Demonstrating the project link to relevant Action Plans resulting from the non-fulfilment of the ex-ante conditionality for EIA/SEA

Jaspers Networking Platform
Training on environmental requirements for cohesion policy projects in the 2014-2020
14 January 2016, Brussels

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Question F.3.1

F.3.1 In case of non-fulfilment of the ex-ante conditionality on environmental legislation (Directive 2011/92/EU and Directive 2001/42/EC), as per Article 19 of Regulation (EU) No 1303/2013 demonstrate link to the agreed action plan.
**EIA/SEA ex ante conditionality (EAC)**

**Environmental legislation related to Environmental Impact Assessment and Strategic Environmental Assessment:** The existence of arrangements for the effective application of Union environmental legislation related to EIA and SEA.

<table>
<thead>
<tr>
<th><strong>Criterion 1:</strong></th>
<th><strong>Criterion 2:</strong></th>
<th><strong>Criterion 3:</strong></th>
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</thead>
<tbody>
<tr>
<td>Arrangements for the effective application of Directives.</td>
<td>Arrangements for training and dissemination of information for staff involved in the implementation of Directives.</td>
<td>Arrangements to ensure sufficient administrative capacity.</td>
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</tbody>
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This EAC concerns a limited number of cases (7 MSs with non/partially fulfilled criteria): C.1 – 3 MS, C.2 – 4 MS, C.3 – 1 MS

It is relevant for MS who changed recently their EIA legislation following comprehensive EIA infringements.

For these MS, need to perform an extra scrutiny of (major) projects (even if EAC fulfilled at OP adoption or results from a fulfilled action plan).
Tip(s)!

- Who completes the Application?
  - Beneficiary does not normally know the status of the fulfilment of EACs
- Info about EACs in OP is not always sufficient
  - if EIA/SEA EAC fulfilled – OK to rely on PA/OP as a starting point
  - If EIA/SEA EAC non-fulfilled at the beginning of programming (PA and OP adoption) - changing status (action plans being implemented and reported, etc.)

- Beneficiary needs to talk to Managing Authority how to fill-in the box
For info or further questions on this training and on the activities of the JASPERS Networking Platform, please contact:

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