

ConnectGREEN's engagement in the EU EIA feasibility check with a focus on ecological corridors

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EU Biodiversity Strategy for 2030.

- „In order to have a truly coherent and resilient Trans-European Nature Network, **it will be important to set up ecological corridors to prevent genetic isolation**, allow for species migration, and maintain and enhance healthy ecosystems.” (p.5.)

Nature protection: key commitments by 2030

1. Legally protect a minimum of 30% of the EU’s land area and 30% of the EU’s sea area and integrate ecological corridors, as part of a true Trans-European Nature Network.
2. Strictly protect at least a third of the EU’s protected areas, including all remaining EU primary and old-growth forests.
3. Effectively manage all protected areas, defining clear conservation objectives and measures, and monitoring them appropriately.

<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1590574123338&uri=CELEX:52020DC0380>




National legal framework of ecological network (EN)

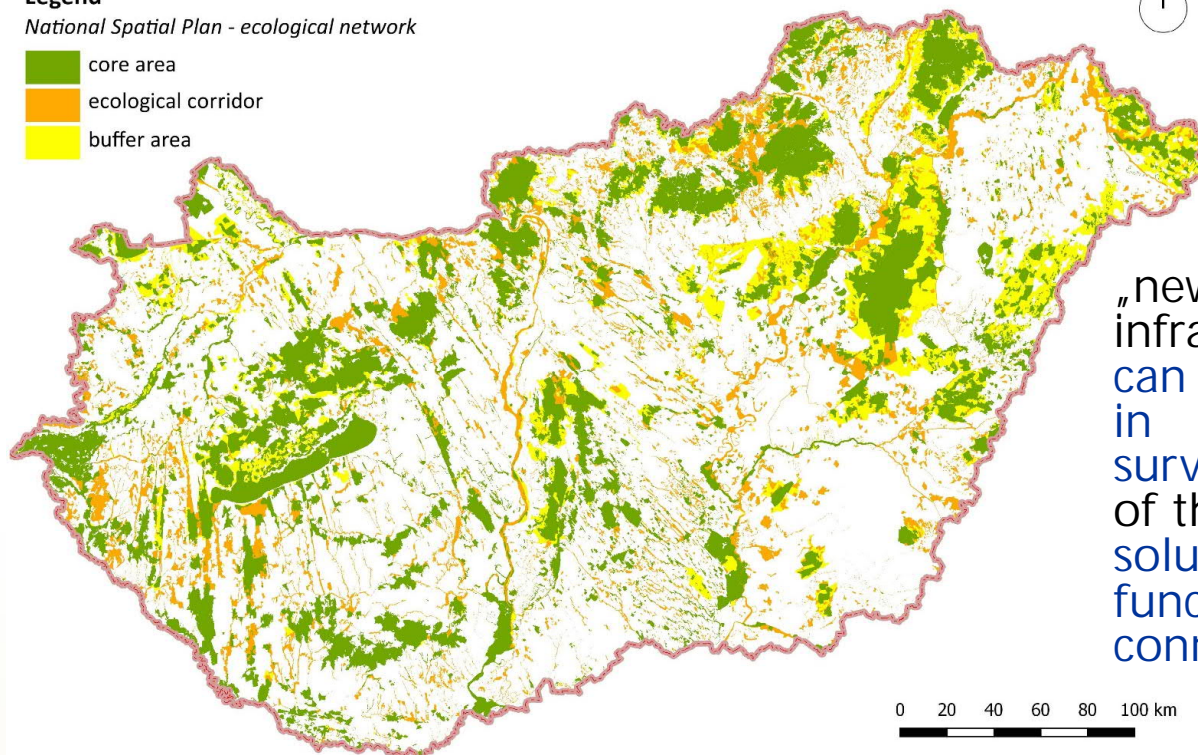
- **Serbia:** regulated by decree (Regulation about the ecological network, "Official Gazette of RS", No. 102/2010), mapping problems regarding ecological corridors
- **Slovakia:** regulated by law (Act 543/2002 on landscape and nature protection), „Territorial Systems of Ecological Stability” – national, regional and local level of EN
- **Romania:** regulated by decree (Government Emergency Ordinance no. 57/2007), ongoing process of designation ecological corridors
- **Hungary:** regulated by law (Act CXXXIX/2018 on the Spatial Plan of Hungary and some of its priority regions), designated in National Spatial Plan – national level of EN

Ecological network of Hungary

Legend

National Spatial Plan - ecological network

-  core area
-  ecological corridor
-  buffer area



„new lines of transport infrastructure network elements can be designated and located in a way that ensures the survival of the natural habitats of the core area, using technical solutions that do not block the functioning of ecological connections”

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Ecological corridors vs. transport infrastructure

Table 12: Examples of alternatives and mitigation measures related to biodiversity concerns

Main concerns	Examples of alternatives and mitigation measures
Degradation of ecosystem services	<ul style="list-style-type: none"> Restore degraded ecosystems on the site to enhance ecosystem services.
Habitats, (including Natura 2000 network, habitat fragmentation and isolation)	<p>Use an ecosystem services approach, ecosystem-based approaches and green infrastructure:</p> <ul style="list-style-type: none"> Green bridges and eco-ducts (elements of green infrastructure) re-connect natural areas divided by linear developments (e.g. roads or railway lines). They reduce accidents involving wild animals and cars, allow animals to move easily and safely from one area to another, and help plant species to spread. This gives animals more space to find food and shelter, and allows populations of the same species to interact, improving the overall resilience of the species.
Species diversity	<ul style="list-style-type: none"> Introduce design alternatives to avoid adverse effects on bird species (e.g. size, height, spacing, lighting and visibility of wind turbines); Consider timing of construction, maintenance and decommissioning; Deliver 'smart conservation', e.g. by promoting well-designed parks, walking paths, green roofs and walls that can contribute to species diversity and to tackling climate change related to urban infrastructure projects.



<https://www.eea.europa.eu/publications/landscape-fragmentation-in-europe>

Guidance on Integrating
 Climate Change and
 Biodiversity into
 Environmental Impact
 Assessment, 2013.

<https://ec.europa.eu/environment/eia/pdf/EIA%20Guidance.pdf>

Main problems in EIA processes: conflicts between sectors



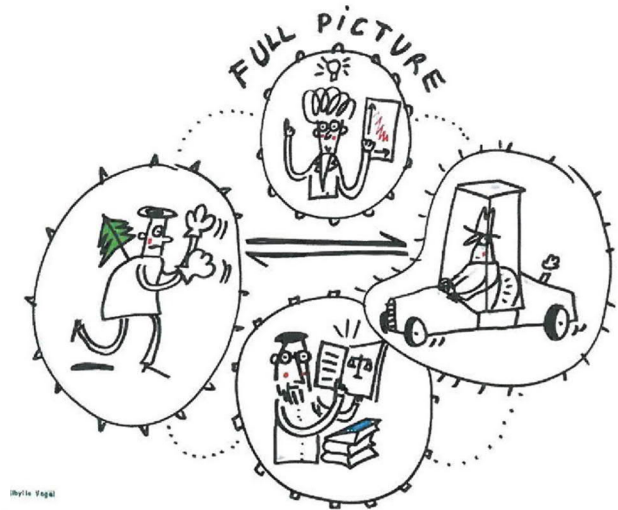
How the transport sector sees environmental NGOs



How research institutions see environmental authorities



How environmental NGOs see research institutions



Main problems in EIA processes

What are the most common and important problems or deficiencies during EIA work in your country which can influence the effectiveness of protection the ecological network?

- **Serbia:** „Direct conflict between planners and nature conservation experts, as well as non harmonized existing legislative on spatial planning, environmental and nature protection. Also, one of the main problems is lack of adequate public participation proposed by the Law on EIA. Also, Serbian legislative does not recognize phase of Scoping report as mandatory within the EIA process.”
- **Slovakia:** „The processes are largely formal with certain lack of relation to the real situation; lack of environmental monitoring after realisation of a proposal; failure to adhere to the conditions of a planning permission; the documentation might be lacking in regard to the actual status of environment on site; lack of funds for protection and improvement of ecological networks and impacts compensation measures.”
- **Romania:** „The fact that ecological networks don't have a clear status of protection and that they are not legally identified and designated, may affect the environmental assessments of any development project. The risk is that the wildlife movement/migration may not be a conservation criterion.”
- **Hungary:** „Nature protection experts often can only get involved late phases of the planning processes (when the road corridor has been already decided); lack of necessary sources (financial, professional etc.) for stakeholder involvement; too short time frame for assess and survey made; economic and technical priorities, politics influence mainly the road corridors, nature protection aspects difficult to be enforced in the selection process; developers strives to minimize the costs of mitigation measures and monitoring activities.”

Main problems with follow-up processes

What kind of monitoring activities are undertaken in connection with road projects and ecological networks ?

- **Serbia:** „Monitoring of the activities are carried out by State Nature conservation agency which monitors the **number of protected species, spread of invasive species**. These data are **collected on the small areas, and are not part of central register**. Also, **Serbia has not yet project or implemented over and underpasses for wild animals.**”
- **Slovakia:** „The monitoring is **obligatory** based on legislation, usually is done before project implementation, for the variants of the road infrastructure projects, but **after the implementation it is done only rarely, usually due to financial constraints**. During construction period, a function of Environmental Construction Supervision is used to monitor for environmental impacts. There is a **police database of vehicle collision with animals**, but the granularity of the data is not very high (spatially only related to the whole municipalities, no info on the species, no systematic approach on national level).”
- **Romania:** „Each project must specify in the EIA documentation its direct or indirect effects on biodiversity (and not in the special case of ecological networks). The **project owner must specify in the EIA documentation which monitoring actions are proposed after the project implementation, with clear parameters and timeframe.**”
- **Hungary:** „There is **no long-term monitoring activity** (only 3 or 5 years after the construction) because of **financial reasons**. The monitoring activities are carried out on the **project level** (by the implementer), a **national database and a public body for the monitoring coordination is missing.**”

Main suggestions on the national level

What kind of suggestions would you have to improve the protection of ecological network in road projects on the national level?

- **Serbia:** mapping the ecological corridors, construction of over and underpasses, legislative harmonisation, active involvement of stakeholders into decision-making processes
- **Slovakia:** conflict resolution between sectors systematically, negotiation between sectors, detailed database of vehicle collisions with animals, enforce the protection of ecological connectivity in planning processes
- **Romania:** integration of corridors and ecological corridors approaches in the relevant national legislation, identification and designation of ecological corridors and their inclusion into spatial plans at all levels.
- **Hungary:** follow-up processes should be strengthened (effectiveness of mitigation measures), national database for road/railway underpasses/overpasses, timeframe for monitoring activities and field studies, unification of the nature protection part of EIAs, substantive assessment of alternatives in EIAs



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EIA Directive – progression in the last decade

Year	Progress
2009	The European Commission published a report on the application and effectiveness of the EIA Directive (COM(2009)378) - highlighting the main areas where improvements were needed.
2010	The Commission launched a wide public consultation on the EIA Directive. Three specific problem areas: (1) the screening procedure, (2) the quality and analysis of the EIA and (3) the risks of inconsistencies within the EIA process itself and in relation to other legislation.
2011	The EIA Directive of 1985 has been amended three times, in 1997, in 2003 and in 2009. The initial Directive of 1985 and its three amendments have been codified by Directive 2011/92/EU.
2012	As a result of the review process of 2010, the Commission adopted a proposal (COM(2012)628) for a new Directive that would amend the existing Directive (2011/92/EU).
2014	The amended EIA Directive came into force (Directive 2014/52/EU). While it does not make specific reference to ecological connectivity, it requires assessment of direct and indirect significant effects on biodiversity, with particular attention to species and habitats protected under B&H Directives, as well as landscape.

Fitness check

- A fitness check is an evaluation of a group of interventions which have some relationship with each other (normally a common set of objectives), justifying a joint analysis.
- A fitness check assesses whether the group of interventions is fit for purpose by assessing the performance of the relevant framework with respect to its policy objectives.

3. KEY QUESTIONS AN EVALUATION MUST ANSWER

The questions an evaluation must answer ⁹²	
1.	<i>What is the current situation?</i>
2.	<i>How effective has the EU intervention been?</i>
3.	<i>How efficient has the EU intervention been?</i>
4.	<i>How relevant is the EU intervention?</i>
5.	<i>How coherent is the EU intervention internally and with other (EU) actions?</i>
6.	<i>What is the EU added value of the intervention?</i>

<https://ec.europa.eu/info/sites/default/files/better-regulation-guidelines-evaluation-fitness-checks.pdf>

EIA Directive 2014/52/EU - current content related to biodiversity

- Article 3.
 1. The **environmental impact assessment** shall **identify, describe and assess** in an appropriate manner, in the light of each individual case, the **direct and indirect significant effects of a project** on the following factors:
 - (b) **biodiversity**, with particular attention to species and habitats protected under Directive 92/43/EEC and Directive 2009/147/EC;
 - Annex II A. – Information to be provided by the developer on the projects listed in Annex II.
 3. **A description of any likely significant effects**, to the extent of the information available on such effects, **of the project on the environment resulting from:**
 - (b) **the use of natural resources**, in particular soil, land, water and **biodiversity**.

EIA Directive 2014/52/EU - current content related to biodiversity

- Annex III. – Criteria to determine whether the projects listed in Annex II. should be subject to an EIA

1. Characteristics of projects

The characteristics of projects must be considered, with particular regard to:

(c) the use of natural resources, in particular land, soil, water and **biodiversity**;

2. Location of projects

The environmental sensitivity of geographical areas likely to be affected by projects must be considered, with particular regard to:

(b) the relative **abundance, availability, quality and regenerative capacity of natural resources** (including soil, land, water and **biodiversity**) in the area and its underground;

EIA Directive 2014/52/EU - current content related to biodiversity

2. Location of projects

(c) the absorption capacity of the natural environment, paying particular attention to the following areas:

(i) wetlands, riparian areas, river mouths;

(ii) coastal zones and the marine environment;

(iii) mountain and forest areas;

(iv) nature reserves and parks;

(v) areas classified or protected under national legislation; Natura 2000 areas designated by Member States pursuant to Directive 92/43/EEC and Directive 2009/147/EC;

EIA Directive 2014/52/EU - current content related to biodiversity

- Annex IV. Information for the environmental impact assessment report
 1. Description of the project, including in particular:
 - (c) a description of the main characteristics of the operational phase of the project, for instance, (...), the nature and quantity of the materials and natural resources (including water, land, soil and biodiversity) used;
 4. A description of the factors specified in Article 3(1) likely to be significantly affected by the project: (...) biodiversity (for example fauna and flora), (...)
 5. A description of the likely significant effects of the project on the environment resulting from, inter alia:
 - (b) the use of natural resources, in particular land, soil, water and biodiversity, considering as far as possible the sustainable availability of these resources;
 - (e) the cumulation of effects with other existing and/or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources;

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EIA Directive 2014/52/EU – another important focus points

- Article 5.
 1. Where an environmental impact assessment is required, the developer shall prepare and submit an **environmental impact assessment report**. The information to be provided by the developer shall include at least:
 - (c) a description of the **features** of the project and/or **measures envisaged** in order to **avoid, prevent or reduce** and, if possible, **offset likely significant adverse effects** on the environment;
 - (d) a description of the **reasonable alternatives** studied by the developer, which are relevant to the project and its specific characteristics, and **an indication of the main reasons for the option chosen**, taking into account the effects of the project on the environment;

EIA Directive 2014/52/EU – another important focus points

- Article 6.
 1. Member States shall take the measures necessary to ensure that the authorities likely to be concerned by the project by reason of their specific environmental responsibilities or local and regional competences are given an opportunity to express their opinion (...).
 2. In order to ensure the effective participation of the public concerned in the decision-making procedures, the public shall be informed (...).
 7. The time-frames for consulting the public concerned on the environmental impact assessment report referred to in Article 5(1) shall not be shorter than 30 days.
- Article 4.
 6. Member States shall ensure that the competent authority makes its determination as soon as possible and within a period of time not exceeding 90 days from the date on which the developer has submitted all the information required (...).

EIA Directive 2014/52/EU – another important focus points

- Article 8a.
 1. The decision to grant development consent shall incorporate at least the following information:
 - (b) any environmental conditions attached to the decision, a description of any features of the project and/or measures envisaged to avoid, prevent or reduce and, if possible, offset significant adverse effects on the environment as well as, where appropriate, monitoring measures.
 4. (...) Member States shall ensure that the features of the project and/or measures envisaged to avoid, prevent or reduce and, if possible, offset significant adverse effects on the environment are implemented by the developer, and shall determine the procedures regarding the monitoring of significant adverse effects on the environment.

Current EIA Directive - suggestions



- The term of 'ecological corridor' should be nominated in EIA Directive, to highlight its important role in prevent genetic isolation and maintain healthy ecosystems, in line with the current EU Biodiversity Strategy. >> Article 3 (1) b) „significant effects on biodiversity”
- Impacts of the railway/road projects to ecological corridors should be assessed and evaluated in EIAs, so the criteria to determine whether the project listed Annex II. should be subject to an EIA and basic requirement of EIA report should also be complemented. >> Annex III. 1., 2. (characteristics and location of projects), Annex IV. 4. (description of factors likely to be significantly affected)
- Applicable / suggested methods for field studies; environment condition-based planning aspects; base requirements for assessing impacts on biodiversity and measures implementation should be unified. >> Article 5 (3): „in order to ensure the completeness and quality of EIA report”

Current EIA Directive - suggestions



- Timeframe should be outlined for the field studies connecting to road/railway EIAs' wildlife protection part: minimum one growing season (vegetation period) is needed. >> Article 5 (3): „in order to ensure the completeness and quality of EIA report”
- Timeframe should be outlined for the monitoring activities, mainly in connection with effectiveness of mitigation measures (green bridges, eco-ducts). >> Article 8a (4) – duration of the monitoring

Main questions in connection with the EIA feasibility check



- What are the most common and important problems or deficiencies during EIA processes in your country which can influence the effectiveness of protection the ecological network?
- What kind of suggestions would you have to improve the protection of ecological network in road projects on the national level?
- How do you think the effectiveness of EIA Directive can be increased regarding the protection of ecological corridors? Have you any suggestions for the modifications of EIA Directive based on your experiences which can contribute to the effective protection of ecological network?



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