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BUSINESSEUROPE and EUROCHAMBRES Comments on the Environmental Impact Assessment Directive in view of trilogue negotiations

Concerted efforts have been made at EU level in recent years to minimise the regulatory burden on business in order to facilitate economic recovery and stimulate jobs and competitiveness. However, in the revision of the **Environmental Impact Assessment (EIA) Directive** the European Commission and the recently adopted Report by the European Parliament go against this positive trend.

The EIA is a planning instrument that should ensure that projects which are likely to have significant effects on the environment are subject to an assessment – prior to their authorisation. The directive, however, has led to long and bureaucratic authorisation procedures. The revision should therefore minimise regulatory burdens without undermining its environmental targets. Many of the amendments adopted by the Parliament would further alter the scope of the EIA, turning it into a prevention procedure, delaying or even rendering impossible the authorisation of large projects. As a result, investors could lose interest in Europe as a business location, causing the **loss of jobs, prosperity and competitiveness**.

BUSINESSEUROPE and EUROCHAMBRES acknowledge the need to assess the environmental impact of projects before they are approved. Some of the Parliament's amendments have addressed industry concerns such as the "one-stop shop", retroactivity and the competent experts. In view of the trilogue discussions, we call on the Institutions to eliminate the most severe outstanding shortcomings in order not to diminish Europe's attraction as a business location and adversely affect the investment climate in the EU.

Extension of the list of projects which are subject to EIAs

The original Commission proposal did not change the scope of the EIA Directive. Any extension to the list of projects which require an EIA should be subject to an in-depth discussion, including all stakeholders. Regarding shale gas in particular, mandatory EIA for early stage exploration, as adopted by Parliament, would be disproportionate and damaging to EU competitiveness.

Inclusion of EIA findings into the development consent procedure

The EIA must remain limited to procedural requirements and should not anticipate the authority's final decision about the consent. BUSINESSEUROPE therefore supports the Council's approach on Article 8.

Screening

The information required from the developer at the screening stage should not be further extended. It will not improve the quality of the environment but significantly increase costs. Where it is decided that no EIA needs to be carried out, the authority should not be obliged to impose prevention and improvement measures on the project developer. This goes beyond the scope of the screening procedure and could significantly delay the authorities' decision. It is of crucial importance to developers to rapidly obtain clarity on whether an EIA is required or not.

Scope of the environmental report – Annex IV

Assessment obligations do not only overburden investors but also the authorities. The Parliament's amendments to the original proposal provide more coherent definitions and therefore should be maintained, in particular "biodiversity through its flora and fauna" and the deletion of "climate change" in paragraph 4. The assessment of the likely evolution of the existing state of the environment without implementation of the project (baseline) is not realistic and is not the developer's function.

Extended delegated powers to the Commission

The Commission should not be empowered to adopt delegated acts adapting the Annexes II.A, II and IV as provided for in the proposed Articles 12a and 12b. This empowerment would go too far giving the Commission the right to extend EIA to other projects without sufficient involvement of Member States and the European Parliament. These amendments with regard to the EIA must continue to be decided by amending the EIA Directive through the ordinary legislative procedure. Extending these delegated powers would not enable the provision of a stable and predictable regulatory framework on which developers and investors' confidence relies.

Additional barriers to investment

The business community recognises the importance in giving the public a strong voice during the EIA process, as already guaranteed by the current directive. However, further consultation requirements and appeal mechanisms (e.g. during the screening procedure) cause enormous amounts of additional time and costs for project developers.

BUSINESSEUROPE and EUROCHAMBRES call on your support and urge you to ensure a balance between environmental and economic aspects when considering your compromise text for the forthcoming trilogue discussions.