



ENVIRONMENTAL ISSUES and TEN-T PROJECTS

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Environmental requirements for TEN-T

*5 EC environmental directives relevant for the
Trans European Networks (TENs)*

- Environmental Impact Assessment of projects (EIA Directive)
- Strategic Environmental Assessment of plans and programmes (SEA Directive)
- Conservation of natural habitats and of wild fauna and flora (Habitats Directive)
- Conservation of wild birds (Birds Directive)
- Water Framework Directive



General Environmental requirements

- Contribution to the objective of environmental sustainability (European climate change policy, halting loss of biodiversity, other ...)
- Respect of the "polluter pays" principle
- Consultation of environmental authorities
- Development Consent



Application forms

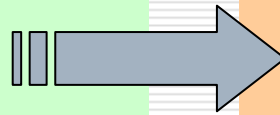
- Must be correctly and completely filled in regarding Directives listed in previous slide
- No funding is granted unless all environmental information is submitted and approved by the Commission Services



EIA what projects? (Art.4)

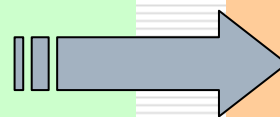
Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment as amended

Annex I projects



**Mandatory
EIA**

Annex II projects



Screening
by Competent authorities to
decide if
EIA needed or not



Examples - Annex I

- ❑ Construction of lines for long-distance railway traffic and of airports with a basic runway length of 2100 m or more
- ❑ Construction of motorways and express roads
- ❑ Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1350 tonnes



Examples - Annex II

- ❑ Construction of railways and intermodal transshipment facilities and of intermodal terminals (not included in Annex I)
- ❑ Construction of roads, harbours and port installations (not included in Annex I)
- ❑ Inland-waterways construction (not included in Annex I)



EIA Directive

Annex I

Annex I - mandatory environmental impact assessment

- Preparation of a report on the environmental effects of the project
- Preparation of a Non-Technical summary (including alternatives)
- Consulting the public on the application for development consent and the environmental report
- Consulting other Member States if transboundary project
- Consulting environmental authorities
- Development Consent
- Information on the decision provided to the public (content of the decision, main reasons and consideration upon which it is based, mitigation measures)



EIA Directive

Annex II

Annex II – screening process

Can be done on a case-by-case basis or by establishing thresholds or criteria, but in either case must take account of criteria specified in Annex III to the Directive (Art 4)

- Yes (in which case, include the necessary documents listed under previous point)

- No (in which case, explain the reasons and give the thresholds, criteria or case-by-case examination carried out to reach the conclusion that the project has no significant environmental effects)



SEA Directive

Directive 2001/42/EC on the assessment of the effects of certain plans and programmes on the environment (SEA Directive)

Does the project result from a plan or programme falling within the scope of the SEA Directive?

- NO - in which case please provide a short explanation



SEA Directive

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- ❑ YES - in which case, please provide
 - ✓ Non-technical Environmental Report summary
 - ✓ Results of the consultations with competent environmental authorities (CEA)
 - ✓ Results of public consultations (incl transnational)
 - ✓ Statement on environmental integration; how the results of consultations and environmental report have been taken into account and the reasons for choosing the plan or programme in the light of other reasonable alternatives
 - ✓ The measures decided concerning monitoring



EIA/SEA Directives

- Largely intended to improve decision-making (preventive approach)
 - Both require description and assessment of likely significant environmental effects
 - Public consultation on env. information
 - Env. information & results of consultation to be taken into account
 - Alternatives to be identified
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Nature Directives (Birds and Habitats)

Directive 79/409/EEC on the conservation of wild birds

Directive 92/43/EC on the conservation of natural habitats and of wild fauna and flora

- ❑ A combination of species and habitats protection constitute the NATURA 2000 network of sites
- ❑ No *a priori* prohibition of new activities within N2000 (case-by-case basis)
- ❑ Article 6 of Habitats provides for assessment to determine significant negative effect on the site, designation of mitigation measures or other alternatives or even compensatory measures – in last resort)



Nature Directives

Is the project likely to have significant negative effects on sites included or intended to be included in the NATURA 2000 network?

- No, in which case attach the Annex II-A declaration filled in by the relevant authority.

- Yes, in which case, please provide a summary of the conclusions of the appropriate assessment carried out according to Article 6 (3) of Directive 92/43/EEC



Nature Directives

In case the appropriate assessment as per Art 6(3) concludes that the action will not affect the integrity of the site concerned

- Complete Annex II-A form (with signature, date and stamp)

If the action will adversely affect the integrity of the site concerned

- Complete Annex II-A form (with signature, date and stamp)

Always add a map of project and nearest N2000 site(s)



Water Framework Directive

- ❑ Aims at maintaining and improving the aquatic environment in the Community (mainly with the quality of the waters).
- ❑ Article 4.7 describes conditions for new activities
- ❑ Article 4.7 requires mitigation measures



Water Framework Directive

- ❑ If action causes deterioration to water status, specify if steps taken to mitigate adverse effects and explain if other means exist to achieve objectives of the project
- ❑ Completion of Annex II-C if no deterioration of water status or failure to achieve good status



Making the process simpler

- Start early and consult!
- Carefully fill in the application form
- Use applicants' guide when filling in the application form
- Consult environmental colleagues when filling it in
- Provide summarized information
- Provide the environmental information early on
- Keep in regular contact with your TEN-T EA Desk Officer!



Frequent problems

- Date of development consent missing
 - Difficulty in choosing between (EIA) Annex I and Annex II projects
 - EIA documents not included
 - Annexes II-A, B and C (Natura and Water) not signed, stamped or dated
 - Natura 2000 map not included
 - Poor understanding of SEA question
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Key conclusions

- ❑ EIA-SEA Directives must be respected
 - ❑ The Directives are not an obstacle but an opportunity (good implementation strengthens the promotion of sustainable development and the TENs)
 - ❑ Establish joint teams between those working on environmental issues and the project development
 - ❑ Start-early and consult
 - ❑ Funding will only be issued when all environmental requirements are fulfilled (documents approved by Commission)
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References

EIA Guidance: <http://ec.europa.eu/environment/eia/home.htm>

SEA Guidance: <http://ec.europa.eu/environment/eia/home.htm>

For cross border projects:

ESPOO: <http://www.unece.org/env/eia/welcome.html>

BEACON: http://ec.europa.eu/environment/eia/sea-studies-and-reports/beacon_manuel_en.pdf

Nature Guidance: <http://ec.europa.eu/environment/nature/home.htm>

WFD Article 4.7 guidance:

http://circa.europa.eu/Public/irc/env/wfd/library?l=/framework_directive/thematic_documents/environmental_objectives/article_circapdf/EN_1.0_&a=d

Guide to environmental legislation

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52007SC0374:EN:HTML>



Thank you

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