



Sixth session of the Meeting of the Parties to the Espoo Convention and the second session of the Meeting of the Parties to the Convention serving as the Meeting of the Parties to the Protocol, Geneva, 2-5 June 2014,
Panel discussion on the application of the Convention and the Protocol to energy-related issues

The challenges in applying the EIA procedure for large-scale transboundary projects




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Challenges

- **'Streamlining'** of environmental assessments v. the broad EU legislative background;
- Ensuring **compliance** and implementation of the applicable legislation by the parties participating in such projects;
- Large-scale transboundary projects provide **opportunities** for the European Union, its neighbours and third countries;
- Some questions regarding the **practical application**:
 - Projects between EU Member States and non-EU Member States; between Parties to the Espoo Convention, and non-Parties to the Convention.
 - Scope and interpretation of the EU *acquis* in the context of large-scale projects.
 - Reducing unnecessary administrative burden without compromising the quality of the environmental assessment procedure.

The way forward – the EU perspective



Examine existing best practices in the application of the relevant legal provisions in carrying out transboundary environmental assessments



Take into account the legal obligations

Suggest appropriate recommendations



Ensure implementation and compliance

Environmental assessments required under the EU law

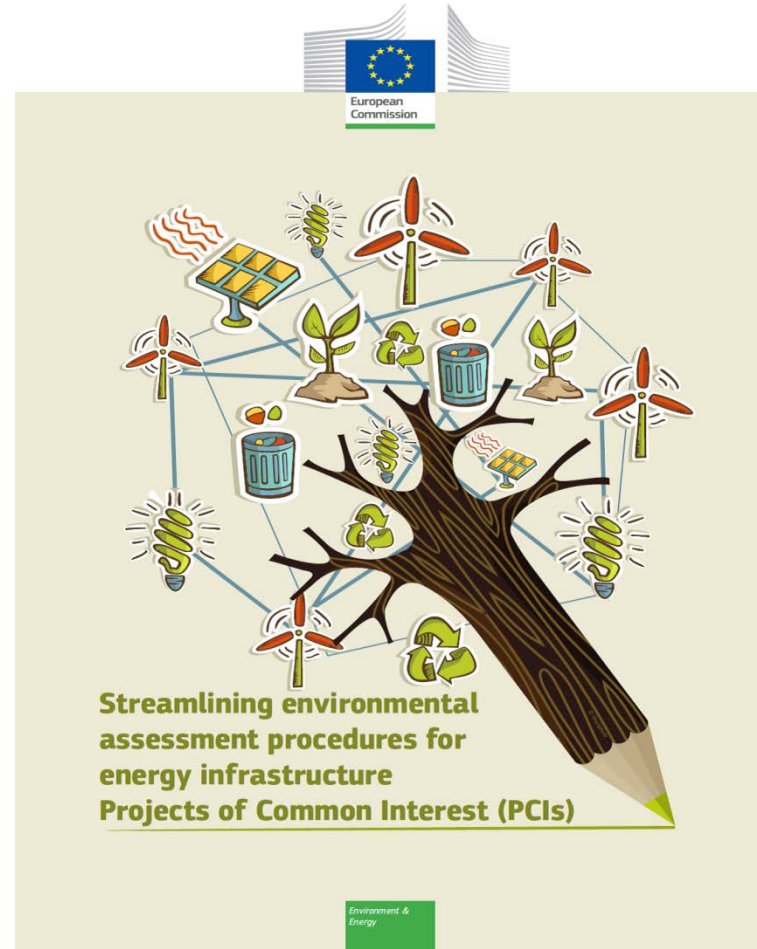
- EIA and SEA Directives
- Birds and Habitats Directives (Natura 2000)
- Water Framework Directive (WFD)
- Marine Strategy Framework Directive (MSFD)
- Seveso II and Seveso III Directives
- Industrial Emissions Directive (IED) replacing the Integrated Pollution Prevention and Control (IPPC) Directive
- UN ECE Conventions :
 - The Espoo Convention on EIA in a transboundary context
 - The SEA Protocol to the Espoo Convention
 - The Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters

**TEN-E Regulation (Regulation (EU) No 347/2013' OJ L 115/39), adopted on
17 April 2013**



**Guidance on the Application of the Environmental
Impact Assessment Procedure for Large-scale
Transboundary Projects**

Environment



European
Commission

**Streamlining environmental
assessment procedures for
energy infrastructure
Projects of Common Interest (PCIs)**

Environment &
Energy

Definitions

*What is a **large-scale transboundary project**?*

- Project which is implemented in at least two Parties, or having at least two Parties of Origin, and which is likely to cause significant effects on the environment or significant adverse transboundary impact [based on Article 2(1) and 4 of the EIA Directive, and Article 2(3) and (5) of the Espoo Convention]

*What is '**streamlining**'?*

- Improving and **better co-ordinating** environmental assessment procedures,
- With view to **reducing unnecessary administrative burden**, creating synergies and hence **shortening** the time needed to conclude the assessment procedure;
- Whilst at the same time ensuring a **high level of environmental protection** through comprehensive environmental assessment in accordance with the EU environmental *acquis*.

Recommendation 1:

Early planning, 'roadmapping' and scoping of assessments

- **Notify** affected Parties preferably **before scoping**.
- Parties of Origin should notify each other.
- Affected Parties should **provide information** on significant transboundary effects.
- **Early planning** to streamline the overall assessment process.
- Perform **early scoping** of potential environmental effects at the concept stage of a large-scale transboundary project to identify key assessment issues up front and to the extent possible.

Recommendation 2:

Early and effective integration of environmental assessments and the other environmental requirements

- Perform environmental assessments **as early as possible** and to the level of detail possible;
- Make SEAs, and if applicable assess the impact on the protected habitats and species, **mandatory at the planning** stage of national energy policy plans;
- Integrate all relevant **environmental requirements** in the assessment process.

Recommendation 3: Preparation of the EIA information/report by the developer

- Start **data collection** as soon as possible; co-ordinate data collection and set up data bases;
- Create a **co-ordination body** for the concerned Parties.
- Develop close **co-operation** between the developer and the competent authority (through co-ordination body).
- **Identify** likely significant adverse transboundary **effects**.
- Set out the scope of a **joint EIA report** for the entire project.
- Pay attention to the preparation of the **non-technical summary**.
- Use external and independent **quality control** to ensure that the assessment reports are robust and the data used is valid.

Recommendation 4:

Public participation and consultation

- Distribute tasks and responsibilities among the Parties.
- Make information widely available and ensure its accessibility including translation/interpretation.
- Allow reasonable amount of time for comments.
- Use appropriate means of consultation (e.g. open discussions and public hearings).
- Ensure that the authorities and developer are present at the hearings, there should be efficient tiering of public participation to avoid both gaps and overlaps.

Recommendation 5:

Decision making

- Take into account the **overall significant effects**, as well as all relevant environmental requirements.
- Encourage synergies among applicable environmental assessments.
- **Co-ordinate** national development **consent procedures**.

EIA Directive (revised):

Directive 2014/52/EU, OJ L 124, 25.04.2014, p.1-18

Transboundary consultations – Article 7 amended

- Consultations may be conducted through an appropriate joint body [Art. 7 (4) second subparagraph]
- Time-frames for public consultation highlighted [Article 7 (5)]

Key dates – amended EIA Directive

25 April 2014 – publication in OJ

15 May 2014 – entry into force of Directive 2014/52/EU

Till 15 May 2017 – transposition/application in Member States

Text of Directive 2014/52/EU -

http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2014.124.01.0001.01.EN

Conclusions

- **International cooperation and coordination** is of high importance for large-scale transboundary projects (through coordination body).
- **Streamlining** is very important with a view to build energy infrastructure as required to meet climate and energy objectives by 2020 and beyond,
- Whilst at the same time **ensuring a high standard of environmental assessment and protection.**



THANK YOU!

