



UEPC POSITION PAPER

PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING DIRECTIVE 2011/92/EU ON THE ASSESSMENT OF THE EFFECTS OF CERTAIN PUBLIC AND PRIVATE PROJECTS ON THE ENVIRONMENT(COM(2012)628 FINAL, 26.10.2012)

INTRODUCTION

The European Union of House Builders and Developers (UEPC) takes a close interest in discussions in the Council and European Parliament on the Commission proposal on the assessment of the effects of certain public and private projects on the environment.

In relation to the European Parliament's Plenary vote on 9 October, we welcome a number of amendments voted by MEPs aimed at reducing the administrative burden on developers and specifically:

- **Achieving an appropriate time frame for the approval of projects:** The deadlines for decisions shall be left to Member States both at the stages of (1) screening to decide if an environmental impact assessment is needed and (2) granting development consent. In the case of screening, the deadline set by Member States not exceed 90 days under normal circumstances and a further 60 days in exceptional circumstances. In relation to granting development consent the deadline set by Member States may not exceed 90 days in normal circumstances and a further 90 days in exceptional circumstances. Where the deadline is extended in exceptional cases the developer must be informed in writing (Amendments 55 and 127/REV)
- **Ensuring the use of qualified and independent experts.** MEPs supported that EIAs should be conducted by independent qualified and technically competent experts (Amendment 57)
- **Limiting the amount of information provided and the presentation of alternatives to the project considered:**
 - In relation to screening, developers shall only provide summary information on the characteristics of the project, its potential impact on the environment and the measures envisaged in order to avoid and reduce significant effects. The amount of information to be provided by the developer shall be kept to a minimum and limited to the key aspects that allow the competent authority to make its decision (Amendment 21 and 22);
 - Where an environmental impact assessment must be carried out, the developer shall only be required to refer to reasonable alternatives which are relevant to the



proposed project and its specific characteristics and which enable a comparative assessment of the sustainability of the considered alternatives in the light of their significant impacts (Amendment 57).

We understand that the Council has also been discussing a number of changes which would also seek to introduce more flexibility and more flexible timeframes for the screening procedure.

However, UEPC considers that an important point has not yet been taken on board regarding the screening procedure for small projects. UEPC is concerned that proportionality must be respected, and considers that the screening procedure is not necessary when it concerns projects that are the implementation of:

- plans and programmes which determine the use of small areas at local level and
- minor modifications to plans and programmes

under the condition that it has been determined that these plans and programs are not likely to have significant environmental effects in conformity with Directive 2001/42/EC.

We would therefore propose that the compromise text be amended to incorporate the following addition at the end of Article 4 of the existing Directive:

Commission Proposal	Proposed addition
	<p>This article does not apply to projects listed in Annex II, that are the implementation of plans and programmes, referred to in article 3, paragraph 3 of Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment, under the condition that it has been determined that these plans and programs are not likely to have significant environmental effects in conformity with Directive 2001/42/EC</p>

Justification

The general objective of the proposal for a directive is to adjust the provisions of the codified EIA Directive, so as to reflect ongoing environmental and socio-economic changes and challenges, and align with the principles of smart regulation. It is proposed to clarify the **screening** procedure, by specifying the content and justification of screening decisions. The proposed amendments of the Commission “*would ensure that EIAs are carried out only for projects that would have significant environmental effects, avoiding unnecessary administrative burden for small-scale projects*”. “*With a view to avoiding duplication of the assessment, Member States should take account of the fact that environmental assessments may be carried out at different levels or by different instruments.*”



It is also the objective of the proposal for a directive to amend Directive 2011/92/EU in order to enhance coherence and synergies with other Union legislation and policies (...).” *With a view to avoiding duplication of the assessment, Member States should take account of the fact that environmental assessments may be carried out at different levels or by different instruments.”*

The suggested amendment is perfectly in line with the objectives of the proposal for a directive. It suggests that the screening procedure is not necessary when it concerns projects that are the implementation of:

- plans and programmes which determine the use of small areas at local level
- minor modifications to plans and programmes

under the condition that it has been determined that these plans and programs are not likely to have significant environmental effects in conformity with Directive 2001/42/EC.

The SEA Guidelines of the Commission comment on these plans and programmes: http://ec.europa.eu/environment/eia/pdf/030923_sea_guidance.pdf

The meaning of '**small**' in the phrase 'small areas at local level' must be defined so as to take account of the differences between Member States. The kind of plan or programme envisaged might be a building plan which, for a particular, limited area, outlines details of how buildings must be constructed, determining, for example, their height, width or design. If it has been determined that these plans and programs are not likely to have significant environmental effects, there is no need for a screening of a project that implements such plans or programmes.

This is a logical and reasonable solution in order to avoid duplication of the assessment, reduce administrative complexity and increase economic efficiency.