Lessons learnt from the appraisal of major projects:
— **recommendations for 2014-2020**
— **relevance for non–major projects**

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DG Environment

EIA lessons learnt from 2007-13 major projects

- ❑ lack of EIA screening decisions
- ❑ screening decisions: no justifications
- ❑ some project elements excluded from EIA (splitting)
- ❑ documents refer to SEA for national spatial/location plan and not EIA
- ❑ pre-accession procedures – need for a consistency check
- ❑ EIA NTS especially prepared for AF
- ❑ insufficient information on public consultations

Delays, non-compliant projects, complaints

Compliance check: EU environmental legislation

Compliance: main pre-requisite for issuing
a favourable opinion on a major project

- ❑ a compliance check takes into account the specificity of the MS (if in conformity)

- ❑ if an infringement/EU Pilot: more attention on specific issues

- ❑ lack/non-conform transposition cannot be considered as an excuse

- ❑ direct application of the Directive

EIA infringement in Slovenia: actions

- ❑ Legislative amendments
- ❑ Inter-ministerial working group
- ❑ Commitments in PA & OP
- ❑ ...

Legislative amendments: EIA Decree

Article 3(5)

(types of project affecting the environment for which a preliminary procedure is conducted)

"...

*(5) A **preliminary procedure** shall also be conducted for **all projects** referred to in the first paragraph of this Article **regardless of the thresholds** laid down for this type of project in the description of the project type in Annex 1 to this Decree, **if these projects are co-financed by European Union funds**, where the preliminary procedure shall be conducted prior to submission of the request for **European funds**."*

Inter-ministerial working group

- ❑ Managing Authority and Environmental Authorities
- ❑ To assess the compliance of CP projects
- ❑ Some reflections:
  - ➤ important tool
  - ➤ need to ensure that all screenings are made publicly available
  - ➤ for some projects, EIA needed (if YES after screening)

Commitments in programming documents, PA & OP

Partnership Agreement

"To correct deficiencies related to the environmental compliance of projects, an inter-ministerial working group was established to prepare the methodology and **review the conformity of projects co-financed by funds from the European Cohesion Policy 2007-2013, with a directive on the environmental impact assessment**. *The Managing Authority, Ministry of Agriculture and the Environment, Slovenian Environment Agency and the Institute of the Republic of Slovenia for Nature Conservation will prepare a methodology to review the projects in the current and new programme period. …"*

Operational Programme

…

Environmental requirements (Application Form)

Section F. An analysis of the environmental impact

F.1. Consistency of the project with environmental policy

F.2. Application of the SEA Directive (2001/42/EC)

F.3. Application of the EIA Directive (2011/92/EU)

F.4. Application of the Habitats Directive (92/43/EEC)

F.5. Application of the Water Framework Directive (2000/60/EC)

F.6. Compliance with other environmental directives (applicable)

F.7. Cost of measures to mitigate and/or compensate negative
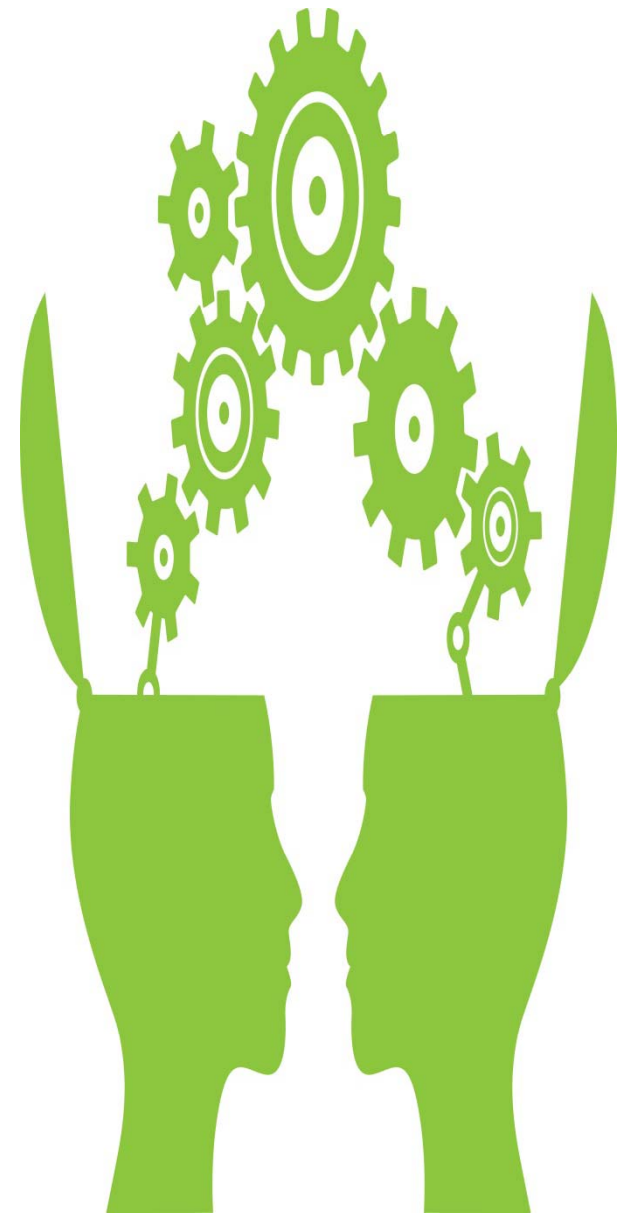
environmental impacts

F.8. Climate change and disaster resilience

Key changes:
Application Form

❑ Strengthened consistency with ENV policy & PPP

❑ New section on Water Framework Directive

  ➢WFD Declaration (Appendix 2)

❑ Ex ante conditionality (EIA, water and waste) link

❑ Extended information on other env. directives:

  ➢Urban Waste Water Treatment Directive

  (incl. Appendix 3)

  ➢Waste Framework Directive

  (incl. ex ante conditionality link)

  ➢Industrial Emissions Directive, etc.

❑ Climate change and risk assessment and resilience

Recommendations

Intensive work but …

necessary safeguards have to be kept.

- ❑ Focus on 'critical' types of ESIF projects (...)
- ❑ Working methods (???): target beneficiaries, competent authorities at an early stage
  - ➢ part of EIA/SEA training programme
  - ➢ guidance for beneficiaries
  - ➢ EIA fact-sheets
  - ➢ focal point at MA/EA
  - ➢ ...

Getting it right???

Doing it better, faster???