



Environment and Climate
Regional Accession Network

ECRAN

Sub-Regional Workshop on Pilot Appropriate Assessment

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Appropriate Assessment from practical perspective

(I. AA *versus* EIA/SEA)

AA vs. EIA/SEA

EIA/SEA and AA: all are biological assessments

EIA Directive Art. 3:

The environmental impact assessment shall identify, describe and assess ... the direct and indirect effects of a project on the following factors:

- ...
- human beings, fauna and flora;
- ...

AA vs. EIA/SEA

SEA Directive Annex I:

- defines environmental assessment from Art. 2 as

...

(b) 'environmental assessment' shall mean the *preparation of an environmental report*, the carrying out of consultations, the **taking into account of the environmental report** and the results of the consultations in decision-making...

AA vs. EIA/SEA

The object of that assessment is further defined in Annex I:

...

(f) the likely significant effects on the environment, including on issues such as biodiversity, population, human health, fauna, flora, ...

...

(d) any existing environmental problems ... including.... those relating to ... areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;

AA vs. EIA/SEA

Contrary to that, AA is

- *combination* of environmental assessment and decision-making process

(“...competent national authorities *shall agree* to the plan or project only *after having ascertained* that *it will not adversely affect the integrity of the site* concerned...”)

A challenge

When AA integrated into EIA/SEA:

- it must be ensured that conclusion of AA within EIA/SEA is made *binding*

Scope of AA vs. scope of EIA/SEA

EIA (Art. 4(1) and 4(2) EIA Directive): only projects
defined in its Annex I and II

Scope of AA vs. scope of EIA/SEA

SEA (Art. 3(2) SEA Directive): plans and programmes ... for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and which set the framework for future development consent of projects listed in Annexes I and II to Directive 85/337/EEC + which ...have been determined to require an assessment pursuant to Article 6 or 7 of Directive 92/43/EEC

Scope of AA vs. scope of EIA/SEA

AA (Art. 6(3) HabDir):

„...any plan and project... likely to have a significant effect on a site...”

Pros and cons of this definition:

- (+) it addresses really everything likely to put N2K at risk
- (-) term “project” covers also activities not corresponding to traditional meaning of “projects”

Interrelationship between EIA/SEA and AA

a) “official”:

only under SEA Directive: plans and programmes “...determined to require an assessment pursuant to Article 6 or 7 of Directive 92/43/EEC” must be subject to “full” SEA

Interrelationship between EIA/SEA and AA

a) “official”:

not under EIA Directive:

“...areas classified or protected under Member States ' legislation; special protection areas designated by Member States pursuant to Directive 79/409/EEC and 92/43/EEC” must only be considered during EIA (Annex III EIA Directive)

Interrelationship between EIA/SEA and AA

b) unofficial:

merging of EIA/SEA and AA processes is
advantageous due to

- saving capacities & resources (common administration)
- saving time (2 processes run in parallel)

but...

Interrelationship between EIA/SEA and AA

it must be secured that:

- AA outcome is binding
- nature protection authorities are fully involved in the process
- AA scope is not limited by the scope of EIA/SEA

How to reach the latter?

Interrelationship between EIA/SEA and AA

Ideal solution:

- merge AA and EIA/SEA in all cases where EIA or SEA are binding
- establish separate AA procedure for plans & projects not subject to EIA/SEA

but

ensure that the rules and conditions of AA are identical in both procedures!

Other models of AA administration

- 1) specific, separate AA procedure for all plans & projects requiring AA
- (+) full control of nature protection authorities, little violation of law
- (-) time, capacity, resources demanding, attacked by investors

Example: Austria (some federal projects), UK plans

Other models of AA administration

2) AA totally merged with EIA & SEA

(+) saving of capacity and resources of nature protection

(-) increased costs for investors (esp. of projects)

Example: the Czech Republic

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