

## NGO voting recommendations

Concerning:

**Environment Committee meeting, 11 July 2013**

**Item 11. Amendment of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment**

Rapporteur: Andrea Zaroni (ALDE)

- Environmental NGOs welcome the Commission’s proposal for a new EIA Directive which addresses many of the current Directives’ shortcomings, providing clear instructions for reporting requirements, the assessment of valid alternatives, the use of recent information, the extension of the scope of the EIA, provision to address ‘salami slicing’ and last but not least provisions for project monitoring. We regret however that the Commission missed the opportunity to improve timely public information requirements, provide for public participation during the screening process, make provision for injunctive relief when project-related court rulings are pending and make it clear that no project can start without a valid and finalized EIA.
- We therefore call on the Members of the European Parliament’s Environment Committee to support the improvements included in the Commission draft and additional improvements tabled in the amendments. If you are serious about improving the quality of the EIA we need a strong text from the European Parliament as basis for negotiations with the Council. For European citizens environment protection has a very high priority and there is increasing awareness about the link between environment protection, health and quality of life. As the democratically elected EU body citizens count on you to defend their interests.
- Our voting recommendations focus on aspects which are particularly important to achieve a quality improvement of the EIA Directive. We call on you to support the compromise amendments as well as the consolidated ones.

### 1. Demolition

SUPPORT amendments: <span style="color: green;">COMP 3</span>	
REJECT amendments: <span style="color: red;">100, 101, 102, 103, 477</span>	

### 2. Screening process, criteria and information

In the current Directive the guidance for carrying out the screening process leaves broad discretion to the Member States. This results in widely differing interpretations. In some Member

States, thresholds are set so high that projects with considerable negative impacts on the environment escape the EIA. A very well-known problem arises from the splitting of projects – so-called salami-slicing – to avoid EIA. A high percentage of EIA related complaints could be avoided with a better screening process. Clearer instructions are therefore necessary and helpful. More transparency and better public participation can also improve the process.

SUPPORT amendments: <b>CONS 7, COMP 11, CONS 12</b> , [if CONS 7 falls: 24, 190, 211] [if CONS 12 falls: 526, 531, 532, 533]	
REJECT amendments: 193, 204, 205, 206, 207, 233, 485, 486, 487, 488, 489, 492, 494, 496, 500, 501, 508, 512, 522, 523, 525, 537, 540,	

### 3. Environmental factors

This text of the compromise is good as it requires particular consideration of effects on species and habitats protected under the Habitats, Birds and Water Framework Directives, but also of effects on broader biodiversity in an unrestrictive manner.

SUPPORT amendments: <b>COMP 6.</b>	
REJECT amendments:	

### 4. Environmental report and scoping procedure

Scoping is an important part of the process. Good scoping will make a major contribution to improving the quality of the EIA. It is therefore helpful when the aspects to be covered by the scoping process are clearly indicated. This will also contribute to a more harmonised application of the EIA and thus more harmonised conditions for project development. It is important to use the opportunity of this revision of the EIA Directive to adapt it to recent developments and better understanding of problems such as climate change or the role of ecosystem services and biodiversity including as indispensable components of sustainable development. The extension of Annex IV represents an important step in the right direction.

SUPPORT amendments: <b>CONS 8, CONS 9, COMP 13</b> , [if CONS 8 falls: 25, 26, 29, 258]	
REJECT amendments: 234, 235, 236, 240, 244, 248, 249, 251, 253, 257, 303, 302, 304, 305, 314.	

### 5. Accredited experts

There is common agreement that the quality of EIAs needs to be improved. According to experiences in some Member States, expert accreditation does not seem to offer a satisfactory solution. It should therefore only be one possible option.

SUPPORT amendments: <b>CONS 9</b> , [if CONS 9 falls: 289], if CONS8 falls: 297, 307, 320, 32]	
REJECT amendments: 302, 303, 304, 305, 314	

**6. Baseline scenario and alternatives**

The assessed alternatives must be reasonable and not simply any arbitrary alternative included to "tick the box" of fulfilling an obligation. Looking at an early stage into various alternatives, including base-line scenarios, will provide the necessary data to take the appropriate decision. It is important that potential costs from related health risks or deterioration of ecosystem services, to mention just two possibilities, are taken into account in a cost-benefit analysis. Well assessed, reasonable alternatives will increase the acceptability of the selected project and contribute to a smooth execution.

SUPPORT amendments: <b>CONS 8, [if CONS 8 falls: 25, 26,] 274,</b>	
REJECT amendments: <b>234, 236, 269, 270, 358, 360, 552, 553, 554, 557, 559, 582, 589</b>	

**7. Decision and Monitoring**

There is always a risk that the environmental report does not cover all project-related direct and indirect impacts on the environment. It is therefore extremely important to monitor the project execution and to compare the real impact on the environment with what has been assessed and predicted. Monitoring only has its full positive effect if compensation and mitigation measures are foreseen. Unfortunately experience teaches us that it is necessary to discourage the drawing up of environmental reports that have intentionally not included all environmental impacts in order to get development consent. Monitoring and follow-up measures will help to reduce this deplorable practice which undermines the purpose of the Directive.

SUPPORT amendments: <b>COMP 10, 39, 117, 136, [46 (PETI opinion), 352, 362, 374, 381, 408, if COMP falls]</b>	
REJECT amendments: <b>40, 386, 369, 376.</b>	

**8. One stop shop**

The coordination of assessments required simultaneously under different directives seems to be a positive approach. However, taking into account the different administrative systems in the Member States the directive should allow for some flexibility. If assessment procedures are to be coordinated, it must be clear that assessment standards already contained under other Directives (e.g. under the Habitats Directive) must be maintained.

SUPPORT amendments: <b>COMP 5.</b>	
REJECT amendments:	

9. **Up-to-date information**

Experience shows that environmental reports in some cases use out-dated data. As environmental conditions can change rapidly or new scientific data based on recent research provide relevant information, it is very important explicitly to require the use of up-to-date information. This will also help to reduce the risk of unforeseen environmental problems occurring during the project phase.

SUPPORT amendments: 43, 408, 409	
REJECT amendments: 404, 405, 406, 407	

10. **Access to information**

SUPPORT amendments: 31, 33, 34, 46 (Peti opinion), 412,	
REJECT amendments:	

11. **Access to justice**

SUPPORT amendments: 420, 424, 426,	
REJECT amendments:	

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