



EUROPEAN COMMISSION

Brussels, 8.5.2013
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Dear President,

The Commission would like to thank the Senato della Repubblica for its Opinion on the Commission 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}.

The Commission welcomes the favourable Opinion expressed by the Senato della Repubblica and takes note of the observations made related to a number of proposed amendments.

As regards the identification of projects to be made subject to an environmental impact assessment (EIA), the Commission shares the view of the Senato della Repubblica according to which limits should be set for the "case-by-case" approach with a view to avoiding diverging interpretations across the EU. To address this issue, the Commission has proposed modifications to Article 4 and to Annex III of the Directive to clarify the criteria used and harmonise the screening process to the extent possible while leaving a degree of subsidiarity to the Member States in its implementation.

With regard to the concerns raised on monitoring and its possible burden on business and public authorities, the Commission would like to stress that the proposed amendment is driven by the proportionality principle. Monitoring is needed only for projects having significant and negative environmental impacts and should be proportionate to the nature of the project and the significance of its impacts. Furthermore, the possibility of using existing monitoring arrangements aims at reducing costs and avoiding duplications.

Concerning the exemption of projects from an EIA, the Commission recalls that the proposed amended Article 1(3) expands the possibility to not apply the Directive to projects having as their sole purpose the response to civil emergencies. In addition, the general exemption under Article 2(4) remains unchanged; the Commission services have prepared guidance on the use of this provision, which is available in English on the web (http://ec.europa.eu/environment/eia/pdf/eia_art2_3.pdf).

Mr Pietro GRASSO
President of the
Senato della Repubblica
Piazza Madama, 1
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The Commission shares the view of the Senato della Repubblica regarding the inclusion of demolition works in the definition of 'project' and takes note of the comment related to the need for specifying further the above provision.

In relation to the screening decision, the Commission would like to stress that the proposal aims at establishing a dialogue between the competent authority and the developer. The proposal for further specifying this procedure subscribes to the above objective.

The Commission acknowledges the concerns raised by the Senato della Repubblica on the retroactivity introduced by Article 3 of the proposed Directive, but it recalls that the transitional provisions draw on ECJ case-law and preserve the Directive's effectiveness. The Commission believes that this requirement is necessary to avoid situations of projects being approved based on old data. If the competent authority considers that the application of the new requirements will be cumbersome or counterproductive, Article 2(4) may be used.

Finally, the Commission and the co-legislators will ensure that translation errors will be corrected.

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

Yours faithfully,

*Maroš Šefčovič
Vice-President*