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

2012/0297(COD) - 12/03/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 528 votes to 35 votes with 15 abstentions, 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 by the plenary session of 9 October 2013. Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement negotiated between the European Parliament and the Council.

Assessment of effects: it is clarified that Member States shall adopt all measures necessary to ensure that, before development consent is given, projects likely to have significant effects on the environment by virtue, inter alia, of their nature, size or location are made subject to a requirement for development consent and an assessment with regard to their effects on the environment.

The environmental impact assessment means a process consisting of:

- the preparation of an environmental impact assessment report by the developer;
- the carrying out of consultations with the authorities likely to be affected by the project;
- the examination by the competent authority of the information presented in the environmental impact assessment report and any supplementary information provided, where necessary, by the developer and any relevant information received through the consultations
- the reasoned conclusion by the competent authority on the significant effects of the project on the environment, taking into account the results of the examination and, where appropriate, its own supplementary examination; and
- the integration of the competent authority's reasoned conclusion into any of the decisions on givinig autorisation.

Member States may decide, on a case-by-case basis, not to apply this Directive to projects, or parts of projects, having defence as their sole purpose.

Factors to take into account: taking into account the direct and indirect significant effects of a project on the following factors: a) population and human health; b) biodiversity, with particular attention to protected species and habitats; land, soil, water, air and climate (for example, gas emissions); d) material assets, cultural heritage and the landscape.

The effects referred to shall include the expected effects deriving from the vulnerability of the project to **risks of major accidents and/or disasters** that are relevant to the project concerned.

Evaluation report: where an environmental impact assessment is required, the developer shall prepare and submit an environmental impact assessment report. The information to be provided by the developer shall include:

- a description of the project comprising information on the site, design, size and other relevant features of the project;
- a description of the likely significant effects of the project on the environment;
- a description of the features of the project and/or measures envisaged in order to avoid, prevent or reduce and, if possible, offset likely significant adverse effects on the environment;
- a description of the reasonable alternatives studied by the developer, which are relevant to the project and its specific characteristics, and an indication of the main reasons for the option chosen, taking into account the effects of the project on the environment.

Where requested by the developer, the competent authority, taking into account the information provided by the developer, shall issue an opinion on the scope and level of detail of the information to be included by the developer in the environmental impact assessment report. Member States may also require the competent authorities to give an opinion, irrespective of whether the developer so requests.

Consultation of the authorities and public consultation: the authorities likely to be concerned by the project by reason of their specific environmental responsibilities or local and regional competences shall be given an opportunity to express their opinion on the information supplied by the developer and on the request for development consent.

In order to **strengthen transparency**, the relevant environmental information shall be electronically accessible to the public, through at least a **central portal** or easily accessible points of access, at the appropriate administrative level.

Decision to grant development consent: this shall include: a) the reasoned conclusion of the competent authority on the effects of the project on the environment; b) any environmental conditions attached to the decision, a description of any features of the project and/or measures envisaged to avoid, prevent or reduce and, if possible, offset significant adverse effects on the environment as well as, where appropriate, monitoring measures.

The decision to refuse development consent shall state the main reasons for the refusal.

Conflicts of interest: Parliament proposed specific standards to put an end to the phenomenon of conflict of interests.

In cases where the competent authority is also the developer, Member States should at least implement, within their organisation of administrative competences, **an appropriate separation between conflicting functions** of those authorities performing the duties arising from the directive.

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