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Place of EIA, activities and screening

**Working Group meeting on EIA/SEA
legislative reform in Kazakhstan
15-16 February 2018, Astana**

EIA and development control procedures in EU - typical examples

- Integration into existing development consent procedures
 - Zoning/siting decisions and building/construction permits
 - Examples: Britain, Germany, Poland (before 2009)
- Special procedures
 - Environmental (EIA) decisions
 - Examples : Bulgaria, Czech Republic, Hungary, Romania, Slovakia, Lithuania, Poland (since 2009)

Development control procedures for specific projects - typical structure in EU

- EIA decision
- Siting decision/planning permission
- Construction/building permit
- Pollution control (IPPC) permit and/or resource use decisions (e.g. water permit, mining license, nuclear permit)

Activities

- Different names
 - Activities – Espoo Convention
 - Specific activities – Aarhus Convention
 - Projects – SEA Protocol and EIA Directive
- Lists of activities
 - 1 list (Espoo and Aarhus)
 - 2 lists (EIA Directive and SEA Protocol)

Definition of proposed activity

- Under Art.1 (v) of the Espoo Convention
- „proposed activity” means:
 - any activity or any major change to an activity
 - subject to a decision of a competent authority
 - in accordance with an applicable national procedure

Activities covered by Espoo

- Activities listed in Appendix I
 - mandatory
 - amended by II amendment
- Other activities
 - subject to bilateral agreements
 - criteria in Appendix III
- Level
 - project - mandatory
 - plans, programs, policies –
 - recommendation
 - mandatory under SEA Protocol

Definition of project in EIA Directive

- Definition (art. 1.2.(a):
 - 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
- Broad definition of „construction”
 - modernisation of existing road (C-142/07 CODA)
 - demolition works (C-50/09, Commission v. Ireland,)
- Other interventions - for example: afforestation or deforestation, storage of scrap iron, intensive fish farming
- Project = „proposed activity” under Aarhus and Espoo Conventions
- Changes and extension of lifetime

Projects subject to assessment under EIA

Directive– art.4

- Environmental assessment is required for projects likely to have significant effects on the environment
- Projects subject to EIA Directive are listed in Annex I and Annex II
 - Projects listed in Annex I – by definition are likely to have significant effects on the environment and therefore always require assessment
 - Projects listed in Annex II – Member States must determine (using screening methods and criteria listed in Annex III) if a project belonging to a category of projects listed in Annex II is likely to have significant effects on the environment and therefore assessment is needed

Screening of Annex II projects

- Screening methods
 - Case-by case
 - Tresholds/criteria
 - mixed
- Screening criteria (Annex III)
 - Characteristics of projects
 - Location of projects
 - Characteristics of impact
- Screening determination („screening decision”)
 - Based on information provided by developer –Annex IIa
 - Determination – up to 90 days

Screening – approaches in different countries

- 1 list for mandatory EIA
- 2 lists
 - 1 list for mandatory EIA
 - 1 list for project subject to individual screening
- More categories
- No list – only individual screening