



**EUROPEAN COMMISSION  
IMPACT ASSESSMENT BOARD**

Brussels,  
D(2012)

**Opinion\***

**Title**

**An EU initiative for a directive amending Directive 2011/92/EU on the effects of certain public and private projects on the environment**

**(resubmitted draft version of 7 June 2012)\***

**(A) Context**

Environmental Impact Assessment (EIA) is the process of identifying, predicting, evaluating and mitigating the relevant environmental impacts from projects prior to decisions being taken and commitments made. Directive 2011/92/EU introduced a legal requirement to carry out an EIA of projects likely to have significant effects on the environment, prior to their authorisation. Its purpose is to harmonise the principles of the environmental assessment by introducing minimum requirements with regard to the type of projects subject to assessment, the main developer's obligations, the content of the assessment and the participation of the competent authorities and the public. Hence, the Directive ensures approximation of national laws and a level playing field. The EIA is part of the process of obtaining permission (development consent) and is a tool to assess costs/benefits for the environment and making projects more sustainable.

**(B) Overall assessment**

**The report has been significantly improved in line with the recommendations issued by the Board in its first opinion. However, some aspects should be further strengthened. Firstly, the report should better explain some problem drivers, for instance the reasons behind the evasive behaviour of developers in trying to circumvent the necessity of preparing an EIA. Secondly, it should better present the content of the policy options by explaining in more detail the differences between options 1 and 2 (including sub-options). Thirdly, the report should provide a more substantiated impact analysis, by clearly explaining the underlying methodologies and assumptions, and by including a more explicit assessment of the impacts on business/SMEs, and competitiveness.**

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\* Note that this opinion concerns a draft impact assessment report which may differ from the one adopted

### **(C) Main recommendations for improvements**

**(1) Improve the analysis of the problem drivers.** The report should better present the reasons behind the evasive behaviour of developers to circumvent an EIA, as well as the reasons behind the limited enforcement by national authorities.

**(2) Better present the content of the options.** The report should enhance the presentation of the options, by including a more detailed description of their concrete content, including illustrative examples, if applicable. The presented overview table linking the options with the problems and objectives is helpful in understanding the construction of the options as regards the intervention logic. However, the report, in particular Table 7 and the corresponding text, should describe in more concrete terms the content of option 2 and demonstrate more clearly how and on the basis of which criteria the different sub-options 2a-2c were constructed out of the set of proposed amendments. In this context, the connection between options 1 and 2 should also be clarified further, to allow for a clear distinction between these options.

**(3) Better assess the impacts.** The report should present in greater detail the impacts for each of the feasible amendments of the EIA directive and subsequently present an aggregated appraisal of the policy (sub-) options, including possible synergies and trade-offs. Furthermore, the report should corroborate the estimated impacts with more evidence, and explain more thoroughly the underlying methodologies, assumptions and uncertainties. With regard to the analysis of administrative burden, the report should examine this aspect in a more consistent manner, by presenting the impacts for the different options and sub-options in greater detail, and by being more explicit on the underlying methodology and assumptions. The report should assess more thoroughly the impacts on business, particularly SMEs, and on sector competitiveness.

*Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.*

### **(D) Procedure and presentation.**

The report should be shortened, while retaining the most relevant information in the main text, by avoiding overlaps and repetitions (e.g. in the problem description sections 3.1 to 3.3, and in the presentation of the policy options), by moving purely descriptive information to the annex (e.g. section 2.4 should be shortened by highlighting only the key changes while presenting the detailed table on page 3 as an annex). Moreover, the language of the report should be further streamlined and simplified for the non-expert reader.

### **(E) IAB scrutiny process**

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| Reference number        | 2012/ENV/003   |
| External expertise used | No   |
| Date of Board Meeting   | Written procedure.<br>An earlier version of this report was submitted to the IAB in February 2012, for which the Board has issued an opinion on 16 March 2012. |