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EIA DIRECTIVE 2014/52/EU WEBINAR

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Why?

Proposal for Directive

- Define terms – clarity
- Up-date Annex I and II Projects
- Exclude projects with no significant effects
- Improve quality of EIS / EIA and avoid conflicts
- Streamline – Reduce regulatory burden
- Biodiversity, Climate Change, Resource Efficiency

Transposition

Official Journal of the European Union



English edition

Legislation

Contents

I Legislative acts

page

DIRECTIVES

* **Directive 2014/52/EU of the European Parliament and of the Council of 16 April 2014 amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (1)**

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II Non-legislative acts

What do we
do before
16 May 2017?

0677

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New EIA Directive 2014/52/EU

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‘EIA’

New Definition

- Preparation of EIA Report by developer
- Consultations, supplemental information
- Examination by C.A.
- ‘Reasoned conclusion’ on significant effects
- Consent decision (see Art. 8a)

Screening

New Annex IIA

- Whole project, including mitigation and demolition
- Existing and/or approved projects
- ‘*De minimus*’ exemptions
- Annex III criteria amended

EIA *report*

Identify, describe, assess

Interaction

Direct *and indirect* effects on:

- Population and Human Health
- Land, Soil, Water, Air and Climate
- Material Assets, Cultural Heritage and the Landscape
- Biodiversity
- Cumulative - existing and/or approved projects: *Ratheniska; O’Grianna*

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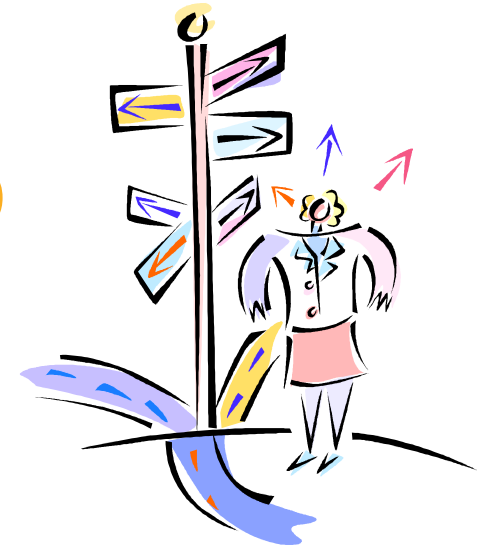
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New EIA Directive 2014/52/EU

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Alternatives

Reasonable, relevant



- Studied by the developer
- Relevant to project specific characteristics
- Baseline (do nothing) scenario
- Main reasons for the option chosen, taking into account the effects on the environment
- (*Contrast with Habitats Directive Case C-209/04*)

Decision



Written, reasoned decision

- Reasoned conclusion on significant effects (up-to-date)
- Environmental conditions, features of the project and/or measures to ‘avoid, prevent or reduce and, if possible, offset significant adverse effects’ and monitoring measures
- Refusal – state main reasons for refusal

Monitoring



‘Post-Project Analysis’

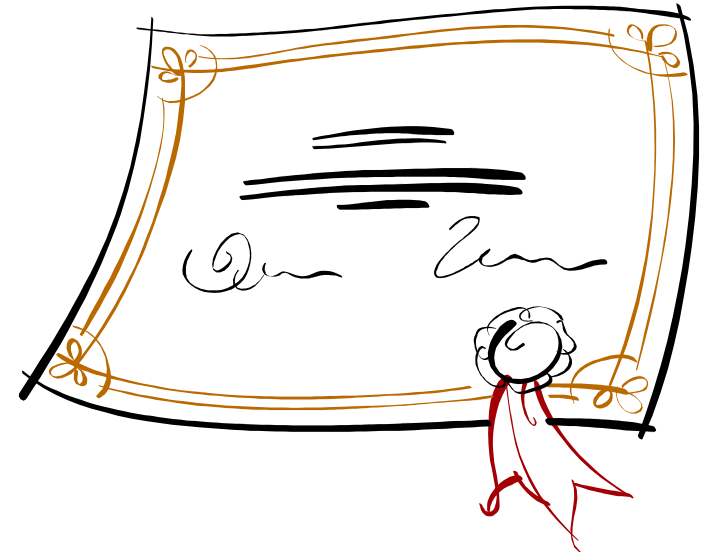
- To ensure developer implements mitigation
- Monitoring of significant effects
- (Monitoring parameters proportionate to nature, location and size of project, and significance of environmental effects)

Remedial Action?

“MS should ensure that mitigation and compensation measures are implemented, and that appropriate procedures are determined regarding the monitoring of significant adverse effects on the environment resulting from the construction and operation of a project, inter alia, to identify unforeseen significant adverse effects, in order to be able to undertake appropriate remedial action.” (Recital 35)

Quality

Competent experts



- Developer – Must use *competent experts*
- C.A. – Must have / have access to *sufficient expertise ‘in the relevant field of the project concerned’*
- No conflicts of interest

Penalties

Legislation

- Infringements of national EIA legislation
- MS discretion regarding form of penalties
- Must be '*effective, proportionate and dissuasive*'
- Applies to all Annex I and Annex II projects



Time-limits

- Screening – Max 90 days, extend giving reasons (no Max)
- Scoping – No Max/Min
- Consultation – Min 30 days (no Max)
- Decision - Within 'reasonable period' or as per law



Future plans

2 years, 3 months...

- Legislation and Guidance required:
 - Integrated Assessment
 - Detailed decisions
 - Post-project analysis / monitoring
 - [Compensation?]
 - Penalties



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Thank you for listening
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