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

2012/0297(COD) - 09/10/2013 - Text adopted by Parliament, partial vote at 1st reading/single reading

The European Parliament adopted amendments (339 votes to 293 with 28 abstentions) to 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 matter had been sent back to the competent committee for re-consideration. The vote was put back to a later session.

The main amendments adopted in plenary were as follows:

Projects: Parliament specified that projects within the meaning of the directive meant interventions in the natural surroundings and landscape including those involving the research and extraction of mineral resources.

The definition of ’development consent' was clarified to state that it means the decision of the competent authority or authorities that entitles the developer to start the project.

Shale gas: Members proposed to include in the list of made subject to environmental impact assessment exploration and hydraulic fracturing extraction activities for non-conventional hydrocarbons (shale gas and oil, ‘tight gas, ’coal bed methane‘), regardless of the amount extracted.

Conflict of interest: in the light of experience acquired in certain Member States, Parliament proposed to insert specific to avoid the conflict of interest that can arise between the developer of a project that is subject to environmental impact assessment and the competent authorities. In particular, the competent authorities should not also be the developer nor in any way be dependent on, linked to or subordinate to the developer.

Checking reports: the amendments proposed aim to ensure that the persons who check the environmental reports have, due to their qualifications and experience, the necessary technical expertise to carry out the tasks set out in Directive 2011/92/EU in a scientifically objective manner and in total independence from the developer and the competent authorities themselves.

Public participation: Members adopted amendments to ensure that the public would be informed and consulted. The public should have the contact information of and easy and quick access to the authority or authorities responsible for performing the duties arising from the directive. Due attention must be paid to the comments made and opinions expressed by the public.

With a view to strengthening public access and transparency, **a central portal** providing timely environmental information with regard to the implementation of this Directive 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 the case of projects that could have cross-border effects on the environment, the Member States concerned should set up, on the basis of equal representation, a **joint liaison body** responsible for dealing with all the stages in the procedure. The consent of all the Member States concerned should be required for final authorisation of the project.

Penalties: Member States will lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to the directive. The penalties provided for must be effective, proportionate and dissuasive.