

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

1994/0078(SYN) - 03/03/1997 - Final act

OBJECTIVE: to harmonize the basic principles governing the assessment of the effects of certain public and private projects on the environment. **COMMUNITY MEASURE:** Council Directive 97/11/EC amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment. **SUBSTANCE:** the directive introduces provisions seeking to clarify, supplement and improve the rules on the assessment procedure in order to ensure that Directive 85/337/EEC is applied in a harmonised and efficient manner. It provides that projects for which an assessment is required must be the subject of a request for authorization, the assessment having been carried out before the authorization is granted. Information on the authorization decision must be made available to the public so that members of the public can express their opinions before the authorization is issued. The directive considerably extends the list of projects which must be subject to an environmental impact assessment (projects listed in Annex I). It specifies the criteria on the basis of which it is decided whether projects under Annex II must be subject to assessment and makes the procedures applicable more strict, while retaining a certain flexibility. Member States are able to decide either by consideration on a case by case basis or by setting thresholds and criteria if the projects listed in Annex II of the directive must be subject to an assessment. The directive specifies the minimum list of information to be provided by the developer and establishes a procedure enabling the developer to obtain the opinion of the competent authorities on the content and scope of the information to be specified and provided for the assessment. The Member States may, in the context of this procedure require the developer to submit, inter alia, alternative solutions for projects for which he intended to make an application. Lastly, it should be noted that the directive includes the fundamental principles of the Espoo Convention of 25 February 1991 on environmental impact assessment in a transboundary context. After five years of experience the Commission must present a report to the European Parliament and the Council on the implementation of the Directive. **ENTRY INTO FORCE:** 03/04/1997 **DEADLINE FOR TRANSPOSITION:** 14/03/1999