Environment : effects of public and private projects (amend. Directive 85/337/EEC)

1994/0078(SYN) - 25/06/1996 - Council position

In its common position the Council considerably extends the list of projects subject to a compulsory assessment of their environmental impact (listed in Annex I) and lays down criteria to be used to determine whether the projects listed in Annex II should be subject to such an assessment, while tightening up the relevant procedures and, at the same time, ensuring a certain degree of flexibility. The Council also endeavours to ensure consistency with the requirements of the proposed Council Directive on integrated pollution prevention and control. The common position includes, either in full or in part, 11 of the 16 amendments which the Commission incorporated in its amended proposal. The main amendments taken over by the Council cover: - the insertion of a new provision making the projects covered by Directive 85/337/EEC subject to a prior request for development consent and an environmental impact assessment; - the inclusion of a new provision laying down general criteria for environmental impact assessments; - the reinstatement of the minimum list of information to be provided by the developer; - the extension of Annex I to Directive 85/337/EEC to cover the following categories of projects: nuclear power stations and fuels and radioactive waste; the incineration of non-hazardous waste; ground water capture schemes; works for the transfer of water between river basins; waste water treatment plants; extraction of hydrocarbons; dams and other installations for the holding back of water; and intensive livestock rearing installations; - the extension of Annex II to Directive 85/337/EEC to cover the following categories of projects: extraction of minerals by marine dredging; wind farms; certain racing and test tracks; the storage of scrap vehicles; and cable cars. The Council also inserted new provisions covering: - the option of using a single procedure for projects covered by the 1985 Directive and the Directive on integrated pollution prevention and control; - the inclusion of a clause designed to ensure that the exemption provided for in the Directive cannot be used to circumvent the strengthened cross-border consultation requirements; - the option for Member States to determine, either by means of case-by-case examinations or by setting thresholds or criteria, whether the projects listed in Annex II to the Directive should be subjected to an assessment; - a more flexible procedure for the description of impact assessments ('scoping'), providing for scoping at the request of the developer, whilst also explicitly allowing Member States to make scoping compulsory; - more stringent requirements governing the information to be supplied by the developer, including an obligation to provide information on the alternatives considered by the developer; - inclusion of the basic principles of the Espoo Convention on environmental impact assessments in a cross-border context; - information and the provision to the public of information regarding development consent decisions; - the requirement that the Commission submit a report on implementation of the Directive five years after its entry into force; - the extension of Annex I to cover the following projects: non-ferrous crude metal installations; dual carriageways; installations for the chemical treatment of non-hazardous waste; groundwater recharge schemes; gas, oil and chemical pipelines; installations for the manufacture of pulp, paper and board; quarries, open-cast mining and peat extraction; overhead electrical power lines; and storage installations for petroleum, petrochemical and chemical products; - the extension of Annex II to cover the following projects: extraction of minerals by river dredging; installations for asbestos production; groundwater extraction and groundwater recharge schemes; and works for the transfer of water between river basins; - the redrafting of new Annex III.