



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 10 June 2013**

**10738/13**

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**Interinstitutional File:  
2012/0297 (COD)**

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**ENV        542  
CODEC    1398**

**NOTE**

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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

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Delegations will find annexed an information note from the Presidency on the above-mentioned subject, which will be dealt with under "other business" at the Council (Environment) meeting on 18 June 2013.

**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-mentioned 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 6<sup>th</sup> 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.

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 provisions of the proposal affect in particular the coordinated or joint procedures for environmental assessments required under different Union legislative instruments, the screening and the scoping procedure, the provisions on the verification of the EIA report, the content of the final decision and monitoring measures, a new Annex specifying information to be provided for screening and adaptations of Annex III and IV including new issues such as climate change and biodiversity in selection criteria and the EIA report.

## State of play

The Council held an orientation debate on the Commission's proposal on the basis of three questions prepared by the Presidency (doc. 6853/1/13). In general Member States welcomed the objective to review the EIA Directive in order to simplify the EIA procedures and to improve their quality. However, considerable concerns were raised with regard to the type of measures proposed by the Commission, their compatibility with the existing environmental assessment systems in Member States and the risk of increased administrative burden and additional costs.

The Working Party on Environment (WPE) examined the proposal at four meetings between January and June 2013. At the last meeting, on 6 June, a Presidency compromise text was considered (doc. 9391/13).

Major changes to the proposal reflect in particular Member States' wish not to establish a very prescriptive system at EU level, allowing for flexibility as required by specific situations in Member States. They relate to:

- less stringent provisions regarding coordinated or joint procedures,
- more flexibility for the screening procedure,
- the fact that scoping would not be mandatory and the content of scoping,
- the technical expertise required to ensure the completeness and quality of the EIA reports,
- more flexible timeframes for the screening procedure and the consultation of the public and the deletion of a deadline for the conclusion of the environmental impact assessment,
- less specified elements listed in the Annexes,
- the deletion of delegated powers, and
- a more specified provision related to the application of the amended Directive.

As regards the European Parliament, the Committee on the Environment, Public Health and Food Safety is scheduled to vote on 4 July 2013 on the report by Mr Andrea Zanoni (ALDE, Italy) and additional amendments.

The work undertaken under the Irish Presidency on this proposal will continue in the next months. On the basis of previous discussions within the Council and of the outcome of the vote in the ENVI Committee, the incoming Lithuanian Presidency will sound the perspectives for negotiations with the European Parliament on this file.

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