

Proposal amending Directive 2011/92/EU on the environment impact assessment

Basics and comments of the EESC opinion on this
proposal

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EIA amendment proposal

- The EIA concept contributes to improving the state of the environment
- The Commission's proposal for further improvements to the environmental impact assessment draws on extensive experience with the use of EIA in the 27 years since the adoption of the first directive.
- The proposal is officially aimed at correcting shortcomings of the existing EIA directive
- The EIA directive is a process setting legal act, the aim should be observed and maintained.

EIA amendment proposal

- The regulatory impact assessment included; nevertheless, the chosen alternative seems quite optimistic in view of costs incurred.
- The efficacy of the EIA process project consent depends to a large extent on the quality of the information quality of the EIA process.
- Requirements for quality should be determined in line with the proportionality principle.
- The authorising/consenting bodies managing the procedure should be required to have and to constantly improve the necessary competence.

EIA amendment proposal

- Flexibility in terms of the proportionality of requirements must play the deciding role in effective EIA procedures.
- Improving the EIA coherence with other EU legal instruments is essential.
- Access to good quality data at a strategic level so as to provide context for project specific assessments is needed.
- Responsibility to collate such data and make it accessible to the assessment process for all sectors needs to be taken by state administration.

EIA amendment proposal

- The EIA directive should be implemented flexibly and proportionately, procedures could be combined.
- The imperative is to avoid excessive and unnecessary delays.
- The developer and the competent authority should assess and agree upon a list of appropriate information, based on the proportionality principle.
- The proposal to specify the time-frames for the main stages required by the directive is welcome

EIA amendment proposal

- Essential to harmonise the process throughout the EU and the time limit of at most three months plus one month for the competent authority in case of screening
- A must to improve transparency and accountability, as well as the requirement for the competent authority to give a proper justification of its decision.
- Aim to improve legal certainty for those involved in the EIA process.
- Binding time limits must be adopted not only for each individual step in the EIA process, but also for the completion of the entire process.

EIA amendment proposal

- Particularly vital - to limit the risk of abuse in the constituent parts of the EIA process, which unduly delays decisions, reducing legal certainty for those involved in the process.
- A very cautious approach when it comes to the use of alternatives.
- The number of alternatives and the detail in which they are conceived should match the scale and nature of the project.
- A provision on "adaptation of the EIA to new challenges,, is not an organic part of the process.

EIA amendment proposal

- Biodiversity protection should be assessed only where the impact will occur on at least a regional scale.
- Climate change - the proportionality principle must therefore be applied in this case.
- Assessment in the area of climate protection should focus on the real direct impacts of the project on the local climate
- Importance to the question of evaluating the potential for mitigating the expected impacts

EIA amendment proposal

- Assessment of the consumption of (natural) resources in the EIA is premature within the chain of consent procedures. Economical use of resources is without doubt an inherent economic principle for every project.
- Assessment of the consumption of raw materials, natural resources and energy in productive investment is covered in the integrated authorisation procedure.
- There is insufficient information for such an assessment at the EIA phase

EIA amendment proposal - conclusions

- The proposal is led by the best intentions to streamline the EIA process
- The incorporated provisions lag behind these best intentions
- Attempt to graft substantive legal requirements in the principal process regulatory item.
- The frame of the assessment should therefore be limited to those effects which are caused explicitly by the specific project and have significant effects on the environment.

EIA amendment proposal - conclusions

- The information to be included into the environmental report should be – corresponding to the objective of the Directive.
- Scoping can be an interesting instrument for setting the extent of assessment.
- Monitoring: such a requirement in the EIA stage is mostly not very realistic.
- Monitoring requirements would add additional costs and burdens, as well as complexity.

EIA amendment proposal - conclusions

- The concept of “reasonable alternatives” is too wide and imprecise.
- The Commission should not be empowered to adopt delegated acts adapting the Annexes II.A, II and IV.
- These amendments with regard to the EIA must continue to be decided by amending the EIA Directive through the ordinary legislative procedure.
- So far, some signals of improvements, nonetheless, not very pronounced – crisis?