II

(Preparatory Acts)

COMMISSION

Proposal to amend the proposal for a Council Directive concerning the assessment of the environmental effects of certain public and private projects (1)

(Submitted by the Commission to the Council pursuant to the second paragraph of Article 149 of the EEC Treaty on 1 April 1982)

At the sitting of the European Parliament on 18 February 1982, the Commission accepted the substance of certain amendments proposed by the Parliament. In accordance with Article 149 of the EEC Treaty, the Commission proposes the attached amendments to its original proposal.

(1) OJ No C 169, 9. 7. 1980, p. 14.

TEXT ALREADY PROPOSED (1)	AMENDED TEXT
Preamble and recitals unchanged	
Article 1	*Article 1*
1. This Directive shall apply to the assessment of the environmental effects of those public and private projects which are likely to have significant effects on the environment.	1. Unchanged
2. For the purposes of this Directive:	2. Unchanged with the exception of the following:
development project means a proposal:	
(a) to construct buildings, installations or facilities;	
(b) to extract minerals;	
(c) to make substantial changes in the landscape;	

(1) The full text is contained in OJ No C 169, 9. 7. 1980, p. 14.

TEXT ALREADY PROPOSED	AMENDED TEXT
modification project means a proposal:	
(a) to construct an extension or modification of buildings, installations or facilities;	
(b) to make a substantial change in the use of buildings, installations or facilities;	
(c) to extend or modify mineral workings;	
project means either a development project or a modification project;	
competent authority means the authority or the authorities responsible in each Member State for executing the tasks set out in the present Directive in respect of a given project;	competent authority means the authority or the authorities **designated as** responsible in each Member State for executing the tasks set out in the present Directive in respect of a given project;
developer means the applicant for planning permission for a private project or the public authority which proposes a project;	developer means the applicant for **authorization** for a private project or the public authority which proposes a project;
planning permission means the decision of the competent authority to permit a project in the private sector or the corresponding decision to proceed in the case of a project in the public sector;	**authorization** means the decision of the competent authority or **authorities allowing the developer to carry out the project;**
Article 3	*Article 3*
1. The assessment provided for in Article 2 shall consider the effects of projects on:	1. **The environmental impact assessment shall identify, describe and evaluate in the light of each individual case, and in accordance with the following Articles, the direct and indirect effects of a project on:**
— water, air, soil, climate, flora, fauna and their inter-relationships,	— **human beings,** fauna and flora,
— the built-up environment, including the architectural heritage, and the landscape.	— soil, water, air, climatic factors,
	— **material assets, including the cultural heritage,** and the landscape,
	— **natural resources,**
	— **the ecological balance.**
2. The effects on these resources shall be assessed by reference to the need to protect and improve human health and living conditions as well as to preserve the long-term productive capacities of the resources.	2. The effects shall be assessed with regard to the need to protect and improve human health and living conditions **and to preserve the reproductive capacity of ecosystems as well as the diversity of species.**
Article 4	*Article 4*
1. Development projects of the classes listed in Annex 1 shall be made subject to an assessment in accordance with Articles 6 to 11.	1. Development projects of the classes listed in Annex 1 shall be made subject to an assessment in accordance with Articles 6 to 11.
For the purpose of excluding exceptional cases which are unlikely to have any significant effect on the	**Member States may, however, in exceptional circumstances, exempt such projects from the provisions of**

TEXT ALREADY PROPOSED	AMENDED TEXT
environment, the competent authority may, with the agreement of the Commission, exempt a particular project below a specified threshold from the assessment mentioned above and, where appropriate, make it subject to a simplified form of assessment.	**the aforesaid Articles. Where Member States grant such exemptions, they shall:** (a) **consider whether any other form of assessment would be appropriate;** (b) **make arrangements for the public concerned to be informed and consulted in an appropriate manner;** **and** (c) **immediately inform the Commission of the reasons for granting the exemption.**
2. Projects of the classes listed in Annex 2 and modification projects of the classes listed in Annex 1 shall be made subject to an assessment in accordance with Articles 6 to 11, whenever their characteristics so require. The competent authority shall establish the criteria and thresholds necessary to determine which of those projects are to be made subject to an assessment in accordance with Articles 6 to 11 or, where appropriate, to a simplified form of assessment.	2. Unchanged
3. The competent authority shall examine which projects other than those mentioned above are likely to have a significant effect on the environment, having regard in particular to the environmental sensitivity of the site of the projects with a view to determining which projects should be made subject to an assessment in accordance with Articles 6 to 11 or, where appropriate, to a simplified form of assessment.	3. Unchanged
Article 6	*Article 6*
1. The Member States shall adopt the necessary measures to ensure that the developer prepares, with the assistance of the competent authority when necessary, and supplies with his application for planning permission the following information in an appropriate form:	1. The Member States shall adopt the necessary measures to ensure that the developer prepares, with the assistance of the competent authority when necessary, and supplies with his application for **authorization** the following information in an appropriate form:
— a description of the proposed project and, where applicable, of the reasonable alternatives for the site and design of the project,	— unchanged
— a description of the environment likely to be significantly affected by the proposed project, including, where applicable, the environment in other Member States,	— unchanged
— an assessment of the likely significant effects on the environment, including, where applicable, effects on the environment in other Member States,	— unchanged
— a description of the measures envisaged to eliminate, reduce or compensate adverse effects on the environment,	— unchanged

TEXT ALREADY PROPOSED	AMENDED TEXT
— a description of the relationship between the proposed project and existing environmental and land-use plans and standards for the area likely to be affected,	— unchanged
— in the case of significant effects on the environment, an explanation of the reasons for the choice of the site and design of the proposed project, compared with reasonable alternative solutions which might have less adverse effects, if any, on the environment,	— unchanged
— a non-technical summary of the items above.	— unchanged
2. The information to be supplied in accordance with paragraph 1 shall also contain the data referred to in Annex 3 to the extent that they are relevant to the stage of the planning procedure and to the specific characteristics of the project and of the environment likely to be affected, and to the extent that the developer can reasonably be expected to be able to obtain them, taking into account existing knowledge and assessment methods.	2. The information to be supplied in accordance with paragraph 1 shall also contain the data referred to in Annex 3 to the extent that they are relevant to the stage of the **authorization** procedure and to the specific characteristics of the project and of the environment likely to be affected, and to the extent that the developer can reasonably be expected to be able to obtain them, taking into account existing knowledge and assessment methods.
3. At the appropriate stages of the planning procedure, the competent authority shall require completion of, or assist in completing when appropriate, the information to be supplied by the developer.	3. At the appropriate stages of the **authorization** procedure, the competent authority shall require completion of, or assist in completing when appropriate, the information to be supplied by the developer.
Article 7	*Article 7*
1. The competent authority shall send for opinion the application for planning permission as well as the information gathered pursuant to Article 6 to all relevant administrative authorities and other statutory authorities or bodies with specific responsibility for environmental matters. The competent authority shall determine the authorities and bodies to be consulted and shall fix, where necessary, a suitable time limit within which comments shall be delivered.	1. **The Member States shall take the measures necessary to ensure that the authorities which may be concerned by the project by reason of their environmental responsibilities and which are designated by the Member States are given an opportunity to express their opinion on the application for authorization on the basis of the information gathered pursuant to Article 6, in accordance with the detailed arrangements laid down by national law.**
2. If the project is likely to produce a significant effect on the environment in another Member State, the competent authority shall also ensure that the information gathered pursuant to Article 6 is sent for comment to the competent authority in that Member State and fix a suitable time limit within which comments should be returned.	2. Unchanged
Article 8	*Article 8*
1. The competent authority shall publish the fact that the application for planning permission has been made, shall make publicly available the application for	1. The competent authority shall publish the fact that the application for **authorization** has been made, shall make publicly available the application for

TEXT ALREADY PROPOSED	AMENDED TEXT
planning permission, as well as the information gathered pursuant to Article 6, and shall arrange appropriate consultation with the public concerned. In the light of the importance of the likely environmental effects and of the number of persons likely to be affected, the competent authority shall decide the best means for giving the information to the public within a suitable time limit and for ascertaining the views of the public.	**authorization,** as well as the information gathered pursuant to Article 6, and shall arrange appropriate consultation with the public concerned. In the light of the importance of the likely environmental effects and of the number of persons likely to be affected, the competent authority shall decide the best means for giving the information to the public within a suitable time limit and for ascertaining the views of the public.
	2. **If the project is likely to produce a significant effect on the environment in another Member State, the population of that Member State should also be able to take part in the consultation process. The Member States shall determine, in the framework of their bilateral or multilateral relations, the most appropriate arrangements for this purpose.**
Article 9	*Article 9*
The provisions of Articles 7 and 8 do not affect the obligation of the competent authority to respect the limitations imposed by national laws, regulations, administrative provisions and accepted practices with respect to industrial and commercial secrecy, as well as to the public interest.	The provisions of Articles 7 and 8 do not affect the obligation of the competent authority to respect the limitations imposed by national laws, regulations, administrative provisions and accepted practices with respect to industrial and commercial secrecy, as well as to the public interest.
	Where Article 7 (2) applies, the transmission of information to another Member State shall be subject to the limitations in force in the Member State in which the project is proposed.
Article 10	*Article 10*
1. The competent authority in its decision on an application for planning permission shall take into consideration the information gathered pursuant to Articles 6, 7 and 8, and shall, to that end, make an assessment of the likely significant effects of the proposed project.	1. The competent authority in its decision on an application for **authorization** shall take into consideration the information gathered pursuant to Articles 6, 7 and 8, and shall, to that end, make an assessment of the likely significant effects of the proposed project.
2. The competent authority, except when the planning permission is refused on grounds other than environmental, shall make publicly available, either in a separate document or as part of the decision on application for planning permission, the following:	2. The competent authority, except when the **authorization** is refused on grounds other than environmental, shall make publicly available, either in a separate document or as part of the decision on application for **authorization,** the following:
— its assessment of the likely significant effects on the environment of the proposed project,	— unchanged
— a synthesis of the main comments and opinions received pursuant to Articles 7 and 8,	— unchanged
	— **where appropriate, its opinion on the outlined alternatives, including that of not pursuing the project,**
— the reasons for granting or refusing the planning permission,	— the reasons for granting or refusing the **authorization,**
— the conditions, if any, to be attached to the planning permission.	— the conditions, if any, to be attached to the **authorization.**

ANNEX 1

DEVELOPMENT PROJECTS (1) REFERRED TO IN ARTICLE 4 (1)

TEXT ALREADY PROPOSED	AMENDED TEXT
Items 1 to 7 unchanged	
8. **Processing of rubber** (48)	8. **Processing of rubber** (48)
Factories for the primary production of rubber	Factories for the primary production of rubber
Manufacture of rubber tyres (481.1)	Manufacture of rubber tyres (481.1)
	Factories for the renewal or reprocessing of rubber products
Item 9 unchanged	

(1) Development projects are classified, as far as possible, in the classes, groups and sub-groups of the 'General Industrial Classification of Economic Activities' within the European Community adopted by the Statistical Office of the European Communities, 1970. Reference numbers of the classification are indicated, where applicable.

ANNEX 2

PROJECTS (1) REFERRED TO IN ARTICLE 4 (2)

TEXT ALREADY PROPOSED	AMENDED TEXT
Items 1 and 2 unchanged	
3. **Energy industry**	3. **Energy industry**
Research plants for the production and processing of fissionable and fertile material	Research plants for the production and processing of fissionable and fertile material
Production and distribution of electricity, gas, steam and hot water (except the production of electricity from nuclear energy) (16)	Production and distribution of electricity, gas, steam and hot water (except the production of electricity from nuclear energy) (16)
Storage of natural gas	Storage of **fossil fuels**
Items 4 to 8 unchanged	

(1) The projects are classified, as far as possible, in the classes, groups and sub-groups of the 'General Industrial Classification of Economic Activities' within the European Community adopted by the Statistical Office of the European Communities, 1970. Reference numbers of the classification are indicated, where applicable.

TEXT ALREADY PROPOSED	AMENDED TEXT
9. **Textile, leather, wood, paper industry**	9. **Textile, leather, wood, paper industry**
Wool washing and degreasing factories	Wool washing and degreasing factories
Tanning and dressing factories (441.1)	Tanning and dressing factories (441.1)
Manufacture of veneer and plywood (462.1)	Manufacture of veneer and plywood (462.1)
Manufacture of fibre board and of particle board (462.2)	Manufacture of fibre board and of particle board (462.2)
Manufacture of pulp, paper and board (471)	Manufacture of pulp, paper and board (471)
Cellulose mills	Cellulose mills
	Textile dyeworks

Items 10 and 11 unchanged

ANNEX 3

CONTENT OF THE INFORMATION REQUIRED UNDER ARTICLE 6

TEXT ALREADY PROPOSED	AMENDED TEXT
Items 1 and 2 unchanged	
3. The assessment of the likely significant effects of the proposed project on the environment (direct and indirect, cumulative, short-, medium- and long-term, permanent and temporary, positive and negative) resulting from:	3. The assessment of the likely significant effects of the proposed project on the environment (direct and indirect, cumulative, short-, medium- and long-term, permanent and temporary, positive and negative) resulting from:
— the physical presence of the main and associated projects,	— the physical presence of the main and associated projects,
— the use of the resources of the environment,	— the use of the resources of the environment,
— the emission of pollutions, nuisances and waste, as well as the secondary effects linked to their elimination,	— the emission of pollutions, nuisances and waste, as well as the secondary effects linked to their elimination,
— the risk of accidents.	— the risk of accidents,
	— **the cumulative effect of the effects resulting from the proposed project and from other projects already carried out in the area.**
Items 4 to 7 unchanged	