

Report of the European Union for 2016-2018 on the implementation of the Convention on Environmental Impact Assessment in a Transboundary Context (1991 Espoo Convention)

The European Union recalls its previous replies provided to the Espoo Secretariat in 2003¹, 2006², 2009³ and 2012 and 2015⁴, regarding its competence to answer the questionnaires issued for the review of the Espoo Convention implementation. These responses remain valid and serve as a basis of the European Union's reply to the current questionnaire, subject to the below information.

1. Follow up of the EIA Directive (Directive 2011/92/EU, as amended by Directive 2014/52/EU)

Consolidated version of the EIA Directive, as amended, is available on EUR-Lex portal in all official EU languages⁵.

Directive 2014/52/EU, amending Directive 2011/92/EU has granted the EU Member States a three year transposition period from its entry into force on 15 May 2014. Until 15 May 2017 the EU Member States had to communicate to the European Commission the respective national legislation transposing the amending directive.

By the end of 2018 almost all EU Member States have communicated complete transposition of Directive 2014/52/EU. Germany and Lithuania have communicated a partial transposition. The process of complete transposition is therefore almost completed.

The assessment of the conform transposition of the national transposition measures with the revised Directive has already started. If breaches of incorrect transposition are identified, the Commission will take appropriate action, including the initiation of infringement procedures.

2. European Commission's notice on streamlining the environmental procedures

Article 2(3) of the Environmental Impact Assessment Directive (Directive 2011/92/EU, as amended by Directive 2014/52/EU), has mandated the European Commission to provide guidance on setting up any coordinated and/or joint procedures for projects that simultaneously require assessment under the EIA Directive and Directives 92/43/EEC ('Habitats Directive'), 2000/60/EC ('Water Framework Directive', WFD), 2009/147/EC ('Birds Directive') or 2010/75/EU ('Industrial Emissions Directive', IED).

The European Commission published its notice on streamlining the EIA procedure with other environmental assessments on 27 July 2017 in the Official Journal of the European Union⁶. The notice is available in all EU official languages⁷.

¹<http://www.unece.org/fileadmin/DAM/env/eia/documents/Review%202003-2005/Questionnaire%20-%202003%20-%20EC.pdf>

²<http://www.unece.org/fileadmin/DAM/env/eia/documents/Review%202003-2005/Questionnaire%20-%202003-2005%20-%20EU.pdf> and [http://www.unece.org/fileadmin/DAM/env/eia/documents/Review%202003-2005/Questionnaire%20-%202003-2005/Questionnaire%20-%202003-2005%20-%20EU%20-%20annex.pdf](http://www.unece.org/fileadmin/DAM/env/eia/documents/Review%202003-2005/Questionnaire%20-%202003-2005%20-%20EU%20-%20annex.pdf)

³http://www.unece.org/fileadmin/DAM/env/eia/documents/Review_2006_2009/Questionnaire2006_09_EU_en.pdf and http://www.unece.org/fileadmin/DAM/env/eia/documents/Review_2006_2009/Questionnaire2006_09_EU_reply_en.pdf

⁴http://www.unece.org/fileadmin/DAM/env/eia/documents/Review_2013-2015/Completed_EIA/EU_EIA_2012-2015_07.12.2015.pdf

⁵<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1542642384208&uri=CELEX:02011L0092-20140515>

⁶ OJ C 273, 27.7.2016, p.1-6.

The notice focuses on certain steps of the EIA procedure and identifies ways of streamlining different environmental assessments in the context of joint and/or coordinated procedures. Either one or both of these procedures can be applied to a project or type of project. Coordinating or joining the environmental assessment procedures applied to a project, so as to avoid overlaps the redundancy, while also taking full advantage of synergies and minimising the time needed for authorisation, is known as ‘streamlining’.

This notice is not binding, and it has no bearing on whether Member States are required to choose between the coordinated and the joint procedure or to combine the two. However, the notice sets the Commission’s understanding of Article 2(3) of the EIA Directive. It should be noted that the Court of Justice of the European Union is the only source of definitive interpretation of EU law.

3. Other EIA guidance documents

In 2017, the European Commission services, updated the 2001 guidance documents on EIA screening, scoping and preparation of the EIA report⁸. The objective of the newly published guidance documents is to facilitate the application of the EIA Directive, as amended. The documents are accessible on the European Commission EIA webpage:

- EIA Guidance document on screening (2017)⁹;
- EIA Guidance document on scoping (2017)¹⁰;
- EIA Guidance document on preparation of the EIA report (2017)¹¹.

⁷ https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2016.273.01.0001.01.ENG&toc=OJ:C:2016:273:TOC .

⁸ See EU 2003 report mentioned above.

⁹ http://ec.europa.eu/environment/eia/pdf/EIA_guidance_Screening_final.pdf

¹⁰ http://ec.europa.eu/environment/eia/pdf/EIA_guidance_Scoping_final.pdf

¹¹ http://ec.europa.eu/environment/eia/pdf/EIA_guidance_EIA_report_final.pdf