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# Projects not included in Appendix I of the Convention and screening

## 2<sup>nd</sup> Subregional Workshop on the Practical Application of SEA and Transboundary EIA

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## Screening

- List of activities in Annex 1
- Screening criteria for project not listed in Annex 1
  - (a) *Size*: proposed activities which are large for the type of the activity;
  - (b) *Location*: proposed activities, which are located in or close to an area of special environmental sensitivity or importance (such as wetlands designated under the Ramsar Convention, national parks, nature reserves, sites of special scientific interest, or sites of archaeological, cultural or historical importance); also, proposed activities in locations where the characteristics of proposed development would be likely to have significant effects on the population;
  - (c) *Effects*: proposed activities with particularly complex and potentially adverse effects, including those giving rise to serious effects on humans or on valued species or organisms, those which threaten the existing or potential use of an affected area and those causing additional loading which cannot be sustained by the carrying capacity of the environment.

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# Screening options for not-listed projects

- setting statutory thresholds and criteria
  - E.g. Czech EIA law: Screening and scoping required for small projects (below threshold criteria, if located in Protected area), and changes in existing projects that increase the capacity over the threshold value)
- case-by-case basis consideration by the competent authority
  - „when a project is likely to have significant effects on the environment“

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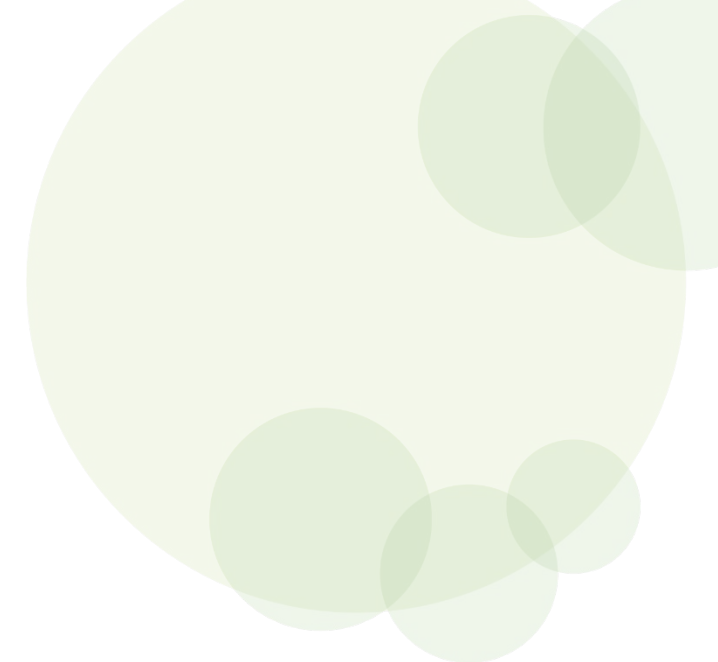


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# Case-by-case considerations

- Consultations during Case-by-Case Screening
- Substantiation of screening criteria
- 1. Characteristics of Projects
  - the size of the project,
  - the cumulation with other projects,
  - the use of natural resources,
  - the production of waste,
  - pollution and nuisances,
  - the risk of accidents, having regard in particular to substances or technologies used.

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# Case-by-case considerations

## • 2. Location of Projects

- the existing land use,
- the relative abundance, quality and regenerative capacity of natural resources in the area,
- the absorption capacity of the natural environment, paying particular attention to the following areas:
  - wetlands;
  - coastal zones;
  - mountain and forest areas;
  - nature reserves and parks;
  - landscapes of historical, cultural or archaeological significance.

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# Case-by-case considerations

- 3. Characteristics of the Potential Impact
  - the extent of the impact (geographical area and size of the affected population),
  - the transfrontier nature of the impact,
  - the magnitude and complexity of the impact,
  - the probability of the impact,
  - the duration, frequency and reversibility of the impact.

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# Case-by-case considerations

- Guidelines, checklists for establishing “*likely to have significant effects on the environment*”
- E.g. UK <https://www.gov.uk/guidance/environmental-impact-assessment#Screening-Schedule-2-projects>
- Scotland: <https://www.gov.scot/publications/environmental-impact-assessment-screening-checklist/>

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- *However, it should not be presumed that developments above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits. (UK gov. EIA Guidance)*

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## Modifying the operational conditions after the issuance of Environmental Decision

- Depends on national permitting procedures
- Compliance check – „coherence stamp“ before final permit is awarded (before launching operational phase – addressing potential changes in the project design since the EIA process conclusion)
- Existing project modification - standard EIA screening applies

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## Modifying the operational conditions after the issuance of Environmental Decision

- Changes in operational conditions – Permitting authority decides whether the nature of the proposed change warrants any new environmental analyses and can stipulate additional requirements, e.g.: EIA screening, full EIA, or issue-specific analysis, or statement/opinion from a relevant authority (e.g. nature protection authority, water authority, public health office, etc.)

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