to the AA and the relevant conclusions with regard to it must be readily identifiable in the environmental impact assessment report. Information gathered in the course of the EIA procedure cannot substitute the AA information, as neither procedure overrides the other;
 - ✓ scoping - good practice in any procedure; easier to establish the scope and content of the overall environmental report and ensure that the information to be provided on the basis of the various environmental assessments is coherent.

Guidance on coordinated/joint procedures - II

- **Consultations/public participation:**
 - ✓ public consultations – key step;
 - ✓ duration of consultations – min 30 days;
 - ✓ good practice - inform and involve the public from the outset of the environmental assessment procedure, i.e. the scoping phase;
 - ✓ if the assessments to be conducted require several public consultations, these should be held either under a single integrated consultation procedure or through coordinated procedures;
 - ✓ setting reasonable max time-frames for informing the public and conducting public consultations makes the procedure easier and more efficient for both the competent authorities and the developers.

Guidance on coordinated/joint procedures - III

■ Decision-making:

- ✓ results of the 'appropriate assessment' under Art. 6(3) of the Habitats Directive are binding for the development consent of a project - the competent authorities cannot authorize the project unless the 'appropriate assessment' (AA) concludes that it will not adversely affect the integrity of the Natura 2000 site concerned;
- ✓ joint EIA and AA procedure ensures better quality, as it is also covered by public consultation. When a decision is taken to grant or refuse consent to develop a project, the decision should be complemented by information on the 'appropriate assessment', and that it be in line with that assessment's outcomes;
- ✓ The decision following the streamlined environmental assessments could also include information about the alternatives, mitigation measures and, if relevant, the compensation measures identified with regard to Natura 2000 sites in the context of the AA or in the overall EIA environmental report.

Other relevant provisions

- Art. 4(4): information provided by the developer – the developer shall take into account, where relevant, the available results of other relevant assessments of the effects on the environment carried out pursuant to Union legislation other than this Directive.
- Art. 4(5): screening decision-making – the CA [when making its determination] shall take into account, where relevant, the results of other preliminary verifications/assessments.
- Art. 5(1): EIA report/scoping - the developer shall, with a view to avoiding duplication of assessments, take into account the available results of other relevant assessments under Union or national legislation, in preparing the EIA report.
- Annex IV, point 8 - relevant information available and obtained through risk assessments pursuant to Union legislation such as Directive 2012/18/EU (Seveso) or Directive 2009/71/Euratom (Nuclear Safety) or relevant assessments carried out pursuant to national legislation may be used for this purpose provided that the requirements of this Directive are met.

Benefits

- **No duplication**
- **No (less) delays**
- **Legal certainty**

Transboundary EIA

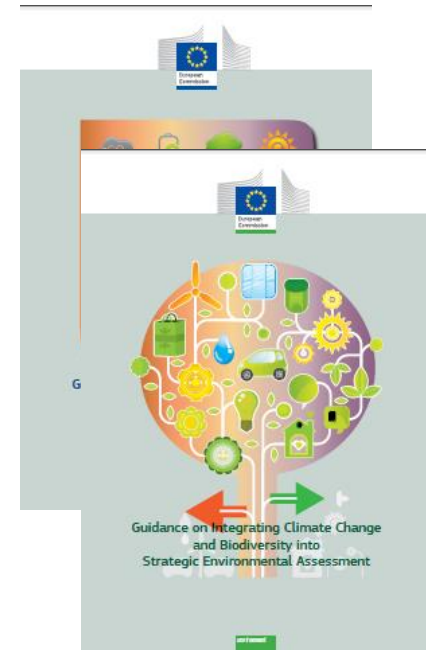
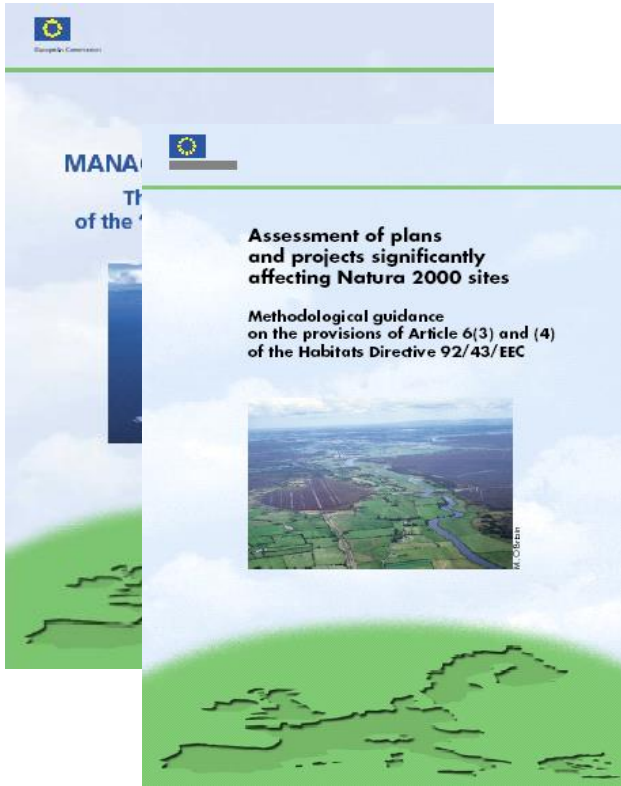
When a Member State is aware that a project is likely to have significant effects on the environment in another Member State or where a Member State likely to be significantly affected so requests[...]

- Notification and transmittal of information (Art. 7(1) and 7(2))
- Determination of the content and extent of the matters of the EIA information – scoping (Article 5(2))
- Preparation of the EIA report by the developer (Art. 5(1), 5(3) and Annex IV)
- Public participation, dissemination of information and consultation (Art. 6, 7(3))
- Consultation between concerned Member States (Art. 7(4), possibility to establish a joint body)
- Examination of the information gathered and final decision (Art. 8 and 8a)
- Dissemination of information on the final decision (Art. 9)



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Commission guidance documents



http://ec.europa.eu/environment/nature/natura2000/management/guidance_en.htm#art6

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=OJ:C:2016:273:TOC>



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:

jaspersnetwork@eib.org

JASPERS Networking Platform:

www.jaspersnetwork.org

JASPERS Website:

jaspers.eib.org

