



**COUNCIL OF
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INFORMATION NOTE

from: General Secretariat
to: Delegations

Subject: Proposal for a Directive of the European Parliament and of the Council amending
directive 2011/92/EU of the assessment of the effects of certain public and private
projects on the environment
= Information from the Presidency

Delegations will find annexed an information note from the Presidency, which will be dealt with under "other business" at the meeting of the Council (Environment) on 17 December 2012.

**Proposal for a Directive of the European Parliament and of the Council amending directive
2011/92/EU of the assessment of the effects of certain public and private projects
on the environment**

Information from the Presidency

Background

The Commission submitted the above proposal on 26 October 2012, based on Article 192(1) of the Treaty on the Functioning of the European Union. In its mid-term review of the 6th Environment Action Programme, the Commission had stressed the need for improving the assessment of environmental impacts at national level and announced a review of the EIA Directive. In the context of Better Regulation, the Directive had also been identified as a potential instrument for simplification.

Content of the proposal

The general objective of the proposal is to adjust the provisions of the codified EIA Directive, so as to correct shortcomings, reflect ongoing environmental and socio-economic changes and challenges, strengthen the quality elements of the EIA process and to enhance policy coherence through synergies with other EU law instruments.

The main proposed amending provisions affect in particular:

- Article 2 ("one-stop shop" for environmental assessments under various Union legislative acts),
- Article 4 (screening procedure and timeframes),
- Article 5 (mandatory scoping and provisions on the verification of the EIA report),
- Article 8 (content of final decision and monitoring measures),
- Article 12 (reporting)
- Annex II.A (list of information provided by the developer for screening procedure)
- Annex III (inclusion of issues such as climate change and biodiversity in selection criteria) and
- Annex IV (content of the EIA report).

State of play

The examination by the Working Party on Environment of the Council (WPE) began right after the presentation of the proposal on 31 October 2012.

The first discussions have shown that a majority of delegations supports the objectives of the proposal to simplify and streamline the EIA process and to take account of new environmental challenges. A large number of delegations, however, expressed strong concerns that the new proposal would lead to an increased administrative burden as the EIA procedures applied in Member States were very different and needed considerable adaptation to the new rules. Issues that gave rise to many comments and, in various cases, serious concerns were:

- possible shift of developer's obligations to the competent authority,
- the EIA definition,
- the assessment of alternatives, in particular of the baseline scenario,
- the use of accredited experts,
- the introduction of a one-stop shop,
- mandatory scoping,
- a mandatory deadline for the conclusion of EIA,
- the provisions on reporting,
- the delegation of powers to amend Annexes II A, III and IV, and
- the retroactive application of the amended Directive.

As regards the European Parliament, the Committee on the Environment, Public Health and Food Safety has recently appointed Mr Andrea Zanoni (ALDE, Italy) as rapporteur on the file.

Next steps

Work started under the Cyprus Presidency on this proposal will continue under the incoming Irish Presidency.