

PLANNET EUROPE SEMINAR 2005

Difficulties encountered during the
transposition of Directive 2001/42/EC

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Presentation

- State of Transposition in EU 25
- Difficulties
- The future

State of transposition

- 21 July 2004: 9 MSs had notified their legislation to the Commission
- 11 July 2005: total of 13 notifications received –Reasoned Opinions sent to remaining 12
- Next steps: ECJ for some,
–conformity checks for the others

The Directive in practice

- Important to do what the Directive requires
- Assessment during plan preparation

Difficulties

- Avoiding duplication, desirable, permitted but not required
- Overlaps with EIA – joint procedures
- Scope of application
 - Art 3(2) refers to projects listed in the EIA Directive
 - Art 3(4) covers other projects, not listed there
 - Setting the framework for future development consent

Carrying out assessment

- Guidance – Beacon, UN ECE, IAIA, published literature, National guidance
- Gaps?
 - monitoring
 - quality control

Radical solutions?

- Wider scope of application
- Sustainability Appraisal

The future?

- Full transposition
- Good application

A warning

- Direct application of Directives?
- Remedies?