

10.9.2013

A7-0277/102

Amendment 102

Cristina Gutiérrez-Cortines

on behalf of the PPE Group

Report

A7-0277/2013

Andrea Zanoni

Amendment of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment

COM(2012)0628 – C7-0367/2012 – 2012/0297(COD)

Proposal for a directive

Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) It should be ensured that the persons who check the environmental reports have, due to their qualifications and experience, the necessary technical expertise to carry out the tasks set out in Directive 2011/92/EU in a scientifically objective manner and in total independence from the developer and the competent authorities themselves.

Or. en

10.9.2013

A7-0277/103

Amendment 103

Cristina Gutiérrez-Cortines

on behalf of the PPE Group

Report

A7-0277/2013

Andrea Zanoni

Amendment of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment

COM(2012)0628 – C7-0367/2012 – 2012/0297(COD)

Proposal for a directive

Article 1 – point 3

2011/92/EU

Article 3

Text proposed by the Commission

Amendment

Article 3

Article 3

The environmental impact assessment shall identify, describe and assess in an appropriate manner, in the light of each individual case and in accordance with Articles 4 to 11, the direct and indirect significant effects of a project on the following factors:

1. The environmental impact assessment shall identify, describe and assess in an appropriate manner, in the light of each individual case and in accordance with Articles 4 to 11, the direct and indirect significant effects of a project on the following factors:

(a) population, human health, and biodiversity, with particular attention to species and habitats protected under **Council Directive 92/43/EEC and Directive 2009/147/EC of the European Parliament and of the Council;**

(a) population, human health, biodiversity through its **flora and fauna**, with particular attention to species and habitats protected under **Directives 92/43/EEC, 2000/60/EC and 2009/147/EC;**

(b) land, soil, water, air and climate **change;**

(b) land, soil, water, air and climate;

(c) material assets, cultural heritage and the landscape;

(c) material assets **and** cultural heritage and the landscape;

(d) the interaction between the factors referred to in points (a), (b) and (c);

(d) the interaction between the factors referred to in points (a), (b) and (c);

(e) exposure, vulnerability and resilience of the factors referred to in points (a), (b) and

(e) exposure, vulnerability and resilience of the factors referred to in points (a), (b) and

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(c), to natural and man-made disaster risks.

(c), to *likely* natural and man-made disaster risks.

1a. Where there is standardisation of available procedures for a given project or facility in line with the BAT criteria, the competent authority must take that standardisation into account and centre the environmental impact assessment on the location of the facilities or the project.

Or. en

10.9.2013

A7-0277/104

Amendment 104

Cristina Gutiérrez-Cortines

on behalf of the PPE Group

Report

A7-0277/2013

Andrea Zanoni

Amendment of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment

COM(2012)0628 – C7-0367/2012 – 2012/0297(COD)

Proposal for a directive

Article 1 – point 4

Directive 2011/92/EU

Article 4

Text proposed by the Commission

Amendment

(4) Article 4 is ***amended as follows***:

(4) Article 4 is ***replaced by the following***:

(a) paragraphs 3 and 4 are replaced by the following:

"Article 4

1. Subject to Article 2(4), projects listed in Annex I shall be made subject to an assessment in accordance with Articles 5 to 10.

2. Subject to Article 2(4), for projects listed in Annex II, Member States shall determine whether the project shall be made subject to an assessment in accordance with Articles 5 to 10. Member States shall make that determination through:

(a) a case-by-case examination;

or

(b) thresholds or criteria set by the Member States.

Member States may decide to apply both procedures referred to in points (a) and (b).

"3. For projects listed in Annex II, the developer shall provide information on the characteristics of the project, its potential impact on the environment and the measures envisaged in order to avoid and reduce significant effects. The detailed list of information to be provided is specified in Annex II.A.

3. For projects listed in Annex II, the developer shall provide **summary** information on the characteristics of the project, its potential impact on the environment and the measures envisaged in order to avoid and reduce significant effects. The detailed list of information to be provided is specified in Annex II.A. ***The amount of information to be provided by the developer shall be kept to a minimum and limited to the key aspects that allow the competent authority to make its decision pursuant to paragraph 2.***

4. When a case-by-case examination is carried out or thresholds or criteria are set for the purpose of paragraph 2, the competent authority shall take account of selection criteria related to the characteristics and location of the project and its potential impact on the environment. The detailed list of selection criteria ***to be used*** is specified in Annex III."

4. When a case-by-case examination is carried out or thresholds or criteria are set for the purpose of paragraph 2, the competent authority shall take account of ***the relevant*** selection criteria related to the characteristics and location of the project and its potential impact on the environment. The detailed list of selection criteria is specified in Annex III.

(b) The following paragraphs 5 and 6 are added:

deleted

"5. The competent authority shall make its decision pursuant to paragraph 2, on the basis of the information provided by the developer and taking into account, where relevant, the results of studies, preliminary verifications or assessments of the effects on the environment arising from other Union legislation. The decision pursuant to paragraph 2 shall:

5. The competent authority shall make its decision pursuant to paragraph 2, on the basis of the information provided by the developer ***pursuant to paragraph 3*** and taking into account, where relevant, the results of studies, preliminary verifications or assessments of the effects on the environment arising from other Union legislation. The decision pursuant to paragraph 2 shall:

(a) state how the criteria in Annex III have been taken into account;

deleted

(b) include the reasons for requiring or not requiring an environmental impact assessment pursuant to Articles 5 to 10;

(b) include the reasons for requiring or not requiring an environmental impact assessment pursuant to Articles 5 to 10, ***in particular with reference to the relevant***

(c) include a description of the measures envisaged to avoid, prevent and reduce any significant effects on the environment, where it is decided that no environmental impact assessment needs to be carried out pursuant to Articles 5 to 10;

(d) be made available to the public.

6. The competent authority shall make its decision pursuant to paragraph 2 within **three months** from the request for development consent and provided that the developer has submitted all the requisite information. Depending on the nature, complexity, location and size of the proposed project, the competent authority may extend that deadline by a further **3 months**; in that case, the competent authority shall inform the developer of the reasons justifying the extension and of the date when its determination is expected.

Where the project is made subject to an environmental impact assessment in accordance with Articles 5 to 10, the decision pursuant to paragraph 2 of this Article shall include the **information** set out in Article 5(2)."

criteria listed in Annex III;

(c) include a description of the measures envisaged to avoid, prevent and reduce any significant effects on the environment, where it is decided that no environmental impact assessment needs to be carried out pursuant to Articles 5 to 10;

(d) be made available to the public.

6. The competent authority shall make its decision pursuant to paragraph 2 within **a period of time established by the Member State not exceeding 90 days** from the request for development consent and provided that the developer has submitted all the requisite information **pursuant to paragraph 3**. Depending on the nature, complexity, location and size of the proposed project, the competent authority may **exceptionally** extend that deadline **once** by a further **period of time established by the Member State not exceeding 60 days**; in that case, the competent authority shall inform the developer **in writing** of the reasons justifying the extension and of the date when its determination is expected, **making available to the public the information referred to in Article 6(2)**.

Where the project is made subject to an environmental impact assessment in accordance with Articles 5 to 10, the decision pursuant to paragraph 2 of this Article shall include the **opinion** set out in Article 5(2), **if such an opinion was requested in accordance with that Article**."

Or. en

10.9.2013

A7-0277/105

Amendment 105

Cristina Gutiérrez-Cortines

on behalf of the PPE Group

Report

A7-0277/2013

Andrea Zanoni

Amendment of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment

COM(2012)0628 – C7-0367/2012 – 2012/0297(COD)

Proposal for a directive

Article 1 – point 5

Directive 2011/92/EU

Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. The competent authority, after having consulted the authorities referred to in Article 6(1) **and** the developer, shall **determine** the scope and level of detail of the information to be included by the developer in the environmental report, in accordance with paragraph 1 of this Article. ***In particular, it shall determine:***

(a) the decisions and opinions to be obtained;

(b) the authorities and the public likely to be concerned;

(c) the individual stages of the procedure and their duration;

(d) reasonable alternatives relevant to the proposed project **and** its specific characteristics;

(e) the environmental features referred to in Article 3 likely to be significantly affected;

2. ***Where the developer so requests***, the competent authority, after having consulted the authorities referred to in Article 6(1), the developer shall ***issue an opinion determining*** the scope and level of detail of the information to be included by the developer in the environmental report, in accordance with paragraph 1 of this Article, ***including in particular:***

deleted

(b) the authorities and the public likely to be concerned;

(c) the individual stages of the procedure and ***timeframes for*** their duration;

(d) reasonable alternatives ***that may be considered by the developer, which are*** relevant to the proposed project, its specific characteristics ***and its significant impacts on the environment,***

deleted

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(f) the information to be submitted relevant to the specific characteristics of a particular project or type of project;

(g) the information and knowledge available and obtained at other levels of decision-making or through other Union legislation, and the methods of assessment to be used.

The competent authority may also seek assistance from *accredited* and *technically* competent experts referred to in paragraph 3 of this Article. Subsequent requests to the developer for additional information may only be made if these are justified by new circumstances and duly explained by the competent authority.

(f) the information to be submitted relevant to the specific characteristics of a particular project or type of project;

(g) the information and knowledge available and obtained at other levels of decision-making or through other Union legislation, and the methods of assessment to be used.

The competent authority may also seek assistance from *independent* and competent experts referred to in paragraph 3 of this Article. Subsequent requests to the developer for additional information may only be made if these are justified by new circumstances and duly explained by the competent authority.

Or. en

10.9.2013

A7-0277/106

Amendment 106

Cristina Gutiérrez-Cortines

on behalf of the PPE Group

Report

A7-0277/2013

Andrea Zanoni

Amendment of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment

COM(2012)0628 – C7-0367/2012 – 2012/0297(COD)

Proposal for a directive

Article 1 – point 5

Directive 2011/92/EU

Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. To guarantee the completeness and sufficient quality of the environmental reports referred to in Article 5(1):

(a) the developer shall ensure that the environmental report is prepared by ***accredited and technically*** competent experts ***or***

(b) the competent authority shall ensure that the environmental report is verified by ***accredited and technically*** competent experts and/or committees of national experts.

Where ***accredited and technically*** competent experts assisted the competent authority to prepare the determination referred to in Article 5(2), the same experts shall not be used by the developer for the preparation of the environmental report.

The detailed arrangements for the use and selection of ***accredited and technically*** competent experts (for example qualifications required, assignment of evaluation, licensing, and disqualification), shall be determined by the Member States.

3. To guarantee the completeness and sufficient quality of the environmental reports referred to in Article 5(1):

(a) the developer shall ensure that the environmental report is prepared by competent experts; ***and***

(b) the competent authority shall ensure that the environmental report is verified by competent experts and/or committees of national experts ***whose names shall be made public.***

Where competent experts assisted the competent authority to prepare the determination referred to in Article 5(2), the same experts shall not be used by the developer for the preparation of the environmental report.

The detailed arrangements for the use and selection of competent experts (for example qualifications ***and experience*** required, assignment of evaluation, licensing, and disqualification), shall be determined by the Member States.

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*The Authority that reviews the
Environmental Impact Assessment is
asked not to have any interest or relation
with the file in order to avoid any conflict
of interest.*

Or. en

10.9.2013

A7-0277/107

Amendment 107

Cristina Gutiérrez-Cortines

on behalf of the PPE Group

Report

A7-0277/2013

Andrea Zanoni

Amendment of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment

COM(2012)0628 – C7-0367/2012 – 2012/0297(COD)

Proposal for a directive

Article 1 – point 6 – point -ab (new)

Directive 2011/92/EU

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

(-ab) paragraph 2 is replaced by the following:

"2. The public shall be informed through a central portal which is accessible to the public electronically in accordance with Article 7(1) of Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information", by public notices and other appropriate means such as electronic media, early in the environmental decision-making procedures referred to in Article 2(2) and, at the latest, as soon as information can reasonably be provided:

Or. en

10.9.2013

A7-0277/108

Amendment 108

Cristina Gutiérrez-Cortines

on behalf of the PPE Group

Report

A7-0277/2013

Andrea Zanoni

Amendment of Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment

COM(2012)0628 – C7-0367/2012 – 2012/0297(COD)

Proposal for a directive

Article 1 – point 6 – point -ad (new)

Directive 2011/92/EU

Article 6 – paragraph 5

Text proposed by the Commission

Amendment

(-ad) paragraph 5 is replaced by the following:

"5. The detailed arrangements for informing the public and for consulting the public concerned shall be determined by the Member States. Member States shall take the necessary measures to ensure that the relevant information is provided through a central portal which is accessible to the public electronically in accordance with Article 7(1) of Directive 2003/4/EC."

Or. en