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# ***ENVIRONMENTAL ISSUES and TEN-T PROJECTS***

*Building the Bridge – Regional Dimension of TEN-T  
Committee of the Regions*

George Kremlis  
DG ENV – D3, European Commission

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## Environmental requirements for TEN-T

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### ***5 EC environmental directives relevant for the Trans European Networks (TENs)***

- ❑ **Environmental Impact Assessment of projects (EIA Directive)**
  - ❑ **Strategic Environmental Assessment of plans and programmes (SEA Directive)**
  - ❑ **Conservation of natural habitats and of wild fauna and flora (Habitats Directive)**
  - ❑ **Conservation of wild birds (Birds Directive)**
  - ❑ **Water Framework Directive**
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# Application forms for TEN-T

for projects to be co-funded by TEN-T budget

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- ❑ **Must be correctly and completely filled in regarding Directives listed in previous slide**
  - ❑ **No funding is granted unless all environmental information is submitted and approved by the Commission Services**
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# EIA/SEA Directives

Council Directive 85/337/EEC as amended  
Council Directive 2001/42/EC

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- ❑ Intended to improve decision-making
  - ❑ Require the description and assessment of likely significant environmental effects of specified projects and certain plans/programmes respectively (including alternatives, consultation of the public)
  - ❑ EIA Directive – ECJ case-law (e.g. Spain C-227/01 on doubling of existing rail tracks)
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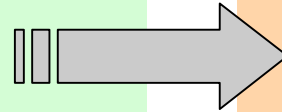
## Comm v Spain C-227/01

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- ❑ The doubling of an existing railway track is to be interpreted as covered by Annex I and not a mere modification within the meaning of Annex II
  - ❑ The new track would obviously create significant new nuisances, so no need to prove the existence of concrete negative effects – likelihood is sufficient.
  - ❑ A long-distance project cannot be split into shorter sections in order to exclude from the requirement of the Directive both the project as a whole and the successive sections
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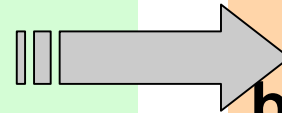
## EIA what projects? (Art.4)

- **Annex I projects**



**Mandatory  
EIA**

- **Annex II projects**



**Screening**  
by Competent authorities  
to decide if  
EIA needed or not





# Examples - Annex I

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- ❑ 7. (a) Construction of lines for long-distance railway traffic and of airports with a basic runway length of 2 100 m or more;
  - ❑ (b) Construction of motorways and express roads;
  - ❑ (c) Construction of a new road of four or more lanes, or realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes, where such new road, or realigned and/or widened section of road would be 10 km or more in a continuous length.
  - ❑ 8. (a) Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1 350 tonnes;
  - ❑ (b) Trading ports, piers for loading and unloading connected to land and outside ports (excluding ferry piers) which can take vessels of over 1 350 tonnes.
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## Examples - Annex II

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### 10. Infrastructure projects

- ❑ (c) Construction of railways and intermodal transshipment facilities, and of intermodal terminals (projects not included in Annex I);
  - ❑ (d) Construction of airfields (projects not included in Annex I);
  - ❑ (e) Construction of roads, harbours and port installations, including fishing harbours (projects not included in Annex I);
  - ❑ (f) Inland-waterway construction not included in Annex I, canalization and flood-relief works;
  - ❑ (h) Tramways, elevated and underground railways, suspended lines or similar lines of a particular type, used exclusively or mainly for passenger transport.
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# EIA Directive

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## **Annex I - mandatory environmental impact assessment**

- ❑ Preparation of a report on the environmental effects of the project
  - ❑ Preparation of a Non-Technical summary (including alternatives)
  - ❑ Consulting the public on the application for development consent and the environmental report
  - ❑ Consulting other Member States if transboundary project
  - ❑ Consulting environmental authorities
  - ❑ Development Consent
  - ❑ Article 9.1 requirements (information ex post)
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## Article 9.1

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**When a decision is taken, the authorities have to inform the public and make available:**

- ❑ The content of the decision
  - ❑ The main reasons on which the decision is based
  - ❑ A description of mitigation measures
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# EIA Directive

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**Annex II - screening is carried out by the competent authorities to determine if an EIA is required or not.**

- ❑ Can be done on a case-by-case basis or by establishing thresholds or criteria, but in either case must take account of criteria specified in Annex III to the Directive (Art 4)
- ❑ If EIA required, then steps listed in previous slide to be carried out

**Transport projects normally fall under either Annex I or Annex II of the EIA Directive**

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## SEA Directive I

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The SEA Directive requires an assessment of reasonable alternatives that bear in mind the objectives and the geographical scope of the plan/programme (including the “zero” option)

***Article 3(2) of Directive states that SEAs are compulsory for certain transport p/ps***

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# SEA Directive II

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- ❑ Preparation of the Environmental Report
  - ❑ Preparation of the Non-Technical Summary
  - ❑ Public consultation on the Environmental Report and the draft plan/programme
  - ❑ Consultation of the environmental authorities at the screening and scoping stages and on the Environmental Report
  - ❑ Consultation of other Member States on draft p/p and the environmental report if likely to have significant environmental effects on other MS
  - ❑ Env report and results of consultations are taken into account
  - ❑ Consultees are informed of the adoption and its condition
  - ❑ Monitoring of any significant env effects
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## Cross Border Issues under EIA and SEA

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- To ensure environmental procedures are compliant in cross-border sections
  - Article 7 of the EIA Directive outlines the steps to be taken for cross-border projects
  - The 1991 ESPOO Convention on EIA in a Transboundary Context sets out the obligations of Parties to assess the environmental impact of certain activities at an early stage of planning
  - The Convention is important in the case of projects in which Parties are not EU Member States
  - The 1993 Protocol on Strategic Environmental Assessment requires its Parties to evaluate the environmental consequences of their official draft plans and programmes (the European Community has signed and ratified the Protocol)
  - BEACON a source book which gives useful advice on carrying out SEAs of transport plans and programmes
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## Nature Directives - I

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- ❑ Article 4 of the "Birds" Directive (79/409/EEC) requires Member States to designate "all their most suitable territories as Special Protection Areas (SPAs)"
  - ❑ Article 3 of the "Habitats" Directive (92/43/EEC) likewise aims at the establishment and conservation of a coherent network of Special Areas of Conservation (SACs).
  - ❑ All SPAs and SACs form part of a European network that is called 'Natura 2000'
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## Nature Directives - II

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- ❑ Article 6 of the Habitats Directive provides for the protection and conservation of N2000 sites. It foresees proactive measures (positive conservation action that may include management plans), preventative measures (requiring steps to avoid loss of value of sites) and procedural safeguards (to deal with plans and projects that may affect the overall integrity of the sites).
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## Nature Directives - III

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- Article 6(3) and 6(4) of the Habitats Directive, which applies to all Natura 2000 sites, provides for the appropriate assessment of development proposals which are likely to have a significant impact on designated sites
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# Water Framework Directive

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- ❑ Article 4.7 describes the conditions under which "new activities", such as infrastructures or works (e.g. roads, canals, deepening of navigation channels) downgrading the status of water bodies can be accepted.
  - ❑ Article 4.7 requires mitigation measures (to minimise adverse effects)
  - ❑ If action causes deterioration to water status, steps taken to mitigate adverse effects and existence of other means to achieve objectives of the project are to be explained
  - ❑ An interpretation paper of the provisions of this Article is available (see last slide)
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## Further analysis of the Environmental Impact

### Additional environmental integration measures

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- Does the project envisage, apart from EIA, any additional environmental integration measures (e.g. environmental audit, environmental management, specific environmental monitoring)?
  - Does the project contribute to the objective of environmental sustainability (European climate change policy, halting loss of biodiversity, other ...)?
  - Does it respect the "polluter pays" principle?
  - Have the environmental authorities likely to be concerned by the project been consulted by reason of their specific responsibilities?
  - What is the cost of measures taken for correcting negative environmental impact?
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# EU Sustainable Development Strategy I

(2001 – renewed 2006, to be reviewed in 2010)

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## *Sustainable Transport – Promoted actions*

- ❑ Tarification for all modes through satellites (new technology)
  - ❑ Reduce negative impacts of air and maritime transports
  - ❑ Increase road safety (improve infrastructures, ...)
  - ❑ Set up sustainable urban transport plans
  - ❑ Long term coherent strategy for fuel
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## **EU Sustainable Development Strategy II (2001 – renewed 2006, to be reviewed in 2010)**

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### ***Sustainable Transport – Promoted actions***

- ❑ Improve all modes' environmental performance
  - ❑ Gear towards rail, navigation and public transport
  - ❑ Reduce transport intensity (production et logistics)
  - ❑ Ensure a better connection for all modes
  - ❑ Improve energy efficiency
  - ❑ Find solutions to replace road transport
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## Key conclusions

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- ❑ Environmental Directives must be respected
  - ❑ The Directives are not an obstacle but an opportunity
  - ❑ Establish joint teams between those working on environmental issues and the project development
  - ❑ Start-early and consult
  - ❑ Funding is only approved when all environmental requirements are fulfilled (documents approved by Commission)
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# References

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EIA Guidance on

<http://europa.eu.int/comm/environment/eia/home.htm>

SEA Guidance on

<http://www.europa.eu.int/comm/environment/eia/home.htm>

Espoo Convention: <http://www.unece.org/env/eia/welcome.html>

Nature <http://ec.europa.eu/environment/nature/home.htm>

WFD Article 4.7 guidance:

[http://circa.europa.eu/Public/irc/env/wfd/library?l=/framework\\_directive/thematic\\_documents/environmental\\_objectives/article\\_circapdf/\\_EN\\_1.0\\_&a=d](http://circa.europa.eu/Public/irc/env/wfd/library?l=/framework_directive/thematic_documents/environmental_objectives/article_circapdf/_EN_1.0_&a=d)

Guide to environmental legislation

[http://ec.europa.eu/ten/transport/legislation/index\\_en.htm](http://ec.europa.eu/ten/transport/legislation/index_en.htm)

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Thank you

