Assessment of the effects of certain public and private projects on the environment: provisions concerning the quality of the EIA

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The Committee on the Environment, Public Health and Food Safety adopted the report by Andrea ZANONI (ADLE, IT) on the proposal for a directive of the European Parliament and of the Council amending Directive 2011/92/EU of the assessment of the effects of certain public and private projects on the environment.

The committee recommends that Parliament's position adopted in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Projects: the report states that 'projects' must include: (1) the execution of construction works, or of other installations or schemes, including demolition works directly linked to the execution of construction works; (2) other interventions in the natural surroundings and landscape including those involving the research **and extraction** of mineral resources.

Conflicts of interest: Members consider that experience acquired in a number of Member States has shown that **specific rules** need to be introduced to put an end to the issue of conflicts of interest, in order to ensure that the aim of the environmental impact assessment procedure is effectively achieved. Accordingly, the competent authorities charged with carrying out assessments must not, under any circumstances, overlap with developers nor be dependent on or subordinate to them.

Drafting and verification of reports: an amendment states that environmental reports must be prepared by **qualified and technically competent experts** and/or committees of national experts whose names shall be made public.

The experts must provide appropriate guarantees of competence and impartiality when verifying environmental reports. These experts shall be responsible for the environmental impact assessments they conduct or supervise or on which they have issued a positive or negative opinion.

Public participation: the public shall have the right to request an environmental impact assessment of a given project considered to be a matter of concern, to that end employing active participation arrangements involving residents, local authorities, or NGOs in particular. The report adds new clauses regarding access to information on revision or amendment of an environmental impact report as well as on measures regarding mitigation or compensation.

With a view to strengthening access and transparency, a **central portal providing timely environmental information electronically should be made available in each Member State**.

Cross-border projects: Member States and neighbouring countries involved shall take all measures necessary to ensure that respective competent authorities cooperate in order to provide jointly for one integrated and coherent cross-border environmental impact assessment from an early planning stage, in accordance with applicable legislation on Union co-funding.

Monitoring and measures on mitigation and compensation: the amended text specifies that Member States shall take the necessary measures to provide that projects are constructed and operated in accordance with the **following principles**:

- all appropriate preventive measures are taken against pollution and no significant pollution is caused;
- the best available techniques are applied and natural resources and energy are used efficiently;
- waste generation is prevented and, where waste is generated, it is prepared for re-use, recycled, recovered;
- the necessary measures are taken to prevent accidents and limit their consequences;
- the necessary measures are taken upon definitive cessation of activities to avoid any risk of pollution and return the site of operation to a satisfactory state.

Where monitoring indicates that mitigation or compensation measures are not sufficient or unforeseen significant adverse environmental effects are observed, the competent authority shall lay down **corrective mitigation or compensation measures** in accordance with the relevant legislation.

Penalties: based on experience, to ensure the harmonised and effective application of the Directive, the legal systems of Member States need to provide for effective and dissuasive penalties where national provisions are infringed, in particular with regard to cases of conflict of interest or corruption.

Shale gas: the report proposes to include the exploration, evaluation and extraction of crude oil and/or natural gas trapped in gas-bearing strata of shale in Annex I of the directive regarding projects that must be made subject to an assessment.