Towards better regulation: Streamlining the environmental assessments

Article 2(3), EIA Directive, as amended
Streamlining the environmental assessments

If a project requires assessment both under the EIA and the Habitats/Bird Directives, there shall be a coordinated and/or joint procedure, unless such procedure is not relevant for the project in question.

Unconditional obligation for streamlining the environmental assessments in such circumstances.

The verb "shall" implies more than a mere option, especially seen in the context of Art. 2(3), para. 2, "may" (see next slide).
Streamlining the environmental assessments

**Article 2 (3) EIA, paragraph 2:**

*In the case of projects for which the obligation to carry out assessments of the effects on the environment arises simultaneously from this Directive and Union legislation other than the Directives listed in the first subparagraph, Member States may provide for coordinated and/or joint procedures.*


The streamlining can be done either as coordinated, or joint procedure, or in combination of the two.

The verb "may" implies that the streamlining is subject to Member States' discretion, i.e. there is no obligation.
Streamlining options

**HOW**

• Streamlining can be performed either as **coordinated**, or **joint procedure**, or in **combination** of the two.

**Mandatory**

• If a project requires an assessment **both** under the EIA and the Habitats/Bird Directives, there **shall be** a coordinated and/or joint procedure, unless such procedure is not relevant for the project in question.

**Discretionary**

• If a project is subject to an assessment both under the EIA and other EU legislation, e.g. WFD, IED, Waste Framework Directive, SEA Directive, Seveso Directive, Member States have the discretion to foresee such a streamlining (**may**, i.e. voluntary).
Streamlining the environmental assessments, Article 2(3) EIA Directive (revised)

Streamlining approach

Mandatory

Discretionary
Best streamlining practices (1/3)

Developers should start **collecting data** as soon as possible.

**Scoping** is good practice in any procedures, whether joint, coordinated or combined.

If a Member State opts for the **joint procedure**, the environmental report should preferably be drawn up as a single document including all the necessary information and conclusions.

If a Member State opts for the **coordinated procedure**, the developer may draw up more than one environmental report.
Provision for planning public participation and consultation should exist at the different stages of the streamlined environmental procedures. It is advisable to involve the public early, at the scoping phase.

If the assessments to be conducted require several public consultations, these should be held either under a single integrated consultation procedure or through coordinated procedures.

Setting reasonable maximum time-frames for informing the public and conducting public consultations makes the procedure easier and more efficient for both the competent authorities and the developers.
The **joint EIA and AA procedure** ensures better quality, as it is also covered by public consultation. When a decision is taken to grant or refuse consent to develop a project, it is therefore recommended that the decision be complemented by information on the 'appropriate assessment', and that it be in line with that assessment's outcomes.

The decision following the streamlined environmental assessments could also include information about the alternative solutions, mitigation measures and, if relevant, the compensation measures identified with regard to Natura 2000 sites in the context of the AA or in the overall EIA environmental report.
Reducing administrative burden: streamlining of environmental assessments
Directive 2014/52/EU

Enhance the transparency of the national regulatory framework.

Avoid duplication of environmental assessments.

Reduce administrative burden: single assessment of the environmental impact or designation of an authority to coordinate different assessments.

Better integrate the environmental considerations in assessment procedures.

Greater legal certainty for developers.
For info or further questions on this seminar and the activities of the JASPERS Networking Platform, please contact:

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