



EIA Directive – in a nutshell

ECRAN workshop in Albania

Tirana, November 2015

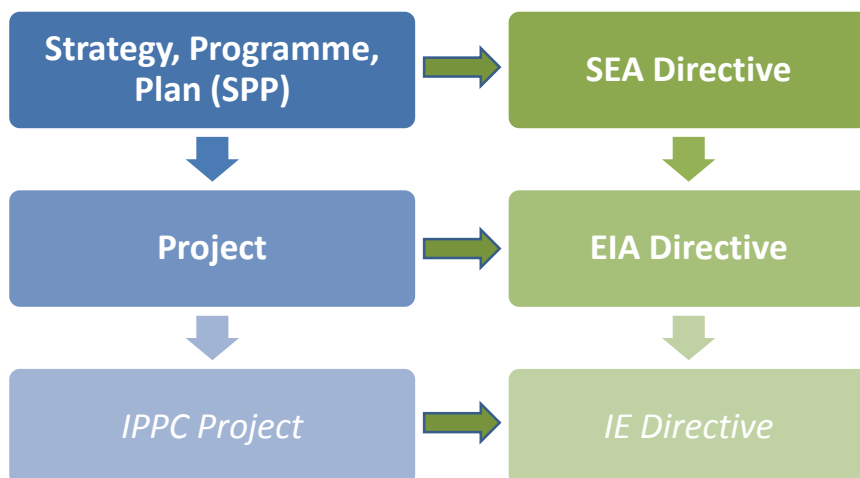


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SEA/EIA Hierarchy



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EIA Directive 85/337/EE

- Adopted in 1985, with Member States (MSs) given three years to implement.
- Revised on a number of occasions (1997, 2003, 2009, 2014), based on 5 yearly reviews and lobbying from DG Industry.
- Current provisions codified in Directive 2011/92/EU as amended by Directive 2014/52/EU.
- Interfaces with:
 - Aarhus Convention, Landscape Convention, Espoo Convention, Habitats and Birds Directives, Framework Convention on the Value of Cultural Heritage for Society, etc.



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EIA Directive - Objectives

- ✓ Provide for a **high level of protection of the environment** and **human health**.
- ✓ Guarantee **effective public participation in environmental decision making**.
- ✓ Based on **precautionary principle** and on **the principle of preventive action**.
- ✓ Set **minimum standards for EIA**; MSs may lay down stricter rules to protect the environment.



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Implementation of EIA

EIA Directive applies to projects:

- ✓ the execution of construction works or of other installations or schemes,
- ✓ other interventions in the natural surroundings and landscape including those involving the extraction of mineral resources.

EIA is obligatory for projects listed in Annex I.

For projects listed in Annex II, MS shall determine whether the project shall be made subject to an assessment based on:

- ✓ a case-by-case examination
- ✓ thresholds or criteria set by the MS (*relevant selection criteria set out in Annex III shall be taken into account*).



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Why apply EIA?

- ✓ Modify and improve design of projects.
- ✓ Ensure efficient use of resources.
- ✓ Enhance social aspects.
- ✓ Identify key impacts and measures for mitigating them.
- ✓ Inform decision-making and condition setting processes.
- ✓ Avoid serious and irreversible damage to the environment.
- ✓ Protect human health and safety.



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Public consultations

MS shall ensure that the following is made available to the public concerned:

- ✓ project linked information,
- ✓ main reports and advice issued to the competent authority/ies,
- ✓ other information relevant for the decision which only becomes available after the time the public concerned was already informed.

Early and effective public participation must be ensured in the decision making process!



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Transboundary consultations

Implemented only in case of significant transboundary impacts on the territory of the neighbouring country

(based on conclusions of the EIA Report or request of the affected country):

- 1) Country implementing the project sends:
 - a description of the project, together with any available information on its possible transboundary impact,
 - information on the nature of the decision which may be taken.



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Transboundary consultations

- 2) Affected country must in a reasonable time indicate whether it wishes to participate in the environmental decision-making procedures.
- 3) Country implementing the project must ensure that authorities and the public concerned of the affected country are given an opportunity to forward their opinion within a reasonable time.



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Decision making

- 4) Both countries enter into consultations regarding the potential transboundary effects of the project and the measures envisaged to reduce or eliminate such effects and shall agree on a reasonable time-frame for the duration of the consultation period.

The results of consultations and any gathered information shall be duly taken into account in the development consent procedure.



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Main difference between SEA and EIA

SEA

- Takes place at earlier stages of decision-making cycle
- Pro-active approach to development proposals
- Assesses effects to long term trends and addresses cumulative impacts
- Considers broad range of potential alternatives
- Emphasis on environmental mainstreaming



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EIA

- Takes place at end of decision-making cycle
- Reactive approach to development proposal
- Identifies specific environmental and health impacts (information on the project enable it)
- Considers limited number of feasible alternatives
- Emphasis on preventing, mitigating and minimizing impacts



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Main linkages between SEA and EIA

- ✓ SEA generates baseline data and analysis that can be used in EIA.
- ✓ SEA will strengthen project level EIA by improving consideration of alternatives, mitigation measures, regional/global impacts, and cumulative and synergistic impacts.
- ✓ They both stream-line decision making process.



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The main elements of the EIA Directive

The EIA Directive defines **following main elements**:

- ✓ Screening – *focused only on relevant projects*
- ✓ Scoping – *focused only on relevant topics*
- ✓ EIA Report – *sound and evidence based conclusions/measures*
- ✓ Public participation – *early and effective*
- ✓ Involvement of ‘concerned authorities’ and possibly other MSs
- ✓ Statement on the consent decision – *consent conditions; main reasons for decision.*
- ✓ Monitoring of significant impacts and of the implementation of mitigation and compensation measures.



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Accomplishments and challenges of EIA implementation in Europe



ECRAN workshop in Kosovo

Pristina, March 2016



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Results of EIA application in Europe

- **EIA has been recognized as a standard tool that leads to changes of projects:**
 - Designing new alternatives and developing conditions for implementation.
 - Defining criteria to ensure that best solutions/technologies are being applied.
- **EIA enables efficient and timely public participation.**
- **EIA improves project design:**
 - EIA brought attention to environmental/health issues and intensified the search for „green projects/solutions/technologies“.
 - Investors „try harder“ just to avoid negative publicity and to increase project approval processes.



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Key challenges for the EIA in Europe

- ? **Still existing dilemma linked to the level of detail needed in in SEA/EIA for plans/projects.**
- Too broad and not focused (only relevant-topic) application.
- Evaluations and conclusions are still not based on concrete and validated information.
- **Biased evaluations and conclusions – influence of lobbies on decision making processes.**
- **Transfer of decision making stage from SEA to EIA level – in EIA there is reduces potential for „real alternatives“.**
- Evading of public consultations and/or late involvement of interested public.
- Formal approach to quality control of EIA reports.



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