

Environmental Impact Assessment - EIA

The EIA Directive (85/337/EEC) is in force since 1985 and applies to a wide range of defined **public and private projects**, which are defined in Annexes I and II:

- **Mandatory EIA:** all projects listed in Annex I are considered as having significant effects on the environment and require an EIA (e.g. long-distance railway lines, motorways and express roads, airports with a basic runway length ≥ 2100 m, installations for the disposal of hazardous waste, installations for the disposal of non-hazardous waste > 100 tonnes/day, waste water treatment plants > 150.000 p.e.).

Legal Context

[Informal consolidated version of the EIA Directive](#)

[Directive 2014/52/EU amending the EIA](#)

[Directive 2011/92/EU EIA Directive 2011/92/EU](#)

- **Discretion of Member States (screening):** for projects listed in Annex II, the national authorities have to decide whether an EIA is needed. This is done by the "screening procedure", which determines the effects of projects on the basis of thresholds/criteria or a case by case examination. However, the national authorities must take into account the criteria laid down in Annex III. The projects listed in Annex II are in general those not included in Annex I (railways, roads waste disposal installations, waste water treatment plants), but also other types such as urban development projects, flood-relief works, changes of Annex I and II existing projects...).

The EIA Directive of [1985](#) has been **amended three times**, in [1997](#), in [2003](#) and in [2009](#):

- Directive 97/11/EC brought the Directive in line with the [UN ECE Espoo Convention](#) on EIA in a Transboundary Context. The Directive of 1997 widened the scope of the EIA Directive by increasing the types of projects covered, and the number of projects requiring mandatory environmental impact assessment (Annex I). It also provided for new screening arrangements, including new

screening criteria (at Annex III) for Annex II projects, and established minimum information requirements.

- Directive 2003/35/EC was seeking to align the provisions on public participation with the Aarhus Convention on public participation in decision-making and access to justice in environmental matters.
- Directive 2009/31/EC amended the Annexes I and II of the EIA Directive, by adding projects related to the transport, capture and storage of carbon dioxide (CO₂).

The initial Directive of 1985 and its three amendments have been codified by [DIRECTIVE 2011/92/EU](#) of 13 December 2011. Directive 2011/92/EU has been amended in 2014 by [DIRECTIVE 2014/52/EU](#) (for detailed information please refer to [Review of the EIA Directive](#))

The EIA procedure can be summarized as follows: the developer may request the competent authority to say what should be covered by the EIA information to be provided by the developer (scoping stage); the developer must provide information on the environmental impact (EIA report – Annex IV); the environmental authorities and the public (and affected Member States) must be informed and consulted; the competent authority decides, taken into consideration the results of consultations. The public is informed of the decision afterwards and can challenge the decision before the courts.