

Basic information	
1994/0078(SYN) SYN - Cooperation procedure (historic) Environment : effects of public and private projects (amend. Directive 85 /337/EEC) Repealed by 2011/0080(COD) Subject 3.70 Environmental policy	Procedure completed

Key players			
European Parliament	Committee responsible		Rapporteur
	ENVI Environment, Public Health and Consumer Protection		LANNOYE Paul A.A.J.G. (V)
	Former committee responsible		Former rapporteur
	ENVI Environment, Public Health and Consumer Protection		LANNOYE Paul A.A.J.G. (V)
	Former committee for opinion		Former rapporteur for opinion
	AGRI Agriculture and Rural Development		MAYER Christine (ARE)
	ECON Economic and Monetary Affairs, Industrial Policy		BLOKLAND Johannes (EDN)
	ENER Research, Technological Development and Energy		ESTEVAN BOLEA María Teresa (PPE)
	TRAN Transport and Tourism		
Council of the European Union	Council configuration	Meetings	Date
	Environment	1990	1997-03-03
	Environment	1939	1996-06-25
	Environment	1873	1995-10-06
	Environment	1895	1995-12-18

Key events			
Date	Event	Reference	Summary
12/03/1994	Additional information		Summary
16/03/1994	Legislative proposal published	COM(1993)0575	Summary
21/07/1994	Committee referral announced in Parliament		
18/07/1995	Vote in committee		Summary
18/07/1995	Committee report tabled for plenary, 1st reading/single reading	A4-0174/1995	
06/10/1995	Debate in Council		Summary
10/10/1995	Debate in Parliament		Summary
18/01/1996	Modified legislative proposal published	COM(1995)0720 	Summary
25/06/1996	Council position published	06014/5/1996	Summary
18/07/1996	Committee referral announced in Parliament, 2nd reading		
30/10/1996	Vote in committee, 2nd reading		Summary
30/10/1996	Committee recommendation tabled for plenary, 2nd reading	A4-0343/1996	
12/11/1996	Debate in Parliament		Summary
09/01/1997	Modified legislative proposal published	COM(1996)0723 	
03/03/1997	Act adopted by Council after consultation of Parliament		
03/03/1997	End of procedure in Parliament		
14/03/1997	Final act published in Official Journal		

Technical information	
Procedure reference	1994/0078(SYN)
Procedure type	SYN - Cooperation procedure (historic)
Procedure subtype	Legislation
Amendments and repeals	Repealed by 2011/0080(COD)
Legal basis	EC Treaty (before Amsterdam) E 130S-p1
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/4/07989

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single		A4-0174/1995		

reading		OJ C 269 16.10.1995, p. 0008	18/07/1995	
Text adopted by Parliament, 1st reading/single reading		T4-0449/1995 OJ C 287 30.10.1995, p. 0075-0083	11/10/1995	Summary
Committee recommendation tabled for plenary, 2nd reading		A4-0343/1996 OJ C 362 02.12.1996, p. 0006	30/10/1996	
Text adopted by Parliament, 2nd reading		T4-0584/1996 OJ C 362 02.12.1996, p. 0089-0103	13/11/1996	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	06014/5/1996 OJ C 248 26.08.1996, p. 0075	25/06/1996	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1993)0575 OJ C 130 12.05.1994, p. 0008	16/03/1994	Summary
Modified legislative proposal	COM(1995)0720  OJ C 081 19.03.1996, p. 0014	18/01/1996	Summary
Commission communication on Council's position	SEC(1996)1224 	15/07/1996	Summary
Modified legislative proposal	COM(1996)0723  OJ C 095 24.03.1997, p. 0031	09/01/1997	
Follow-up document	COM(2003)0334 	23/06/2003	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0996/1994 OJ C 393 31.12.1994, p. 0001	14/09/1994	Summary
CofR	Committee of the Regions: opinion	CDR0245/1994 OJ C 210 14.08.1995, p. 0078	16/11/1994	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

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

1994/0078(SYN) - 15/07/1996 - Commission communication on Council's position

The Commission considered that the common position represented a satisfactory compromise. The extension to Annex I was particularly welcome. The provisions on "scoping" could be more stringent and their efficacy needed to be studied in practice. The Commission approved of the reference to alternatives in the list of minimum information and welcomed the inclusion of the basic principles of the Espoo Convention which would be applicable to all projects evaluated under the directive.

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

1994/0078(SYN) - 13/11/1996 - Text adopted by Parliament, 2nd reading

Parliament adopted the recommendation for second reading by Mr Paul LANNROYE (Greens, B) with a view to adopting the amendment of Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment, rejecting most of the amendments proposed by the Committee on the Environment. However, Parliament proposed that: - the Directive should also concern the assessment of the environmental effects of Community or national programmes which are likely to have significant effects on the environment; - projects for thermal power stations and other combustion installations with a heat output of 100 megawatts or more should be made subject to obligatory assessment, - that there should be better consultation of the public before projects are authorized.

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

1994/0078(SYN) - 23/06/2003 - Follow-up document

This document consists of the report from the Commission on the application and effectiveness of the EIA Directive (Directive (Directive 85/337/EEC as amended by Directive 97/11/EC). It deals in particular with how successful the Member States in implementing the EIA Directive. The European Commission, has prepared the following 5 Years Report fulfilling the obligation found in Article 2 of Directive 97/11/EC and Article 11 paragraph 1 and 2 of Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (EIA Directive), which requires that "five years after the notification of the Directive, the Commission shall send the European Parliament and the Council a report on its application and effectiveness. The report shall be based on exchange of information on experience gained in applying this Directive. The report contains two parts, i.e., a summary of findings and actions to be taken and annexed the 5 Years review with detailed information on issues regarding the application of the EIA Directive prepared on the basis of answers by information provided by the Member States. The Commission's report examines key areas of the operation of the EIA Directive including screening (the determination whether an EIA is required for a specific project), scoping (, i.e., the identification of the issues to be covered by the environmental impact statement), review (the examination of environmental impact statements and other information submitted by developers to ensure it complies with the minimum information requirements of the Directive), and decision making. The report also examines the arrangements made by Member States for dealing with key EIA issues such as the consideration of alternatives, public participation and quality control. Based on the information reviewed here there is no real evidence to suggest that further amendments to the EIA Directive are required at this stage. The information provided in this report has revealed several shortcomings and weaknesses. In the Commission's view in some Member States there are examples of very good practice, e.g. in relation to encouraging public participation or providing for clear quality control procedures. In others (and sometime in the very same Member States that have elements of good practice), there are still weaknesses. These findings need to be carefully assessed alongside other factors in order for the Commission to decide whether the EIA Directive should be further amended at this stage. It appears that the main problem lies with the application and implementation of the Directive and not, for the most part, with the transposition of the legal requirements of the Directive. Based upon the material gathered for this review and an assessment of the strengths and weaknesses and effectiveness of the EIA Directive, the Commission makes the following recommendations that help in better implementing the EIA Directive: - Member States should check their national and regional EIA legislation and subsequently remedy shortcomings (e.g. with regard to thresholds, quality control, salami-slicing, cumulation etc). The Commission urges Member States to use the coming amendment of the EIA Directive in the context of the Aarhus transposition to do so. - A precise form of annual recording and monitoring is indispensable to provide reliable annual information on the number and type of EIA projects and the outcome of key decisions. Member States should introduce such systems where they do not already exist. This will assist them, in the Commission's view, in evaluating the number of EIAs carried out, and the types of projects involved, and in assessing the performance and quality of work done. In turn, this will help them to improve their systems. - In relation to screening, those Member States that employ a system with fixed mandatory thresholds should make certain it ensures that all projects that might have significant effects are subject to an appropriate screening process. In this exercise, the Commission expects that they will particularly consider projects planned in or near sensitive areas, and the possible cumulation of projects. - The Commission urges Member States to make more widespread use of its existing guidance on screening, scoping, review and cumulative impacts. There should also be more training at national levels in the use of these quality control documents. - The quality of the EIA

process, and especially the EIS, are the key for an effective EIA. The Commission urges those Member States that have yet to do so to introduce formal provisions for the review of the environmental information supplied by the developer to ensure strict compliance with the terms of the EIA Directive. Such measures could comprise the establishment of expert pools, guidelines on the co-ordination of experts, clear instructions about responsibilities, the use of independent external expert review etc. Another tool of quality control could be the introduction of an efficient post decision monitoring system. - The Commission believes that particular training needs to be introduced in certain Member States for authorities at local and regional level in order to improve their understanding of the EIA Directive and its application within the respective national system. Mechanisms for efficient administrative management should help to enhance capacity building. - In the transboundary context Member States should make more use of guidance provided by the UNECE on bi- and multilateral agreements and the practicalities of transboundary EIA. The Commission considers that this will help ensure that adequate provisions are in place, for instance for direct contact between the relevant competent authorities and other agencies for consultation on transboundary effects. As for the Commission, it will consider the need for further research into the use of thresholds and the various systems applied in screening in order to get more clarity and comparable data which would enable robust conclusions to be drawn on how to achieve improvement and greater consistency of approach in the screening process. The Commission also envisages preparing interpretative and practical oriented guidance with the involvement of experts from the Member States as well as other stakeholders like NGOs, local and regional authorities and industry. The Commission will also consider with the Member States what might be done to improve the training of officials responsible for EIA in order to improve the situation. The Commission will continue to take enforcement action in cases of incomplete or inadequate transposition, and/or poor application of the Directive. In due time, more consistent application may require further amendments to the Directive. Based on the results of the actions outlined above, the Commission will consider what further amendments should be introduced. For example, this might be the most efficient way of providing for proper quality control and consistent data collection and might also be necessary to improve the way thresholds and cumulative effects are handled.

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

1994/0078(SYN) - 18/01/1996 - Modified legislative proposal

The amended Commission proposal incorporates either all or part of 16 of the 58 amendments adopted by Parliament at first reading. These cover: - the inclusion of relevant references such as the 5th action programme on the environment and sustainable development and the conclusions of the Dublin European Council; - incorporation of the main principles of the Espoo Convention; - the stipulation that projects requiring an assessment must be made subject to a prior request for development consent; - clarification of the definition of the environmental factors covered by assessments; - reinstatement of the minimum list of information to be gathered for assessments; - insertion of a new paragraph concerning the timetable for consultations in a cross-border context; - the stipulation that the detailed arrangements for publishing development consent decisions shall be determined by the Member States; - clarification of the scope of Annex I through the inclusion of a reference to projects relating to certain activities, for example the production and enrichment of nuclear fuels, installations for the incineration of waste, ground water abstraction and certain intensive livestock installations; - clarification of the scope of Annex II by including a reference to the extraction of minerals by marine dredging, wind farms, permanent racing and test tracks, the storage of scrap iron and scrap vehicles, and cable cars.

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

1994/0078(SYN) - 06/10/1995

Pending delivery of Parliament's opinion, the Council held a policy debate on certain major questions concerning the proposal for the amendment of Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment. Directive 85/337/EEC is regarded as the principal Community instrument on the prevention of environmental damage at source. The amendments advocated are based on the experience acquired in the implementation of the Directive and also take account of the commitments entered into under the Convention on Environmental Impact Assessment in a Transboundary Context, which the Community and its Member States signed at Espoo on 25 February 1991. The proposal provides, *inter alia*: - for clarification of the scope of this Directive as regards, in particular, the types of project for which the obligation to carry out an assessment is not automatic but is a matter for decision on a case-by-case basis by the Member State concerned (projects in Annex II to the Directive), basing that decision on selection criteria defined at Community level such as the size of the project, its precise location, the production of waste or the risks of accidents; - for the specific content of the assessment, indicating, in particular, the nature of the information that must be presented by a developer; - greater cooperation between the Member States involved in projects that have transboundary effects. Detailed examination of the main problems outstanding enabled the Council to achieve a certain degree of progress, in particular as regards the definition of the projects to be subject to environmental impact assessment. In conclusion, the Council instructed the Permanent Representatives Committee to continue its proceedings in the light of the Council's discussion and Parliament's opinion with a view to the forthcoming meeting in December.

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

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

Following the agreement in principle that was reached at its meeting on 18 December 1995, the Council adopted the common position by qualified majority, with the German delegation voting against the proposal.

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

1994/0078(SYN) - 16/03/1994 - Legislative proposal

The proposal was aimed at amending Directive 85/337/EEC on the assessment of the impact of certain public and private projects on the environment, in order firstly to take account of the results of the report on the implementation of the said Directive, which the Commission had presented to Parliament and the Council in 1993, and secondly to take into consideration the commitments undertaken by the Community and the Member States by the signing of the Espoo Convention on environmental impact assessment in a transboundary context. The proposal also responded to some of the recommendations contained in Parliament's resolution on agriculture and the environment, and in the Commission's communication on the same subject. In concrete terms the amendments essentially related to the following points: - the scope of those projects for which assessment was optional was to be specified at the discretion of Member States, in order to avoid both a total absence of assessment and a systematic assessment of smaller-scale projects; - the concept of defining the scope of the impact study (scoping) was introduced, in order to ensure that the information collected was more relevant; - a procedure for monitoring the environmental impact of the projects was introduced in order to allow those responsible to take the necessary reduction or compensation measures as soon as possible.

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.

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

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

1994/0078(SYN) - 16/11/1994 - Committee of the Regions: opinion

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

1994/0078(SYN) - 11/10/1995 - Text adopted by Parliament, 1st reading/single reading

Adopting the report by Mr Paul LANNIYE (V, B), the European Parliament considered that the Commission's proposed amendments did not completely fill the gaps which had come to light during the six years in which the directive being revised had been applied and the report therefore proposed a series of amendments seeking mainly to: - ensure that Community environmental policy aims at a high level of protection (rather than the adequate level proposed by the Commission); - delete the reference to the principle of subsidiarity; - subject not only public and private projects but also Community or national programmes to an environmental impact assessment, by limiting possible derogations to exceptional cases and offering the public affected by projects the opportunity to object to a derogation; - improve information for and consultation with the public affected; - involve the European Environment Agency when setting the criteria for environmental impact assessments and grant it consultative and mediator status in line with its institutional objectives; - propose a longer list of activities and projects which are subject to control. The European Parliament has mainly added major electricity distribution networks, nuclear fuel production projects and all projects financed under Community programmes (especially the Structural Funds and Cohesion Fund) to the current list; - require third countries granted subsidies by the European Union to implement public works which might have an environmental impact on a Member State to comply with the provisions of the directive.

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

1994/0078(SYN) - 14/09/1994 - Economic and Social Committee: opinion, report

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

1994/0078(SYN) - 18/12/1995

The Council reached agreement by a qualified majority, with the German delegation voting against, on the substance of its common position on the proposal amending Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment. The Directive is considered to be one of the major Community instruments for the prevention at source of environmental damage. The proposed amendments are based on the experience gained with implementation of the Directive and also take into account the commitments entered into under the Convention on Environmental Impact Assessment in a Transboundary Context signed by the Community and its Member States in Espoo on 25 February 1991. In practical terms, the aim of the common position is, in particular, to clarify and extend the scope of this Directive as regards, *inter alia*: - the types of projects for which impact assessment is compulsory (new Annex I to the Directive); - the types of projects for which there is no systematic obligation to carry out an assessment, but which are the subject of case-by-case decisions by the Member State concerned (Annex II to the Directive), for which the Directive lays down criteria to be taken into account when the decision is taken. It is also aimed at clarifying and increasing the information to be submitted by the developer, and at intensifying cooperation between the Member States concerned by projects with transboundary effects, in particular on the basis of the provisions of the Espoo Convention. The new provisions are due to enter into force by 31 December 1997 at the latest. Once it is formally adopted, the common position will be forwarded to the European Parliament under the cooperation procedure.