



**COUNCIL OF
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"I/A" ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Proposal for a Directive of the European Parliament and of the Council amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment (**first reading**)
- Adoption of the legislative act (**LA + S**)
= Statements

Statement by Austria

Transboundary environmental impact assessments pursuant to the Espoo Convention for nuclear installations are of utmost importance for Austria.

Annex IV point 8 and recitals 15 and 32 of the revised EIA Directive make reference to an assessment according to Directive 2009/71/Euratom. While the Euratom Directive requires in general the establishment of national framework conditions it does not provide for a description and assessment of accidents or disaster risks equivalent to the EIA Directive. Austria therefore reiterates its understanding that risk assessments according to Directive 2009/71/EURATOM will most likely not meet the requirements of the EIA Directive and cannot be used to demonstrate fulfilment of the requirements of Annex IV point 8.

Statement by the United Kingdom

In the spirit of compromise, the United Kingdom can accept the agreement reached on the EIA Directive. The text, while not perfect, is a significant improvement on the European Commission's original proposal which would have added significant costs and delays to the delivery of vital infrastructure.

The United Kingdom would have wished to see, from the outset, a greater awareness of the possible impact on business and growth, and particularly on small and medium sized enterprises, and considers that there should have been a better balance between protecting the environment and supporting growth. The Commission's proposal was disproportionate to any perceived shortcomings in the existing Directive. Their proposals for mandatory scoping, risk assessment, a one-stop-shop and the accreditation of experts, for example, would all have added significant costs to both developers and competent authorities. The idea of rigid timeframes for every stage of the assessment procedure took no account of the different characteristics and complexity of projects. They would have been too long for some projects and too short for others. These are all matters that need to be applied flexibly and should be left to Member States. The proposal for delegated acts which would have enabled the Commission to amend without further negotiation three key annexes was completely unjustified and unanimously rejected in Council.

While the United Kingdom would have liked to have seen all timeframes and requirements for risk assessment deleted from the text, the negotiations have resulted in important improvements to the Directive. The United Kingdom is grateful to the Irish and the Lithuanian Presidencies for the hard work they put into developing a text which successfully addressed the main shortcoming of the proposal. Retaining flexibility, providing clarity and reducing bureaucracy will provide more certainty and reduce costs while continuing to protect the environment.