

Implications of the revised EIA Directive – Editorial

Auswirkungen der neuen UVP-Änderungsrichtlinie – Einführung in den Schwerpunkt

Welcome to this special issue of UVP-report, the journal of the German speaking EIA Association (UVP Gesellschaft, an affiliate of the International Association for Impact Assessment – IAIA) on ‘the revised EIA Directive – implications for practices in EU member states’. Whilst UVP-report has published English language articles in the past, this is the first time an entire issue has been prepared in English with full open (e-) access being granted. It is also the first issue of any professional journal internationally dedicated to the revised EIA Directive, reflecting on expectations in over half of the 28 EU member states.

It is now over 30 years ago that the first EIA Directive was published in 1985 (EC/337/85). This Directive went into unknown territory, representing the first EU intrusion into the planning domain (Wood 2003). Its impact overall varied across the then 12 member states. Whilst at the time for some countries, it meant a major effort to fully accommodate its requirements (Glasson 1999; Jha-Thakur & Fischer 2016), in others, various elements the Directive was introducing had already been present in their planning systems (Hanusch & Fischer 2011) and only some more minor adjustments to existing practices had to be dealt with (Fischer 2010). One of the key aims of the Directive was to contribute to achieving a high level of protection of the environment by introducing an assessment procedure, consisting of several defined stages.

A number of early evaluation studies were expressing some doubts as to whether EIA was able to effectively influence project decisions and make them more environmentally sustainable (Dipper et al. 1998). However, over time, performance appears to have improved (Fischer 2009) and EIA is now often said to have a moderate (rather than the previously observed only more minor) effect on achieving more environmentally sustainable project decisions (Arts et al. 2012; Philip-Jones & Fischer 2013; Jones & Fischer 2016). However, literally all reviews of experiences in EU member states over the past over two and a half decades have concluded that EIA has still some way to go for achieving a major impact on development, i.e. there is at time plenty of scope for improving effectiveness. The revised Directive can be an important stepping stone towards achieving this.

The contributions to this special issue indicate that there are many similarities but also some differences with regards to what the change from ‘old’ to ‘new’ means in different member states. Some countries, like Spain, Portugal and Latvia more recently had their national EIA laws revised and these revisions appear to have anticipated changes of the revised Directive already, meaning that remaining challenges are only of a more minor nature. On the other hand, most other country experts providing contributions to this special issue expect some more substantial changes to arise. Whilst many of the Directive changes are perceived to be positive, there is also some skepticism about not having gone far enough. For example, due to remaining omissions of some important EIA elements, including only voluntary scoping, no firm requirements for having to consider options (apart from the ‘zero’ and preferred alternative) and no mentioning of the emerging important concept of ecosystem services, some suggest that EIA will remain incomplete. In this context, it is important to note that an earlier draft of the Directive was more ambitious. However, this was watered down in the ensuing legislative process.

Overall, there are also questions with regards to whether those that represented member states in the negotiations to the revised Directive have always been fully aware of what e.g. changes in terminology may imply. An important example here is the change from the consideration of ‘human beings’ to ‘human health’ in assessment, which for those representing public health and / or health impact assessment indicates a significant change (see e.g. UVP Gesellschaft 2014; Fischer 2014). Other new substantive aspects that have found their way into the directive include ‘Land’, the anticipation of accidents / disasters as well as ‘climate change mitigation and adaptation’. With regards to procedural changes, whilst scoping continues to be voluntary, monitoring has been strengthened. Further changes are discussed in the papers that follow.

The subsequent 15 contributions focus on practices in France, Portugal, Spain, Italy, Slovenia, Ireland, the UK, Austria, Germany, Denmark, Sweden, Finland, Estonia, Latvia and the Czech Republic. Over half of the EU member states are thus represented, providing an overview of a diverse range of practices, perceptions and expect-

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tations. Whilst most contributions are full professional papers, some are also short, personal opinions, including those on Italy, Denmark and Germany. Furthermore, one contribution (from Sweden) has a specific focus on biodiversity. Overall, this special issue aims at supporting understanding of the revised Directive and also to enhance the associated debate. I hope you enjoy reading.

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Photo 1: Plant for reprocessing of irradiated nuclear fuel in La Hague (Normandy, France) – project of annex I no. 3 (a) (photo: Wiebke Hannich)

