

Working procedures between the EIB and the Commission services (DG ENV and DG ECFIN) in the consultation of the Commission under Article 21 of the EIB Statute

1. Introduction

1. In October 1990 the Commission services agreed with the EIB on procedures for examining the environmental aspects during the consultation of the Commission under Article 21 of the EIB Statute on loan applications within the Community. This agreement was updated in October 1992 and included in the 1994 Vademedecum to clarify the arrangements with respect to the following points:

- 1.1.** The type of information to be sent by the EIB to the Commission for projects falling under Directive 85/337/EC, as amended by Directive 97/11/EC.
- 1.2.** Summaries of assessments on environment carried out by the EIB.
- 1.3.** (Non) liability of the EIB for the promoter's behaviour in the project running phase.
- 1.4.** The handling of global loans.

2. Considering the developments in both policy and legislation in the field of the environment, but also in EIB's operations as well as the experience gained in this past period, it is necessary to adapt the above mentioned agreement. The objective is to clarify the distribution of tasks in the framework of the consultation procedure so as to ensure that all projects to be financed comply with Community policy and legislation in the field of environment.

2. Procedures

2.1. General

2.1.1. The EIB shall satisfy itself that projects to be financed comply with environmental rules and requirements. In particular that:

- projects to be financed within the **European Union (EU)** and **in Candidate Countries** comply with EU legislation and policy for the protection of the environment,
- projects to be financed in **third countries** are assessed on the basis of appropriate environmental principles and standards, taking into account those enshrined in EU policy and legislation in the field of environment.

In all cases projects shall comply with related national and relevant international environmental legislation.

2.1.2. To this end, the Bank, supported by its specialised services, shall:

- carry out a comprehensive assessment of the environmental aspects of each project, taking into account the requirements in point **2.1.1.**; and

- conclude, on the basis of this assessment, whether the project complies with Community policy and legislation in the field of environment.

2.1.3. The project note submitted by the Bank to the Commission in the framework of the consultation procedure under Article 21 of the EIB Statute shall include systematically an explicit confirmation of the project's compliance with environmental legislation on the basis of the Bank's prior assessment, as outlined in point **2.1.2**. Once this declaration of conformity has been issued by the EIB, DG ENV **would normally give its favourable opinion** within the EIB Interservice Group consultation, unless the conditions foreseen in point **2.1.7.** apply, or there are reasons to follow the "non-compliance" procedure described in point 2.3.

2.1.4. In cases where the environmental assessment in point **2.1.2** can not be completed in time for the Article 21 consultation procedure, the Commission **may issue a favourable** opinion with the understanding that the Bank will complete its assessment (except where point **3.1** applies) before submitting the project to its Board of Directors.

2.1.5. The Bank shall continue to be responsible for satisfying itself that projects to be financed comply with Community policy and legislation for the protection of the environment and undertakes not to invoke the Commission's favourable opinion in any legal dispute regarding the environmental aspects of such projects.

2.1.6. The Bank will finance the project only if it has satisfied itself that the project is in compliance with the requirements described in point **2.1.1**. The financing proposal subsequently submitted to the Bank's Board of Directors shall include **(a)** a statement to that effect, and **(b)** a summary of the main findings of the Bank's assessment, including any related conditions attached to the proposed operation.

2.1.7. Outside the normal circumstances described above and on a case by case basis, taking into account such factors as size or sensitivity of a project, the Commission may, on receipt of the project note, request the EIB to provide additional relevant information before issuing its opinion.

2.2. Projects co-financed by other Community financial instruments

For projects to be co-financed by Community instruments (ERDF, Cohesion Fund, TENs, ISPA, PHARE, etc) and processed in parallel, **the agreement of the EIB Interservice Group may not be obtained before DG ENV has finalised its position concerning Community co-financing. If a positive position concerning grant financing has been taken before the EIB starts a consultation procedure for the same project, the positive position will also be applicable to the loan request.**

2.3. Procedure to be followed in cases of non-compliance

2.3.1. In cases of projects where the Court of Justice of the European Communities **has given a judgement of non-compliance with the environmental *acquis* directly related to the project**, the EIB Interservice Group shall give an "**unfavourable opinion**".

2.3.2. In cases of projects where the Commission has reason to believe that there is a non-compliance with the environmental *acquis* directly linked to the project and has initiated legal proceedings before the Court of Justice at the time of the consultation procedure, the Commission may accompany its opinion with a suggestion that the EIB does not proceed with financing until the Court gives judgment. In any case, the Bank remains responsible for its own decisions.

2.3.3. In cases regarding the above mentioned projects for which the Commission services (DG ENV), have not concluded their investigation on a particular infringement issue at the time of the consultation procedure, the Commission may accompany its opinion with information about the problem and notify the EIB that it might decide to initiate an infringement procedure.

2.3.4. The Bank undertakes to inform the Commission of all cases where the appraisal or the financing of a project for which the Commission has given its opinion, is suspended for environmental reasons, such as non-compliance with the applicable environmental legal requirements.

2.3.5. The Commission services (DG ENV) will immediately inform the Bank of the opening of an investigation for non-compliance, on the basis of complaints, EP petitions and the like, **after a favourable opinion has been issued**. Should the non-compliance be confirmed by the Court of Justice, the Commission may request the Bank to take appropriate action.

2.4. Global Loans

In the case of global loans the Commission notes that the Bank is not in a position, when the consultation procedure is launched, to supply relevant information on the compliance of environmental legislation by the final beneficiaries.

The Commission therefore considers that the Bank is responsible for taking the necessary measures to ensure such compliance. In that context the Bank commits itself to include in all contracts to be signed with the financial intermediaries a clause which imposes an obligation on the intermediaries to verify compliance by the final beneficiaries with the relevant rules on the environment

2.5. Specific provisions for projects in the EU

2.5.1. In the case of projects in EU Member States and in addition to the general principles described above, the EIB shall carry out a specific appraisal procedure with respect to:

- **Environmental Impact Assessment Directive** (85/337/EC - EIA Directive - as amended by Directive 97/11/EC) and
- **Nature Protection Directives** (92/43/EEC - "Habitats" Directive, and 79/409/EEC - "Birds" Directive).

To this effect, the agreed necessary information (see Annex II) will be incorporated into the Bank's environmental assessment (see table of reference in Annex I) to ensure compliance with the above mentioned Directives.

2.5.2. If justified under special circumstances, such as new complaints, the Commission may ask for a copy of the completed forms, even after the Commission has issued its opinion.

2.6. Specific provisions for projects in Candidate Countries

2.6.1 The Bank recognises that EU Accession Policy, as embodied in Agenda 2000 and other official Community documents, requires that all new investment projects financed by the Bank in Candidate Countries comply, from the outset and in full, with EU policy and legislation.

2.6.2 Where EU relevant Directives have not yet been fully transposed and national legislation is below EU standards, the Bank will request from the promoter and from the relevant environmental authorities evidence that EU procedures and standards have been and/or will be respected. This principle shall apply without exception with respect to the EIA Directive and Nature Protection Directives.

2.6.3. In the context of its pre-accession instruments (ISPA, PHARE and SAPARD) the Commission has developed an interpretation of what shall be considered as an EIA procedure equivalent to the one established in the EU Directive. In addition it has provided an indication of what areas of natural value (potential future "Natura 2000" areas) shall be considered for appraisal of compliance with the Nature Protection Directives. The Bank will use the same approach when assessing compliance of projects with this part of the environmental *acquis*, again incorporating the necessary information (see Annex III) in its environmental assessment (see table of reference in Annex I).

2.6.4. As concerns **environmental infrastructure projects**, specific standards and conditions are stipulated in EU legislation, mainly in Directives in the sectors of water, waste and air quality¹. In some Candidate Countries these directives have not yet been fully transposed and national standards and conditions are below the relevant Community standards. In such cases the Commission may exceptionally accept the application of national standards and conditions if the following requirements are met:

¹ Without aiming to be exhaustive, main directives to be referred to in this context are: the Water Framework Directive 2000/60/EC, the Urban Waste Water Treatment Directive (91/271/EEC), Bathing Water Directive (76/160/EEC), Directive 76/464/EEC on pollution caused by certain dangerous substances discharged into the aquatic environment, Drinking water Directive 80/778/EEC amended by 98/83/EC, Directive 75/442/EEC on waste, Directive 1999/31/EC on the landfill of waste, Directive 91/689/EEC on hazardous waste, Directive 94/62/EC on packaging and packaging waste, Directive 91/157/EEC on batteries and accumulators, Directive 2000/76/EC on incineration of waste, Air quality Framework Directive (96/62/EC), Directive 99/30/EC on sulphur dioxide, nitrogen dioxide and Oxides of nitrogen, particulate matter and lead in ambient air, Directive 88/609/EEC amended by 94/66/EC on large Combustion Plants.

- The Bank has satisfied itself that it would not be feasible, for socio-economic reasons, to comply with the relevant Community standards and conditions from the outset.
- The full phasing in of compliance with the relevant Community standards and conditions shall be an integral feature of the project. Deadlines for full compliance should be consistent with the transitional periods officially agreed in the accession negotiations between the EU and the candidate country concerned.
- The project is designed and planned so that future upgrading to the relevant Community standards and conditions will not entail excessive additional costs.

The project note shall contain the Bank's confirmation that the above three conditions are met, or will be checked during appraisal, and a statement to that effect shall be included in the proposal submitted to the Board of Directors.

2.6.5. Similarly, investments concerning **upgrading or construction of new industrial installations**, including large combustion plants, should comply with the requirements of EU legislation on industrial pollution control and risk management and with the provisions included in the EU *acquis* related with air quality, noise, chemicals and genetically modified organisms, as appropriate. The same approach as described above **in point 2.6.4** shall apply here for the Commission to accept compliance by phases.

2.7. Specific provisions for Projects in Third Countries

2.7.1. In areas outside EU and Candidate Countries, the Bank's environmental assessment is to be carried out in the light of local regulations and circumstances, taking as a guideline the principles and standards of EU environmental policy and law.

2.7.2. The Bank acknowledges that international agreements to which the Communities are a party, and which are incorporated into the *acquis*, may pose specific environmental requirements on projects. The Commission will help keep the EIB up to date in this area and fully informed about major new developments.

3. Commitments on later verifications and liability of the Bank

3.1. The Bank may not be in a position to confirm a project's compliance with certain Community Directives, namely on the treatment of water, gas, and solid effluents, before work on the project has started. If this is the case, the project note (2.1.3) shall contain the Bank's confirmation that compliance with the above directives will be confirmed before the project is fully operational and a statement to that effect shall be included in the proposal submitted to the Board of Directors.

3.2. The Commission notes that the Bank cannot give assurances about the behaviour of the promoters once equipment is installed. For example, for a given project which will require the installation of filters in order to comply with Community Directives, the Bank is only in position to check (and confirm to the Commission services) that the necessary equipment is included in the project.

3.3. The Commission services would welcome any information that the Bank is able to forward, when available, about the actual compliance with Community provisions in the project running phase.

4. Regular exchange of information between the Commission and the EIB

4.1. DG ENV undertakes to provide the EIB regularly and systematically with information on the interpretation of existing policy and legislation and on the way they are implemented in Member States and Candidate countries, in order to keep the EIB's environmental assessment specialised service up to date with the most recent interpretations and practices. To that effect DG ENV also undertakes to keep the Bank informed, on a systematic and regular basis, of new legal and policy developments in the environment field, including new legislation and environmental objectives.

4.2. Meetings between DG ENV and the specialised services of the EIB will be organised regularly and at least once a year in order to monitor progress in handling the environmental aspects of projects under the Article 21 procedure. Such meetings may also include presentations by the Commission of the new legal and policy developments in the environment field, and by the EIB of its planned and on going investments in specific support of environmental objectives.

4.3. Annexes I, II and III, which form an integral part of this agreement, shall be reviewed regularly to take into account the evolution of legislation and technical progress.

Annex I-Reference Table For the Inclusion in EIB Environmental Assessment Procedures of Commission Forms set out in Annexes II and III.

PJ Environmental Assessment (EIA and Nature Conservation Sites) in EU and Candidate Countries

EIA

Ref. should be made to the EIA and Habitats Directives and Annex II (EU) and III (Candidate Countries) of this document

EIA Procedure

Project Category	A/B/C/D	According to EIB screening classification, based on the EIA Directive, Annex I and II A=Annex I; B=Annex II, EIA required; C=Annex II, EIA not required; D=outside Annexes I and II of the EIA Directive
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For all "A" and "B" projects

EIA Stages

Studies inc. non-Tech. Sum.	Consultation public environ. authorities transboundary	Planning Consent or Authorisation permit, etc.	Public Informed of Decision
			yes/no
			yes/no
			yes/no
	comments, if any		
"C" projects	reasons for no EIA, ref. Art. 4.2-4 and Annex III of the EIA Directive		

For all "A" and "B" projects - obtain copy of non-Tech. Sum., evidence of consultation (public, enviro. auth. and transboundary) (Annex II Footnote 3) and consents

All stages of an EIA should be completed before the start of a project

For Accession countries, the EIA process should be "similar" to that in the EU (Annex III Footnote 9)

Nature Conservation Sites

Will the project have a significant effect on a nature conservation site ?

yes/no

type of site

e.g. Ramsar

If "no"

form A/A' to be completed by the responsible authority

A for EU; A' for Accession countries (Annex II and III, resp.)

If "yes"

has there been an appropriate assessment ?

yes/no

Ref. Art 6.3 of Habitat Directive

form B/B' to be completed by the responsible authority

B for EU; B' for Accession countries (Annex II and III, resp.)

For clarification of areas concerned, ref. Annex II Footnote 4 (EU) and Annex III Footnote 11 (Candidate Countries)

Obtain map at approp. scale of any actual/planned conservation site(s) in relation to the project location

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ANNEX II
FORMS USED BY COMMISSION SERVICES FOR
ENVIRONMENTAL IMPACT ASSESSMENT IN EU MEMBER STATES

(All parts to be completed for all projects)

1. Development consent

Has development consent¹ already been given to this project?

Yes No

If yes, on which date /____/____/____

If no, when was the formal request for the development consent introduced
|_____|_____|____|

and by which date is the final decision expected ? |_____|_____|____|

Specify the **competent authority or authorities**, which has given or will give the development consent

.....
.....
.....

2. Application of Directive on Environmental Impact Assessment (EIA)²

2.1. Is the project a class of development covered by:

Annex I of Directive 85/337/EEC, as amended by Directive 91/11/EC (go to question 2.2)

Annex II of Directive 85/337/EEC, as amended by Directive 91/11/EC (go to question 2.3)

Not covered by Directive 85/337/EEC, as amended by Directive 91/11/EC (go to question 3)

2.2. When covered by Annex I of the EIA Directive include the necessary documents³.

¹ i.e. decision of the competent authority or authorities which entitle the developer to proceed with the project

² Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (OJ L 175 of 5.7.1985) as amended by Directive 97/11/EC (OJ L 73 of 3.3.1997).

³ Necessary documents are:

- a) the non-technical summary of the Environmental Impact Study carried out for the project;
- b) the results of consultations of the competent environmental authorities;
- c) the results of consultations with the public concerned.
- d) in the case of projects where the formal request for the development consent (point 1.1 above) was introduced after 14 March 1999: the information referred to in article 9.1 of the Directive 85/337/EC as amended by article 11 of Directive 97/11/EC.

Note : In relation to b) and c) these may be represented in the form of a statement, conclusion or certification by the competent environmental authorities, indicating in what way the concerns of the designated consultees and concerned public have been taken into account

2.3. When covered by Annex II of the EIA Directive has an Environmental Impact Assessment been carried out for this project?

Yes

No

- If **yes** include the necessary documents (see footnote 4).
- If **no** explain the reasons and give the thresholds, criteria or case by case examination carried out to reach the conclusion that the project has no significant environmental effects:

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Use more space if necessary

3. ASSESSMENT OF EFFECTS ON NATURA 2000 SITES

Will the project have significant negative effects on sites included or intended to be included in the *Natura 2000* network⁴ ?

Yes

No

- If **yes**, please attach a copy of the completed form including information on projects significantly affecting *Natura 2000* sites⁵, as notified to the Commission (DG Environment) under Directive 92/43/EEC
- If **no**, please complete declaration in Annex I(a)

⁴ These sites comprise:

- a) Special Protection Areas classified or requiring classification under the "Birds" Directive (79/409/EEC, OJ L103 of 25.4.79) and
- b) Sites proposed or requiring proposal by Member states under Article 4(1) of the "Habitats" Directive (92/43/EEC, OJ L206 of 22.7.92).

⁵ Document no. 99/7-rev2 adopted by the Habitats Committee (Member States' representatives established under Directive 92/43/EEC) at its meeting of 4 October 1999

**ANNEX I (a) DECLARATION BY THE AUTHORITY RESPONSIBLE FOR MONITORING
NATURA 2000 SITES**

Responsible Authority.....

Having examined⁶ the project application
.....

(title).....
.....

which is to be located at
.....

we declare that (tick the appropriate box):

- The project is not likely to have significant effects on a Natura 2000 site on the following grounds:

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.....

Therefore an appropriate assessment required by Article 6 (3) was not deemed necessary.

- Following an appropriate assessment, according to Art. 6(3) of Directive 92/43/EEC, the project will not have significant negative effects on a Natura 2000 site.

A map at scale of 1:100.000 (or the nearest possible scale) is attached, indicating the location of the project as well as the Natura 2000 sites concerned, if any.

Signed: (Authority responsible for monitoring Natura 2000 sites)

Official Seal:

⁶ taking into account the requirements of Art. 6(3) of Directive 92/43/EEC

ANNEX III
FORMS USED BY COMMISSION SERVICESFOR ENVIRONMENTAL
IMPACT ASSESSMENT IN CANDIDATE COUNTRIES

(Please complete this section for each project in case of grouped applications)

1. Development consent

Has development consent¹ already been given to this project?

Yes No

If yes, on which date /____/____/____/

If no, when was the formal request for the development consent introduced

____|____|____|

and by which date is the final decision expected ? ____|____|____|

Specify the **competent authority or authorities**, which has given or will give the development consent

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Is the above authority considered to be the competent authority responsible for performing the duties of Directive 85/337/EEC as amended by 97/11/EEC on Environmental Impact Assessment?

Yes No

- **If no**, please specify for this project who is designated as competent authority for the purposes of the EIA Directive:

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.....
.....

2. Application of Directive on Environmental Impact Assessment (EIA)²

¹ i.e. decision of the competent authority or authorities which entitle the developer to proceed with the project

² Directive 85/337/EEC on the assessment of the effects of certain public and private projects on the environment (OJ L 175 of 5.7.1985) as amended by Directive 97/11/EC (OJ L 73 of 3.3.1997). Text of these directives as well as a consolidated version of both can be found on:

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

2.1. Is the project a class of development covered by:

- Annex I of Directive 85/337/EEC, as amended by Directive 91/11/EC (go to question 2.2)
- Annex II of Directive 85/337/EEC, as amended by Directive 91/11/EC (go to question 2.4)
- Not covered by Directive 85/337/EEC, as amended by Directive 91/11/EC (go to question 3)

2.2. Has an EIA already been carried out?

Yes No

If yes, has the EIA been carried out before development consent has been given?

Yes No

On which date has it been finalised /____/____/____/

If no, provide an estimation of the date when the procedure will be finalised
/____/____/____/

2.3. When covered by Annex I of the EIA Directive a similar³ procedure as the one described in the EIA directive will need to be applied and the following documents included.

Necessary documents are:

a) the **non-technical summary of the Environmental Impact Study** carried out for the project.
A non-technical summary shall include at least:

- a description of the project comprising information on the site, design and size of the project,
- a description of the measures envisaged in order to avoid, reduce and, if possible, remedy significant adverse effects,
- the data required to identify and assess the main (direct and indirect effects) which the project is likely to have on the environment on the following factors:
 - human beings, fauna and flora (including those environmentally sensitive areas which might fall in future under the protection of the Birds (79/409/EEC) and Habitats (92/43/EEC) Directives);
 - soil, water, air, climate and the landscape;
 - material assets and the cultural heritage;
 - the interaction between the factors mentioned in the first, second and third indents

³ A guidance document describing the minimum criteria to ensure that a similar procedure has been applied can be found on <http://www.inforegio.cec.eu.int>

- and any further information which might derive from any of the obligations deriving from Annex IV of the EIA Directive.
- b) the results of **consultations with the competent environmental authorities**; indicating in what way the concerns of the designated consultees have been taken into account.
- c) the results of **consultations with the public** concerned. The information provided should cover the following:
- the concerned public which has been consulted,
 - the places where the information has been consulted,
 - the time which has been given to the public in order to express its opinion,
 - the way in which the public has been informed (for example, by bill-posting within a certain radius, publication in local newspapers, organisations of exhibitions with plans, drawings, tables, graphs, models, etc.),
 - the manner in which the public has been consulted (for example, by written submissions, by public enquiry, etc.)
 - the way in which the concerns of the public have been taken into account.
- d) in case a project is likely to have significant effects on the environment in another state the results of the **transboundary consultation** with those states effected by the project needs to be provided demonstrating that the procedure of article 7 of the EIA Directive. In addition, information indicating in what way the concerns of the designated consultees and concerned public have been taken into account will also need to be provided.
- e) Evidence that the **decision to grant or refuse development consent** has been made **available to the public** by the competent authority, including the

- the content of the decision and conditions attached thereto,
- the main reasons and considerations on which the decision has been based,
- a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects.

Note : In relation to b), c) and d) these may be represented in the form of a statement, conclusion or certification by the competent environmental authorities describing and testifying that all obligation as described in the intends above have been followed.

2.4. When covered by Annex II of the EIA Directive has an Environmental Impact Assessment been carried out for this project?

Yes No

- If **yes** include the necessary documents (see question 2.3.).
- If **no** explain the reasons⁴ and give the thresholds, criteria or case by case examination carried out to reach the conclusion that the project has no significant environmental effects:

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Use more space if necessary

Have the results of the determination whether a project listed in Annex II of the Directive requires a formal EIA or not (made by the competent authority) made available to the public?

Yes No

If **yes**, on which date /____/____/____/

3. Assessment of effects on sites of nature conservation importance.

3.1. Is the project likely to affect sites of nature conservation importance (i.e. potential Natura 2000 sites)⁵?

⁴ The decision needs to be based on the procedure described in article 4.2, 4.3 and 4.4 and the screening criteria of Annex III of Council Directive 97/11/EC amending Directive 85/337/EEC.

⁵ For the purpose of the ISPA instrument **a site of nature conservation importance** (= potential future Natura 2000 site) in candidate countries **is a site falling under one or more of the following categories:**

- (a) sites, which have been identified by the competent national authorities as sites to be proposed for the Natura 2000 network as laid down in the Birds Directive (79/409/EEC) and Habitats Directive (92/43/EEC)
- (b) sites listed in the latest inventory of Important Bird Areas (IBA 2000) for candidate countries or (if available) equivalent more detailed scientific inventories endorsed by national authorities
- (c) wetlands of international importance designated under the Ramsar Convention or qualifying for such protection
- (d) areas to which the Bern convention on the conservation of European Wildlife and Natural Habitats (Art. 4) applies, in particular sites meeting the criteria of the Emerald network

Yes No

- If yes - please go to question 3.2.
- If no - please fill out **Annex I** (*Declaration by the authority responsible for sites of nature conservation importance = potential future Natura 2000 sites*)

3.2 In this case an appropriate assessment according to art. 6(3) of the directive 92/43/EEC ("Habitats Directive") is obligatory.

3.2.1 Have this appropriate assessment been carried out ?

Yes No

This appropriate assessment can take the form of an EIA according to Directive 85/337/EEC as amended by 97/11/EC. If this is not the case, please describe briefly the procedure carried out and include a non-technical summary of the impact study.

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3.2.2 Based on the results of the above appropriate assessment, will the project have a significant negative impact on a site of nature conservation importance?

Yes No

- If yes, please fill out **Annex II** (*Information to the Commission according to Article 6(4) of the Habitats Directive. This Annex has to be signed by the authority responsible for sites of nature conservation importance = potential future Natura 2000 sites*)
- If no, please fill out **Annex I** (*Declaration by the authority responsible for sites of nature conservation importance = potential future Natura 2000 sites*)

(e) areas protected under national nature conservation legislation

ANNEX I - Declaration by the authority responsible for sites of nature conservation importance (= potential future Natura 2000 sites)
(EQUIVALENT TO Annex I(a) of the Cohesion Fund form)

Responsible authority.....

Having examined⁶ the project application

(title).....

which is to be located at

we declare that (tick the appropriate box):

- The project is not likely to have significant effects on a site of nature conservation importance on the following grounds:

.....
.....

Therefore an appropriate assessment required by Article 6 (3) was not deemed necessary.

- Following an appropriate assessment, according to Art. 6(3) of Directive 92/43/EEC, the project will not have significant negative effects on a site of nature conservation importance.

A map at scale of 1:100.000 (or the nearest possible scale) is attached, indicating the location of the project as well as the site of nature conservation importance concerned, if any.

Signed:

(Authority responsible for monitoring sites of nature conservation importance)

Official Seal:

⁶ taking into account the requirements of Art. 6(3) of Directive 92/43/EEC

***ANNEX II - Information to the European Commission according to Article 6(4) of
the Habitats Directive (92/43/EEC) for Candidate Countries***

Candidate Country:

Date:

Competent national authority:

Address:

Contact person:

Tel., fax, e-mail :

1. PROJECT

Name of the site affected:

This site is (please tick):

- a site identified by the national competent authority as qualifying under Art. 4(1) and (2) of the Birds directive (79/409/EEC)
- a site identified by the national competent authority as qualifying under Art. 4 (1) of the Habitats directive (92/43/EEC)
- a site listed in the latest inventory on Important Bird Areas (IBA 2000) or (if available) in an equivalent more detailed scientific inventories endorsed by national authorities
- a wetland of international importance designated under the Ramsar Convention or qualifying for such protection
- a site to which the Bern convention on the conservation of European Wildlife and Natural Habitats (Art. 4) applies, in particular a site meeting the criteria of the Emerald network
- areas protected under national nature conservation legislation

Summary of the project having an effect on the site :

2. NEGATIVE EFFECTS

Summary of the assessment of the negative effects on the site:

N.B.: this summary should focus on the adverse effect expected on the conservation value of the site, include the appropriate maps and describe the already decided mitigation measures.

3. ALTERNATIVE SOLUTIONS

Summary of alternative solutions studied by the candidate country:

Reasons why the competent national authorities have concluded that there is absence of alternative solutions

4. IMPERATIVE REASONS

Reason to nevertheless carry out this plan or project:

- Imperative reasons of overriding public interest, including those of a social or economic nature (in the absence of priority habitat/species)
- human health
- public safety
- beneficial consequences of primary importance for the environment
- other imperative reasons of overriding public interest

Short description of the reason :

5. COMPENSATION MEASURES

Foreseen compensatory measures and timetable: