

The background is a satellite-style image of the Earth at night, showing city lights. Overlaid on this are numerous glowing blue lines that represent energy transmission paths, connecting various points across the globe.

Proposals for the extension of the environmental acquis

41th PHLG meeting

Vienna, 15 March 2016

The future of the EnC environmental acquis



- ***HLRG report (2014): 6 new directives proposed (SEA, ELD, FQD, IED, AQD, ETS)***
- ***public consultation (2015)***
- ***Environmental Task Force (2015)***
 - First priority: update of existing env legislation where applicable (EIA, SiF)**
 - SEA, ELD → low implementation efforts (2015-2016)**
 - Chapter II and IV of IED, FQD → moderate implementation efforts (2016-2017)**
 - AQD, ETS → high implementation efforts (2017-2018)**

Directive 2011/92/EU (new EIA)

- *Adopted in 2011 (codified version), amended in 2014*
- *COM proposal covers both*
- *What's new?*
 - *one stop-shop (in EnC → relevance for IED)*
 - *more precise rules + timeframes on screening*
 - *content of the EIA report (baseline scenario)*
 - *quality control of the EIA report*
 - *public consultation (electronic dissemination of information, min. 30 days for EIA report)*
 - *transboundary consultations → appropriate joint body*
 - *more concrete provisions on the decision of the CA (to grant / to refuse)*
 - *information on the decision → obligation to promptly inform when decision taken*
 - *conflict of interest*

Directive 2011/92/EU (new EIA) - adaptations



- *In case of PECIs → CPs shall inform the ECS*
- *When? → as soon as possible and no later than when informing its own public*
- *How?*
 - (a) a description of the project, together with any available information on its impacts on the environment;*
 - (b) information on the nature of the decision which may be taken for authorisation of the project.*
- *ECS shall ensure that EIA is in line w/ Dir 2011/92/EU as amended by 2014/52/EU*

Directive 2011/92/EU (new EIA) - timeframes



- Timeframe in the EU

25 April 2014 – publication in OJ

15 May 2014 – entry into force of Directive 2014/52/EU

16 May 2017 – transposition deadline in Member States

- Proposal for the EnC

Oct 2016 – adoption by MC

1 Jan 2019 – implementation

SEA Directive (2001/42/EC)

- ***Objective: integration of environmental considerations into the preparation and adoption of plans and programmes***
- ***An environmental assessment shall be carried out of certain plans and programmes which are likely to have significant effects on the environment***
- ***Public and the environmental authorities → to be informed and consulted***
- ***Energy strategies, NERPs, renewable energy action plans, energy efficiency action plans, energy infrastructure and investment plans, other policy documents → EnC relevance***
- ***UNECE Kyiv Protocol to the Espoo Convention on SEA → ratified by AL (2005), MK (2013), MN (2009), SR (2010), UA (2015), signed by BiH, MD***

Environmental Liability Directive (2004/35/EC)



- ***Legislative means of putting the polluter pays principle into practice***
- ***Prevention and remediation of certain types of environmental damage (nature, water, soil – NB air is not included bc of diffuse nature of pollution)***
- ***administrative liability approach (not civil liability → no rights given to parties for compensation)***
- ***double scope: strict liability – Annex III activities (including IPPC/IED installations), fault-based liability – any other occupational activity***
- ***causal link always required***

Directive 1999/32/EC (new SiF)

- ***Integral part of EU policy on air quality control***
- ***Main difference after amendments: issue of marine fuels***
- ***Why is it necessary?***
- ***Directive 2012/33/EC adopted in Nov 2012, transposed by MS by 18 June 2014***
- ***1.00% until December 2014 and 0.10% as from January 2015 for SECAs***
- ***3,50% as of June 2014 and 0,50% as of January 2020***
- ***0,10% sulphur content for ships at berth and 1,50% for passenger ships on regular service (maintained outside SECAs) including cruise ships***
- ***Relation between LCPs and SiF***

Directive 1999/32/EC (new SiF)

- IMO MARPOL Annex VI relevance (revision in 2008, entered into force in 2010)

□ Global sulphur limit:

- **3,50% sulphur content from 1/1/2012**
- **0,50% from after 1/1/2020 (irrespective of IMO future rules on global cap)**

□ SO_x-ECA sulphur limit:

- **1,00% after 1/7/2010**
- **0,10% after 1/1/2015**

- Amendments by Directive 2005/33/EC & Directive 2012/33/EU brought EU legislation in line with the MARPOL revisions

Regulation (EU) No 525/2013 (MMR)

- ***Current EnC acquis on climate-related issues is to be improved***
- ***Link to UNFCCC***
- ***Foundation of any climate policy – accurate emission inventories***
- ***Ongoing activities – ECRAN, capacity building on inventory process → if the MMR is adopted in the EnC, CPs can extensively use the experience already gained***
- ***Major adaptations necessary as the MMR is based on the Kyoto Protocol and the EnC decision would be rather linked to the INDCs under the Paris Agreement***



*Thank you
for your attention!*

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