

# PHILIP LEE

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## EIA DIRECTIVE

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Presented by Alice Whittaker

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# We are Philip Lee

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# Knowledge Share

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- Monthly Seminars
- Newsletters and Bulletins
- LinkedIn / Twitter Up-dates
- Training Courses

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# Introduction

**Official Journal**  
of the European Union



English edition

Legislation

ISSN 1977-0677

**L 124**

Volume 57  
25 April 2014



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)** 1

*II Non-legislative acts*

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New EIA Directive 2014/52/EU

# ‘EIA’

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## 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)

# EIA *report*

Identify, describe, assess

Direct *and indirect* effects on:

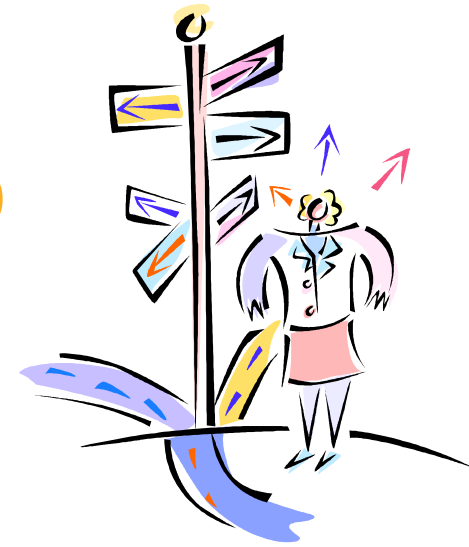
Interaction

- **Population and Human Health**
- **Land, Soil, Water, Air and Climate**
- **Material Assets, Cultural Heritage and the Landscape**
- **Biodiversity**

# Alternatives

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## 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

# Decision

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## Written, reasoned decision

- Reasoned conclusion on significant effects (ensure it is 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

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## ‘Post-Project Analysis’

- MS to ensure developer implements mitigation
- Procedures for monitoring significant adverse effects
- Monitoring parameters proportionate to nature, location and size of project, and significance of environmental effects

# Compensation

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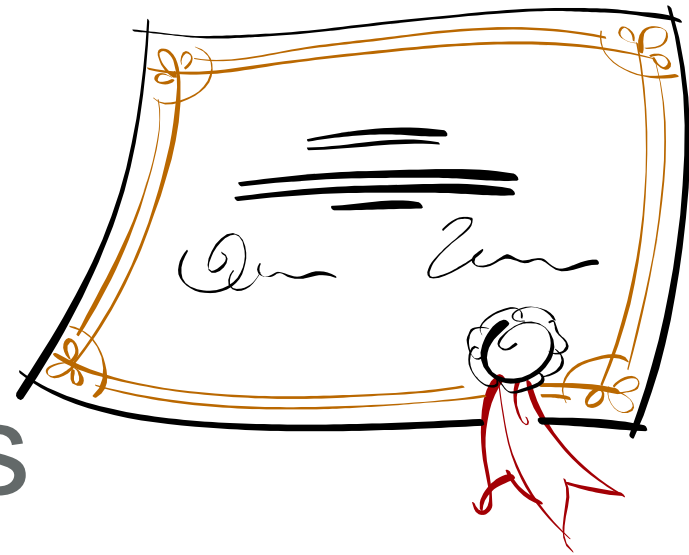
## *Recital 35*

*‘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.**’*

# Quality

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## Competent experts



- Developer – Must use *competent experts*
- C.A. – Must have / have access to *sufficient expertise 'in the **relevant** field of the project concerned'*

# 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 frame

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2 years, 7 months...

- Legislation and Guidance required:
  - Streamlined / Co-ordinated procedures
  - Consent decision
  - Post-project analysis
  - [Compensation?]
  - Penalties



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Thank you for listening  
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