



# **PROPOSAL FOR A REVISED EIA DIRECTIVE – COM(2012)628 Amendment of Directive 2011/92/EU**

# Outline of the presentation

- **Basic steps of the revision process**
- **Impact Assessment (IA) of the proposal**
  - ✓ Overview of the EIA application
  - ✓ Problem definition
  - ✓ EU's right to act
  - ✓ Objectives (general, specific, operational)
  - ✓ Policy options considered
  - ✓ Assessment of impacts
  - ✓ Comparison of policy options
- **Amended legislative text**
  - ✓ Presentation Article per Article
  - ✓ Reasons/background

# Basic steps of the revision process (1)

- **EIA identified as an instrument for possible simplification (COM(2009)15)**
- **4th implementation report (COM(2009)378)**
- **Establishment of an Impact Assessment Steering Group**
  - ✓ 14 services (ENV, SG, LS, AGRI, ECFIN, EMPL, ENTR, MARE, MARKT, REGIO, MOVE, ENER, CLIMA, ECHO).
  - ✓ 7 meetings (in 2011 & 2012).
- **External expertise**
  - ✓ Commission Group of national EIA/SEA experts.
  - ✓ Studies commissioned to collect data.

## Basic steps of the revision process (2)

### 2010: Consultation of interested parties

- Wide public consultation (web questionnaire translated).
- Stakeholder Conference in Leuven.

### 2011: Preparation of an Impact Assessment Report

### 2012: Consultation of the Impact Assessment Board

- Better present the reasons behind evasive behaviour of developers and limited enforcement.
- Better present the policy options.
- Strengthen the assessment of impacts (mostly socio-economic, e.g. impacts on competitiveness/SMEs).

## Impact Assessment: Overview of the EIA application (Key figures at EU level)

- Average number of EIAs per year: 15.000 to 26.000.
- Average number of screenings per year: 27.400 to 33.800.
- Average number of positive screenings per year: 1.370 to 3.380.
- Average duration of the EIA process: 11,6 months.

Stage of EIA process	Average duration
Screening	1,2 months
Scoping	1,3 months
Environmental information (environmental report)	5,5 months
Consultations (public, authorities, other Member States...)	1,6 months
Final decision	2 months
<b>Total</b>	<b>11,6 months</b>

## Impact Assessment: Overview of the EIA application (Average costs for developers )

- Average costs depend on the size of the project.
- Estimated at 1 % of the total project cost.
- € 41.000 per EIA.
- Overall EIA costs for EU developers: € 558 to 846 million per year.

Stage of the EIA process	Share of total EIA cost	Cost (€) per EIA stage
Preliminary studies (prior to the EIA)	1 %	425
Screening and scoping	2 %	850
Information on environmental impacts	80 %	32.715
Revision of EIA report (if needed)	17 %	7.010
	<b>100 %</b>	<b>41.000</b>

## Impact Assessment: Overview of the EIA application (Average costs for public authorities)

- Assumption: an average working day contains 7,5 working hours.
- Overall EIA costs for public authorities: €146 million to 215 million.

Stage of the EIA process	Share of total EIA cost
Screening	3 %
Scoping	8 %
Review of information on environmental impacts and decision-making	89 %
	<b>100 %</b>

- Case studies: bigger effort during the scoping stage results in less effort during the stage of final decision-making.

# Impact Assessment: Overview of the EIA application (benefits)

## Environmental benefits

- Environmental considerations are integrated as early as possible in decision-making process,
- More sustainable projects (prevention/mitigation of env. impacts).
- Increased environmental awareness of the public.
- Developers anticipate compliance issues even prior to the project application.

## Wider socio-economic benefits

- Avoided costs for environmental and health damages (cost-effective instrument; EIAs costs are '*negligible*' compared to the potentially high costs of unanticipated environmental damage or liabilities).
- Improved functioning of the internal market (minimum requirements of environmental assessments)
- Improved environmental profile and reputation of developers.
- Creation/preservation of (mostly high-skilled) jobs.
- Governance benefits (increased public participation, social acceptance, development of 'civil society', possibilities for the public to challenge the legality of final decisions).

# Impact Assessment: Overview of the EIA application (weaknesses & costs)

## Alleged factors limiting the benefits

- No hierarchy between prevention, mitigation and compensation (EIA rather focuses on minor changes in relation to mitigation or compensation, without significant changes to the project design).
- Essentially procedural Directive without quality standards.
- Emerging environmental issues (e.g. climate change, disaster risks, biodiversity and resource efficiency) not adequately covered.
- Implementation problems throughout the EU.

## Economic costs

- Business concerned by costs due to delays in EIAs (e.g. energy) and to legal disputes.
- EIA costs affect more the SMEs (higher relative impact).
- Negative impacts to competitiveness due to uneven implementation (level playing field).

# Impact Assessment: Problem definition (1. Insufficient screening process)

Broad margin of discretion left to Member States to decide whether an EIA is required for Annex II projects

Screening criteria of Annex III not very specific

Justification of screening decisions not required

Projects with significant environmental impacts escape EIA

Projects without significant environmental impacts are subject to EIAs

No justified decisions on screenings by authorities

## Impact Assessment: Problem definition (2. Lack of EIA quality and analysis)

No specific requirements for scope and quality of information provided

Lack of expertise of developers and consultants undertaking EIAs

Lack of experience of authorities in some MS

No stringent requirements for assessment of project alternatives

No requirements for justification of decisions by competent authorities

No specific requirements for post-EIA monitoring

Impacts of projects to new environmental issues (e.g. climate, biodiversity) not sufficiently covered

Impacts of projects to new environmental issues (e.g. climate, biodiversity) not sufficiently covered

AND

Lack of harmonisation among EU legislation on environmental assessments

AND

Lack of experience of authorities in some MS

EIA reports with poor quality of environmental data and analysis

EIA reports do not focus on the most significant impacts

Insufficient consideration of impacts of project alternatives

No justified decisions on development consent by authorities

Gaps between predicted impacts in EIA reports and actual impacts

Inconsistencies between requirements of EIA Directive and other EU legislation and international conventions

EIAs do not cover new environmental topics

## Impact Assessment: Problem definition (3. Risks of inconsistencies)

Lack of harmonisation among EU legislation on environmental assessments



Overlaps & duplications with other EU environmental assessments

The time-frames for the various stages of the EIA process are not specified or are not specific enough



Too short or too long public consultation

Lack of experience of authorities in some MS



Lack of expertise of developers and consultants undertaking EIAs



Excessive time for the processing of EIAs by authorities

## Impact Assessment: need for EU's action

- Need for streamlining procedures, **further harmonising** practices and addressing inconsistencies at EU level.
- EU has enlarged and the **scope of environmental issues to be tackled** and the number of major projects have increased (e.g. energy or transport ones).
- **Transboundary** nature of environmental issues and some projects.
- The EU's action has the potential to address **global issues** that are important to the EU (e.g. climate change, biodiversity and disaster prevention), and contributes to achieving Europe's 2020 objectives.
- Ensure consistency with the Espoo and Aarhus **Conventions**.

## Impact Assessment: Objectives

After 25 years of application, the EIA Directive has not significantly changed, while the policy, legal and technical context has evolved considerably.

**General objective:** adjust the EIA Directive in order to

- correct identified and persisting shortcomings.
- reflect ongoing environmental and socio-economic priorities and challenges.
- align with the principles of smart regulation.
- reflect the ECJ case-law.

## Impact Assessment: Objectives Specific and Operational

Introduce and/or strengthen the quality related elements of the EIAD

- Specify the content and justification of the screening decision
- Specify the content and justification of the EIA report and the final decision
- Adjust the EIAD to the new environmental challenges

Enhance policy coherence and synergies with other EU/international law and simplify procedures

- Streamline environmental assessments
- Specify time-frames for the various stages of the EIA process

# Impact Assessment: Policy options discarded

## Merging SEA and EIA Directives

- ✓ No joint assessment procedures for plans and projects.
- ✓ Significant institutional/administrative changes (different scope & authorities).

## New environmental assessment Directive

- ✓ Prior thorough evaluation and fitness test of all existing env. legislation needed.
- ✓ Major institutional/administrative changes in EU and national procedures needed.
- ✓ Disproportionate option (modification of Directives revised and adopted very recently).

## Regulation

- ✓ Multiplicity of projects and diversity of project related circumstances.
- ✓ Considerable institutional/administrative changes needed.

➔ **The above options are not favoured by any of the stakeholders groups.**

# Impact Assessment: Policy options selected

## Option 0+: Guidance

- Per stage of the EIA process (i.e. screening, scoping...).
- Per specific environmental issues (e.g. climate, biodiversity...).
- Per type of types of projects (e.g. energy projects).

## Technical adaptation (Option 1)

- Adapt the scope of the Directive (mainly its Annexes) with a minimum number of changes.
- Update of project categories (Annexes I and II).
- Clarification of the screening process/criteria (Annex III).
- Content of the EIA report (Annex IV).

## Modifications of substance (Option 2)

- Builds on Option 1 and has broad potential for changes (3 sub-options).
  - Sub-options reflect the varying degrees of changes to the existing EIA and the various levels of policy ambition.
- ➔ Options reflect the replies to the public consultation (54% favours changes to the existing Directive, while 41% do not).

## Content of policy options selected: possible amendments

- ✓ Adaptation of Annexes I and II
- ✓ Modification of Annex III
- ✓ Alternative procedure for Annex II projects
- ✓ Justification of negative screening decisions
- ✓ Mandatory assessment of reasonable alternatives
- ✓ Additional environmental issues
- ✓ Mandatory scoping
- ✓ Quality control of the EIA information
- ✓ Justification of final decisions
- ✓ Mandatory post-EIA monitoring
- ✓ Coordinated/integrated procedure (EIA 'one-stop shop')
- ✓ Specific time-frames for public consultation
- ✓ Maximum time-frames for decision-making

**Screening**

**EIA quality  
and analysis**

**Risk of  
inconcistencies**

## Content of policy options selected: possible amendments

### Option 1

- ✓ Adaptation of Annexes I and II
- ✓ Modification of Annex III
- ✓ Alternative procedure for Annex II projects
- ✓ Mandatory assessment of alternatives
- ✓ Additional environmental issues

### Option 2a

- ✓ Modification of Annex III
- ✓ Alternative procedure for Annex II projects
- ✓ Justification of negative screening decisions
- ✓ Justification of final decisions
- ✓ Coordinated/integrated procedure (EIA 'one-stop shop')
- ✓ Specific time-frames for public consultation
- ✓ Maximum time-frames for decision-making

### Option 2b

- ✓ All amendments of Option 2a
- ✓ Mandatory assessment of alternatives
- ✓ Additional environmental issues
- ✓ Mandatory scoping
- ✓ Quality control of the EIA information
- ✓ Mandatory post-EIA monitoring

### Option 2c

- ✓ All amendments of Option 2b
- ✓ Adaptation of Annexes I and II

# Environmental benefits of amendments/options



- Modification to Annex III criteria
- Mandatory assessment of alternatives
- Additional environmental issues
- Mandatory post-EIA monitoring
- *[Adaptation of Annexes I & II]*

- Mandatory scoping
- Quality control of the EIA information

- Justification of negative screenings
- Justification of final decisions
- Specific time-frame for public consultation
- Coordinated or integrated procedure (EIA 'one-stop shop')

- Alternative procedure for Annex II projects
- Maximum time-frames for decision-making

# Amendments: direct administrative costs and savings *for public authorities*

## MODERATE/HIGH COSTS

## LIMITED COSTS

## ZERO COSTS

## LIMITED/MODERATE SAVINGS

- Adaptation of Annexes I & II
- Additional environmental issues

- Mandatory assessment of alternatives

- Justification of negative screenings
- Justification of final decisions
- Maximum time-frames for decision-making
- Specific time-frame for public consultation
- Mandatory scoping
- Quality control of the EIA information
- Mandatory post-EIA monitoring
- Modification to Annex III criteria

- Alternative procedure for Annex II projects
- Coordinated or integrated procedure (EIA 'one-stop shop')

# Amendments: direct administrative costs and savings *for developers*

## MODERATE/HIGH COSTS

## MODERATE COSTS

## ZERO COSTS

## LIMITED/MODERATE SAVINGS

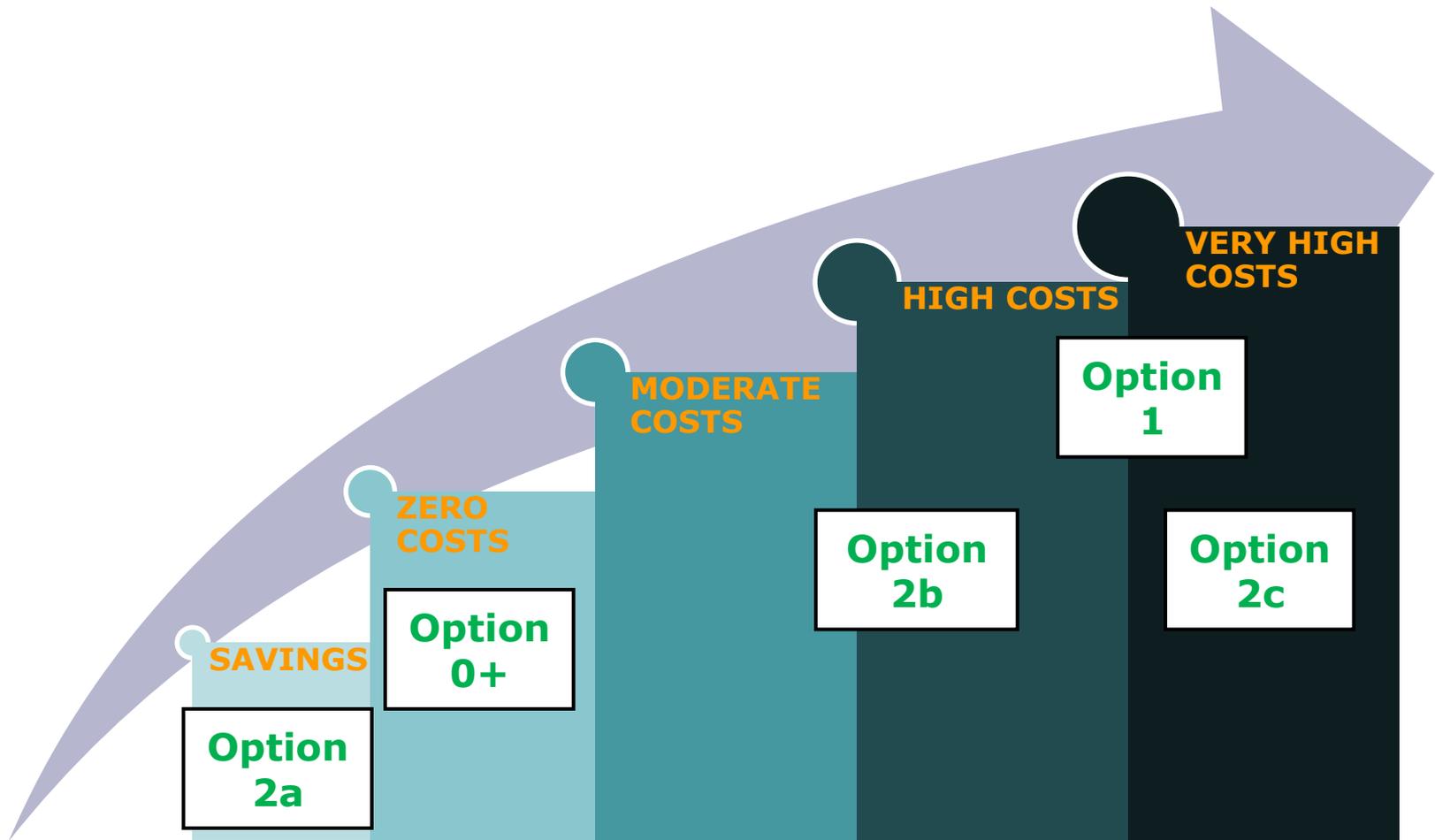
- Adaptation of Annexes I & II
- Additional environmental issues

- Mandatory assessment of alternatives
- Mandatory post-EIA monitoring

- Justification of negative screenings
- Justification of final decisions
- Maximum time-frames for decision-making
- Specific time-frame for public consultation
- Mandatory scoping
- Quality control of the EIA information
- Modification to Annex III criteria

- Alternative procedure for Annex II projects
- Coordinated or integrated procedure (EIA 'one-stop shop')

## Options: direct administrative costs and savings



## Wider socio-economic benefits common to all amendments

- Avoided risk of environmental damages and cost savings and avoided adverse impacts on **public health, safety and quality of life** (mostly related to the amendments bringing env. benefits).
- Improved functioning and efficiency of the **internal market** (increased degree of harmonisation).
- **Competitiveness** gains due to a more certain regulatory and business environment (at least 8 amendments clarify the administrative requirements).
- Reduced costs related to **delays and legal disputes** (from the amendments streamlining and improving the quality of the EIA process).
- **SMEs** will very likely benefit more from the above changes.
- **Governance** benefits (more impartiality and transparency). 24

## Other wider socio-economic benefits of amendments

- Additional workload from the new requirements (alternatives, monitoring, new environmental issues, adapted Annexes I/II) may lead to **job creation** (increased need for relevant experts).
- Assessing alternatives and additional environmental issues entail **innovation** gains.
- Alternative procedure for Annex II projects would be particularly relevant for **SMEs**.
- The justification of negative screenings and of the final decisions would reduce the risk of misinterpretation that often leads to legal disputes and have a strong positive effect on **governance**.
- Mandatory scoping is likely to reduce the overall **duration** of EIA processes and the number of **legal disputes** (plus synergetic effects from its combined implementation with the requirements for assessing alternatives and additional environmental issues).

# Wider socio-economic benefits per policy option

Policy options	Wider economic benefits					Wider social benefits		
	Internal market	Competitiveness	Avoided damages, risk prevention	Decrease in costs on legal disputes	Decrease in costs on delays	Governance	Health, safety, quality of life	Jobs creation
<b>0+</b>	0	0	0	0	0	0	0	0
<b>1</b>	++	++	+++	++	+	+	+++	0
<b>2a</b>	++	+++	++	++	+++	++	++	0
<b>2b</b>	+++	+++	++++	+++	+++	+++	+++	+
<b>2c</b>	+++	+++	++++	+++	+++	+++	++++	+

The magnitude of the impacts (costs/benefits) depends on the level of influence a particular policy option would have on specific issues (problems/objectives): no impact (0), small (-/+), moderate (--/++), significant (---/+++), major (----/++++).

## Comparison of policy options: impacts

- Option 0+: no costs and marginal environmental benefits.
- Option 1: moderate environmental and wider socio-economic, but with high costs for public authorities and developers and limited savings to be expected.
- Option 2a: moderate savings for developers and public authorities and moderate environmental and wider socio-economic benefits.
- Option 2b: moderate to high costs for public authorities and developers, but with moderate savings and significant environmental and wider socio-economic benefits.
- Option 2c: very high costs for public authorities and developers, but with moderate savings, significant wider economic benefits, as well as major environmental and wider social benefits.

# Comparison of policy options: achievement of objectives

Policy options	Specific objective 1 Introduce and/or strengthen the quality related elements of the Directive			Specific objective 2 Enhance policy coherence and synergies with other EU laws and simplify procedures	
	Operational objective 1	Operational objective 2	Operational objective 3	Operational objective 1	Operational objective 2
	Specify the content and justification of the screening decision	Specify the content of the EIA report and of the final decision	Adjust the Directive to the new environmental issues	Streamline environmental assessments	Specify time-frames for the various steps of the EIA process
<b>0+</b>	≈	≈	≈	≈	≈
<b>1</b>	++	++	+++	++	+
<b>2a</b>	+++	++	+	+++	+++
<b>2b</b>	+++	+++	+++	+++	+++
<b>2c</b>	+++	+++	++++	+++	+++

The level of contribution to the achievement of the objectives is assessed qualitatively on a five scale basis: neutral/marginal (≈); small magnitude (+), moderate (++), significant (+++), major (++++).

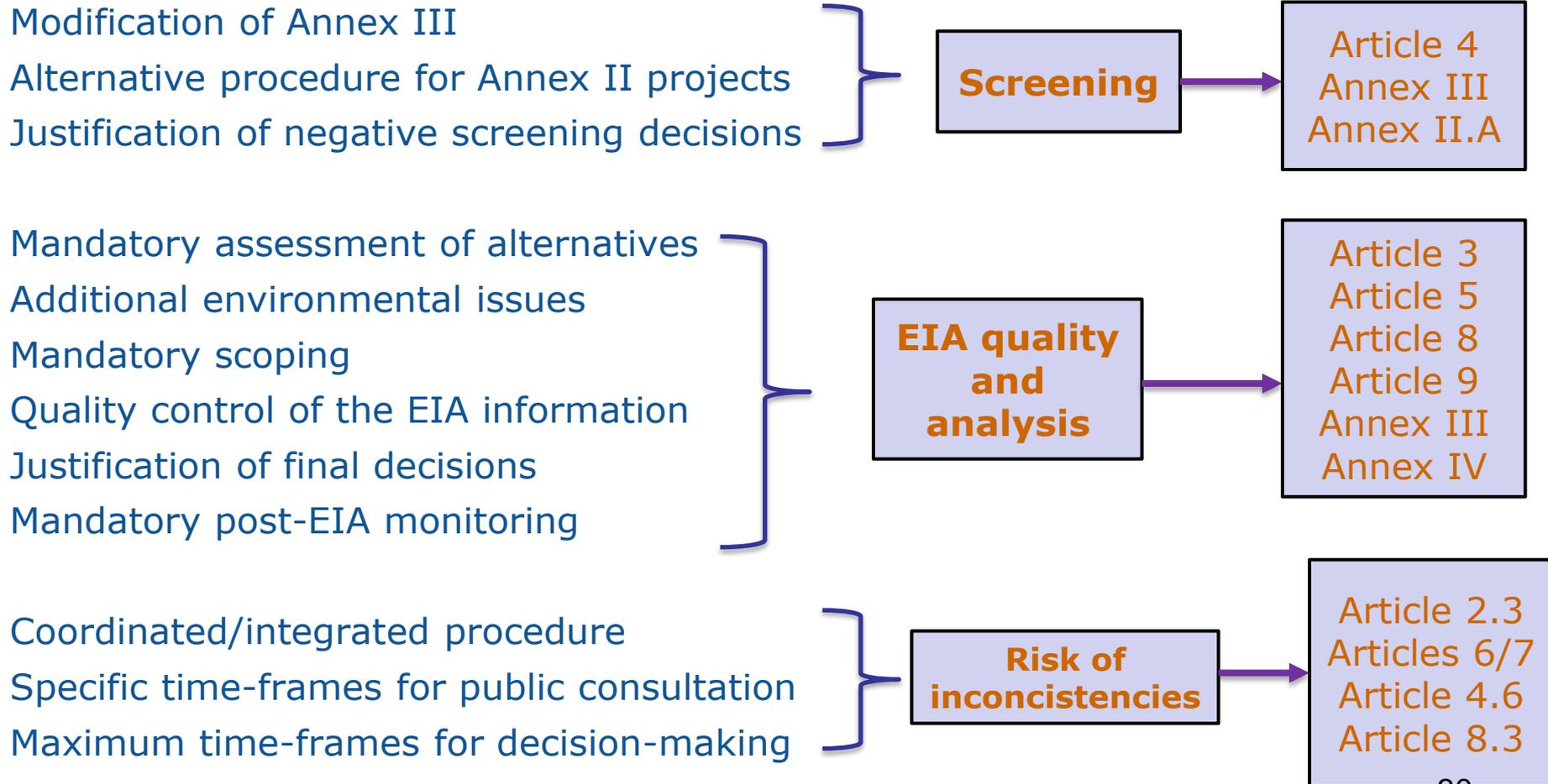
## Comparison of policy options: effectiveness, efficiency and coherence

- Option 0+: neither effective nor coherent.
- Option 1: not efficient (objectives partially achieved at a high cost and with only moderate environmental and socio-economic benefits).
- Option 2a: efficient but low level of coherence and effectiveness.
- Option 2b is effective and coherent. In terms of efficiency, its high benefits will give rise to moderate/high costs.
- Option 2c: is effective and coherent but not efficient (additional high benefits outweighed by the very high costs).

### **Option 2b is the preferred option**

- ✓ It includes all amendments leading to moderate savings.
- ✓ Costs linked to 3 amendments (conservative assumptions made and possibilities of reducing costs duly verified).
- ✓ The significant environmental and socio-economic benefits have the potential to outweigh the administrative costs.

## Link between the amendments and the Articles/Annexes



# Other changes – unchanged provisions

## Lessons drawn from case law:

- Demolition works part of the project definition (C-50/09).
- Projects exclusively serving national defence (C-435/97).
- Projects approved in detail by law (C-128/09).

## Lessons drawn from implementation experience:

- Definition of EIA.
- Projects exclusively responding to civil emergencies.
- Data collection (obligation from IA report).
- Delegated acts for updating Annexes II.A, III and IV.
- Transition provisions (Article 3 of the Directive).

**No changes: Articles 10, 11 and Annexes I-II**

**Light amendments: Articles 2, 6, 7, 9 and 12**

# Amended Article 1

## Definitions

- Minimum changes.
- Article 1(2)a: demolition works explicitly added in the definition of project (C-50/09).
- The definition of EIA inserted in Article 1(2)g (based on the wording from SEA).

## Special cases

- Article 1(3): projects exclusively serving national defence (C-435/97).
- Projects exclusively responding to civil emergencies in Article 1(3); see also recital 13.
- Article 1(4): projects approved in detail by law (C-128/09).

## Amended Article 2(3): EIA one-stop shop

- Main obligation: coordinated/integrated procedure.
- Mostly environmental instruments: SEA, Habitats/Birds, Water Framework, IPPC/IED (see also recital 23).
- Short definition of scheme coordinated/integrated.
- Links with TEN-E Regulation.
- Subsidiarity oriented provision.

## Amended Article 3

### Adaptation to new environmental issues

- Use of natural resources (biodiversity, land, soil, water, air).
- Biodiversity with focus on species/habitats protected under the two Nature directives.
- Climate change.
- Disaster risks (point e).
- Recitals 3 to 11.

### Consistency with other provisions

- Population and human health (instead of human beings).
- Reference to 'significant' effects, i.e. objective of Article 2(1).
- Annex IV.4.

## Screening: amended Art.4 & Annexes II.A and III

### Amended provisions

- Article 4(4): use of delegated acts.
- Annex III (mostly criteria on the characteristics of projects and potential impact).

### New items

- Article 4(3) and Annex II.A: use of delegated acts.
- Article 4(5): screening decision-making:
  - ✓ on the basis of the information provided by the developer
  - ✓ take into account, where relevant, the results of studies, preliminary verifications or environmental assessments.
- Article 4(5): content of the screening decision.
  - ✓ Use of annex III criteria reasons (C-87/02 and C-75/08).
  - ✓ Measures to avoid, prevent and reduce significant effects (if no EIA).
- Article 4(6): time-frame of the screening decision.
  - ✓ 3 months (from the request for development consent and provided that the developer has submitted all the requisite information).
  - ✓ Possibility for extension by a further 3 months.
- Article 4(6): link screening with scoping (if EIA needed).

# EIA report: amended Article 5 & Annex IV

## Article 5(1) – EIA report

- Information that may reasonably be required for making informed decisions.
- Several factors to be taken into account.
- Links with other assessments/planning level (*"extent to which certain matters (including the evaluation of alternatives) are more appropriately assessed at different levels including the planning level, or on the basis of other assessment requirements"*)
- Use of delegated acts for Annex IV.

## Annex IV – content of the EIA report

- Alternatives, including baseline scenario (IV.2 and IV.3).
- Adaptation to new environmental issues (IV.4, IV.5 and IV.8).
- Monitoring (IV.7).
- EIA related issues (IV.6 and IV.10)

# EIA report: amended Article 5 & Annex IV

## Article 5(2) – Scoping (mandatory)

- Becomes mandatory (no longer depends on the developer).
- Competent authority in close cooperation with the environmental authorities and the developer.
- Enlarged content of the scoping decision.

## Article 5(3) – Quality of EIA report

- Guarantee the completeness and sufficient quality of the EIA report.
- Two possibilities: accredited and technically competent experts or committees of national experts.
- Situations of conflict of interest (i.e. where accredited and technically competent experts assisted the competent authority to prepare the scoping decision, the same experts shall not be used by the developer for the preparation of the EIA report).

# Public consultation: amended Articles 6 and 7

## Article 6

- Time-frame for consulting the public on the EIA report:
  - ✓ 30 to 60 days (Aarhus guidance: 45 days).
  - ✓ Possibility for extension by a further 30 days.
  - ✓ Conditions for extension:
    - in exceptional cases, where the nature, complexity, location or size of the proposed project so require.
    - the competent authority informs the developer of the reasons.
- Sufficient time for environmental authorities to be informed and consulted (Article 6(6)).

## Article 7

- Obligation (shall) to determine detailed arrangements.
- Time-frames for public consultation highlighted.

## Final decision: amended Article 8

### Article 8(1) – content of the decision more concrete:

- a) the **environmental assessment** of the competent authority and the **environmental conditions** attached to the decision (including measures to avoid, reduce and offset significant adverse effects).
  - b) the **reasons** for choosing the project as adopted, in the light of the other **alternatives** considered.
  - c) a summary of the **comments** received during the consultation.
  - d) a statement summarising how **environmental considerations** have been integrated into the development consent and how the **results of the consultations and the EIA report** have been incorporated or otherwise addressed.
- Projects with significant **adverse transboundary effects**: obligation for the competent authority to provide information for not having taken into account comments received by the affected Member State.

# Final decision: amended Article 8

## Article 8(2) – monitoring (new provision)

Starting point: EIA report & consultations confirm significant + adverse environmental effects.

1. Revise project/EIA report and add mitigation or compensation measures.
2. Introduce **monitoring** measures:
  - Objective/scope:
    - ✓ assess the implementation of mitigation and compensation measures.
    - ✓ assess the expected effectiveness of mitigation and compensation measures.
    - ✓ identify any unforeseeable adverse effects.
  - Type of parameters and the duration of the monitoring proportionate to:
    - ✓ the nature, location and size of the proposed project.
    - ✓ the significance of the environmental effects of the proposed project.
  - Use of existing monitoring resulting from EU legislation (no duplication).

# Final decision: amended Article 8

## Article 8(3) – time-frame (new provision)

- 3 months – 3 conditions:
  - ✓ all necessary information (EIA report + consultations) gathered.
  - ✓ where relevant, specific assessments required under other EU legislation concluded (e.g. Habitats Directive).
  - ✓ consultations (public, env. authorities, transboundary) completed.
- Possibility for extension by a further 3 months; conditions for extension:
  - ✓ depending on the nature, complexity, location and size of the proposed project.
  - ✓ the competent authority explains the reasons and informs of the date when its decision is expected.

## Article 8(4) – validity of EIA data (new provision)

- Last check (i.e. before granting development consent).
- Verify whether the EIA report is up to date (mainly measures envisaged to prevent, reduce and offset any significant adverse effects).

## **Info on the final decision: amended Article 9**

### **Article 9(1): minor changes ensuring consistency – clarity**

- Environmental authorities informed (like the public).
- Point b): EIA report added.
- Point c): "significant" replaces "major".
- Point d): monitoring => consistency with Article 8(2).

### **Article 9(3): option for earlier information**

- Not an obligation("may").
- Information under 9(1) available when EIA concluded (pending the development consent).
- Relevant for EU co-financed projects (Cohesion + TEN policies).

## Data collection: amended Article 12(2)

- Changes reflect the monitoring/evaluation requirements of the IA report.
- Evaluation reports from the Commission every 6 years.
- Relevant parameters:
  - a) number of EIAs.
  - b) breakdown of EIAs per project categories set out in Annexes I & II.
  - c) breakdown of EIAs by type of developer (i.e. public/private, SMEs).
  - d) number of screenings.
  - e) average duration of the EIA process.
  - f) average cost of EIAs.

# Delegated powers: New Articles 12a and 12b

## Article 12a

- Delegated acts to adapt the EIA to scientific and technical progress.
- Delegated acts supplement/amend certain non-essential elements of the main legislative act.
- Delegated acts for: Annex III (screening criteria), Annex IV (EIA report), Annex II.A (information for screening by developer).
- Annexes I and II not included.

## Article 12b

- Standard provision (conditions for delegation).
- Delegation for an indeterminate period of time.

## Transitional provisions: Article 3

- Temporal scope of EIA: rich case-law (C-431/92, C-81/96).
- Criterion: date of the request for development consent formally introduced.
- Date of authorisation not taken into account.
- Practice? Long periods between EIA report and/or "EIA decision" and the development consent (construction/building permit).
- New rule: clear obligation, even for projects for which the development consent was introduced prior to the date of implementation (but EIA not concluded).
- Relevance for EU co-financed projects.

**Thank you for your attention!**