



Environment and Climate
Regional Accession Network **ECRAN**

Sub-Regional Workshop on Pilot Appropriate Assessment

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AA stage I: Screening – theoretical basis

Objective of screening and its unambiguous outcome

Remember Art. 6(3) wording:

“...Any ... project ... likely to have a significant effect [on the site], either individually or in combination with other plans or projects, shall be subject to appropriate assessment...”

I.e., we are seeking for projects “likely to have a significant effect on the site”

Objective of screening

Question No. 1: which sites can (in theory) be influenced by the given project?

Possibilities:

- sites directly impacted by landtake
- sites directly impacted by emissions (noise, water & air & other pollution, disturbance by humans)
- sites indirectly impacted (transport of pollutants, underground waterlevel change, noise, cutting of migration routes, disturbance by humans)

What is more important: direct or indirect impacts?

Objective of screening

Question No. 2: does in-combination effect apply?

Which sites can (in theory) be influenced by the given project + any other plan & project?
What takes what into account?

Objective of screening

Question No. 2: does in-combination effect apply?

Which sites can (in theory) be influenced by the given project + any other plan & project?
What takes what into account?

- our project + any other plan & project?
- any other plan & project + our project?

“First come first serve” rule applies



Objective of screening

What about “national” target features of particular sites?

If introduced, such target features may be treated in the same manner as those from the directives

This must be explicitly anchored in national law

If not – then **only Natura 2000 target features are relevant**

Outcome of screening: screening conclusion

Screening conclusion – one-way prediction of the future main assessment:

- must not harm the sites
- (it can harm investor – as this harm is negligible compared to the risk of site destruction)

Outcome of screening: screening conclusion

It can only have two outcomes:

a) in case of an absolute certainty:

"Project XX cannot affect any Natura 2000 site"

Outcome of screening: screening conclusion

b) in case

- of doubt
- of lack of data
- when impact is clear:

"Impact of project YY on any Natura 2000 site cannot be excluded and therefore the main assessment is needed"

Outcome of screening: screening conclusion

Responsibility of screening-makers

is high, especially as regards Natura 2000 sites:

- underestimating of likely impact may lead to site destruction

responsibility towards project proponents:

- screening must not be used to conceal laziness of public servants!

Systematic nature of screening

Objective of screening:

- to record all potentially harmful projects
- to enable investors & other authorities to get access to data on cumulations

Therefore, screening should be secured by:

- clear administrative structure mutually interlinked
- clear rules (esp. legislation)
- public access to its outcomes (transparency)

Possible forms of screening

Screening can be

- very simple/too simple
- very complicated
- smart (= appropriate)

Examples: CZ / HR, UK / many other EU MS

Two critical points of screening

- unambiguous conclusion (black-or-white, not „grey“)
- its full justification

Screening

Screening must be anchored in legislation as to:

- procedure
- authorities in charge
- form of the outcome

But is that enough?

Screening

Additionally recommended:

- manual (= for the whole AA) at national level

Pros:

- tailoring to national legislation and reality
- use of national language and terminology
- ancillary tool for authorities
- aid for investors/citizens

Screening templates

Used in some countries
(Austria, Germany, UK, ...)

Advantages:

- form easy to fill in
- applicant can see the likely result in advance
- burden to authorities lowered
- automatic record/storage of all the procedures
- can be publicized

Formblatt zur Natura 2000 – Vorgehens- und Berichterstattungsrichtlinie

1. Allgemeine Angaben

1.1 Vorhaben		
1.2 Natura 2000-Gebiete	Gebietsnummer(n)	Gebietsart(en)
Bitte alle betroffenen Gebiete auflisten		
1.3 Vorhabenbetreiber	Adresse: Telefon: / Fax: / Mobil:	
1.4 Gemeinde		
1.5 Genehmigungsbehörde (zudem Nr. 34 des 1. Abschnitts anfügen)		
1.6 Naturschutzbehörde		
1.7 Beschreibung des Vorhabens		
<input type="checkbox"/> <u>sonstige Ausführungen siehe Anlage</u>		

2. Zeichnerische und kartographische Darstellung
 Das Vorhaben soll durch Zeichnung und Kartenausschnitt visuell dargestellt werden, das dessen räumliche Lage und kartographische Lage eindeutig erkennbar ist. Für Zeichnung und Karte sind angemessene Maßstäbe zu wählen.

2.1 ☐ Zeichnung und kartographische Darstellung in beigefügten Antragsunterlagen enthalten
☐ Zeichnung / handgezeichnete als Anlage ☐ kartographische Darstellung zu drucken Lage als Anlage

2.2 **Ausgeführt durch (Vorhabenbetreiber oder Beauftragte):**

Name*	Firma *
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; height: 20px; width: 100%;"></div>
<div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<div style="border: 1px solid black; height: 20px; width: 100%;"></div>
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* nicht erforderlich wenn Punkt 1.3

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Screening templates

Risks:

- life is diverse – no form can fully cover all life situations
- officials tend to formally “tick” the form instead of using their brains → harm to nature likely

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Pre-screening

Additional procedure applied at least in part of Austria (Lower Austria, Burgenland, Styria)

- applicant requests for and opinion from the authority before official approval procedure starts
- it serves especially the small investors (farmers,...)

* * *

The image displays two pages of a pre-screening form for Natura 2000 areas. The left page is titled 'Antragsteller' (Applicant) and contains fields for 'Name', 'Adresse', 'Postleitzahl', 'Ort', 'Land', 'Telefon', 'Fax', 'E-Mail', and 'Web'. The right page is titled 'Antrag' (Application) and contains fields for 'Projektbeschreibung', 'Ort', 'Land', 'Bewertung', 'Begründung', 'Antragsteller', 'Datum', and 'Unterschrift'. Both pages have a header with the 'NATURA 2000 Vorprüfung' logo and a footer with the website 'www.noe.gv.at/natura2000'.