



EUROPEAN COMMISSION

Brussels, 15.7.2013
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Dear Presidents,

The Commission would like to thank the Houses of the Oireachtas for their Opinion on the 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 {COM(2012) 628 final} and apologises for the delay in replying.

The Commission welcomes the support expressed by the Houses of the Oireachtas for the aims of the proposal and takes note of the subsidiarity reservations regarding a number of proposed amendments.

With regard to the concerns raised on the time-frames, the Commission would like to underline that the proposed amendments are driven by the subsidiarity and proportionality principles. Time-frames improve the efficiency of decision-making and increase legal certainty. The implementation experience across the Union confirms that a three-month period will most likely be sufficient for taking a final decision on the impacts of a project. If the competent authority needs more time to conclude its assessment, e.g. due to the size of the proposed project or the complexity of the impacts from some project categories, it would be possible under the proposal to extend this time-frame by a further three months; in this case, the competent authority would have to inform the developer of the reasons justifying the extension and of the date when its decision is expected.

As regards the issue of mandatory scoping, the Commission does not consider that it would give rise to unnecessary burden. Many developers are often frustrated by the lack of clarity and delays; the implementation experience and the studies available show that scoping addresses these concerns. As all environmental information is identified at an early stage and significant issues are anticipated, the environmental impact assessment process becomes more effective. In addition, as all parties involved agree on the environmental challenges and the milestones of the process, there is legal certainty and potential delays are avoided. A voluntary system would not provide clarity and a level playing field across Europe.

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The Commission acknowledges that the proposed amendments may increase costs for public authorities and developers, but it recalls that the Impact Assessment accompanying the proposal has thoroughly assessed them. When selecting the most appropriate policy option, the relationship between overall costs and the expected benefits was a central criterion.

In this regard, the Commission would like to stress that its proposal has a twofold objective: to improve the quality of environmental impact assessments and to make the process more efficient. These two objectives are interrelated. Streamlining the process of environmental assessments will improve the effectiveness of the directive. Better quality will increase the directive's efficiency, and is also likely to contribute to ensuring enhanced environmental protection and a level playing field across the Union. The Impact Assessment has identified the environmental benefits of the proposal. In particular, the proposal includes several amendments aiming to strengthen the quality of the environmental impact assessment process, such as the mechanisms to ensure the quality of the environmental reports, the assessment of impacts related to climate change, biodiversity and disaster risks, and the monitoring of identified significant negative impacts.

Finally, concerning the impact of the proposal on the recently modified planning and licensing legislation in response to the ECJ judgment in case C-50/09, the Commission would like to reassure the Houses of the Oireachtas that the proposal would not impose a single development consent system. While there would be an obligation for introducing coordinated or joint assessment procedures, the choice of the procedure and the detailed modalities (for instance the appointment of authorities) would be left to the Member States, in accordance with the principles of subsidiarity and institutional autonomy.

The Commission hopes that the above clarifications address the comments and concerns raised by the Houses of the Oireachtas and looks forward to continuing our constructive political dialogue in the future.

Yours faithfully,



*Maroš Šefčovič
Vice-President*