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## Activities subject to EIA and screening

*National environmental assessment systems and requirements of the Espoo  
Convention and its Protocol on Strategic Environmental Assessment  
Training Workshop to support legal drafting process in Uzbekistan*

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# Content

- List of activities
- Approaches to screening
- Documents

# 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

# Documents used

- Information provided by developer –Annex IIa
- In many EU countries more information is required
- In most countries the same document is used also for scoping
- Names
  - Screening Report (in many countries)
  - Project Information Chart ( in Poland – Karta Informacyjna Projektu – KIP)

# Annex IIa

- 1. A description of the project, including in particular:
  - (a) a description of the physical characteristics of the whole project and, where relevant, of demolition works;
  - (b) a description of the location of the project, with particular regard to the environmental sensitivity of geographical areas likely to be affected.
- 2. A description of the aspects of the environment likely to be significantly affected by the project.
- 3. A description of any likely significant effects, to the extent of the information available on such effects, of the project on the environment resulting from:
  - (a) the expected residues and emissions and the production of waste, where relevant;
  - (b) the use of natural resources, in particular soil, land, water and biodiversity.
- The criteria of Annex III shall be taken into account, where relevant, when compiling the information in accordance with points 1 to 3.

# Procedural requirements

- Selection criteria (Annex III) must be used
- Consultations with
  - Environmental authorities (always)
  - Health authorities (in some EU countries)
- Public participation (in some EU countries)
- Screening determination („screening decision”)
  - issued by competent authority
  - within up to 90 days
- Statement of reasons required