

Brussels, 9 September 2013

Dear Member of European Parliament,

Concerted efforts have rightly been made at EU level in recent years to minimise the regulatory burden on business in order to facilitate economic recovery and stimulate jobs and competitiveness. However, in the revision of the **Environmental Impact Assessment (EIA) Directive (Zanoni report)**, the European Commission and a number of amendments approved by EP's ENVI Committee are going against this positive trend. The EP's Environment Committee has gone well beyond the Commission proposal. The European business community therefore urges you to consider our concerns when voting on the report in plenary on **11 September**.

The EIA is a planning instrument that should ensure that projects which are likely to have significant effects on the environment are subject to an assessment - prior to their authorisation. The directive, however, has led to long and bureaucratic authorisation procedures. The revision of the directive should therefore minimise regulatory burdens without undermining its environmental targets. Many of the amendments adopted by the ENVI committee would further degenerate the EIA into a prevention procedure, massively delaying or even rendering impossible the authorisation of large projects. As a result, investors could lose interest in Europe as a business location, causing a decline of infrastructure deployment and consequently the **loss of jobs, prosperity and competitiveness**.

BUSINESSEUROPE and EUROCHAMBRES recognise the need to assess the environmental impact of projects before they are approved. However, in order not to diminish Europe's attraction as a business location and to adversely affect the investment climate in the EU, **it is crucial to eliminate the most severe shortcomings which are listed below.**

#### **Information to be provided in screening procedure: Reject Amendment 82**

The screening procedure is designed to assess if projects listed in Annex II have to be made subject to an EIA. The information to be provided by the developer for the screening of the project should not be extended. It will not improve the quality of the environment and significantly increase costs, even for projects that, in the end, will not be subject to an EIA.

#### **Scope of the environmental report: Reject Amendment 83**

Assessment obligations have been more than doubled and do not only overburden investors but also the authorities. New factors like 'climate change' or 'biodiversity' lack coherent definitions and therefore, an assessment would be too comprehensive and sometimes hardly feasible at all. The assessment of the likely evolution of the existing state of the environment without implementation of the project (baseline) is not realistic and is not the developer's function.

**Inclusion of EIA findings into the development consent procedure Reject Amendment 68**

It must be guaranteed that the EIA remains limited to procedural requirements and does not anticipate the authority's final decision about the consent. The very rigid framework proposed in this context risks to undermine a balanced weighting of sustainability pillars between environmental factors on the one hand and economic and social factors on the other. Obliging the authorities to "assess in detail" the results of the consultations causes an unnecessary increase of red tape and contradicts the objective to speed up procedures.

**Extension of the list of projects which are subject to EIAs: Reject Amendment 79**

The extension of the lists of projects which require an EIA should be subject to an in-depth discussion, including all stakeholders. Long authorisation procedures or mandatory environmental impact assessments even for early stage exploratory drillings, necessary to assess the potential of shale gas reserves, are disproportionate and misleading. At the stage of the commercial exploitation of shale gas through hydraulic fracking, an environmental impact assessment could constitute a possible amendment to the existing regulatory framework.

**Additional barriers to investment: Reject Amendments 55, 57, 60, 70 and 71**

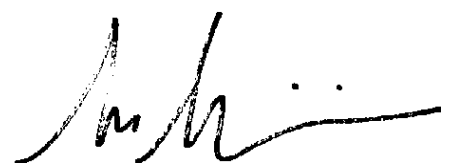
The business community recognises the importance to give the public a strong voice during the EIA process, as already guaranteed by the current directive. However, further consultation requirements and appealing mechanisms (e.g. during the screening procedure) cause enormous amounts of additional time and costs for project developers. Apart from that, the public must not be given the basic right to override the clear criteria which defines whether a project has to be subject to an EIA. According to AM 60, EIAs could be requested for each project "considered to be a matter of concern", independent of its type and scope. This would clearly render the catalogue of criteria established by the Directive absurd and create legal uncertainties. Furthermore, this provision would overburden authorities and undermine any predictability for investors.

The adoption of these specific amendments in Zanoni's report would cause a fundamental realignment of EIAs, marked by bureaucracy and a substantial damage to the investment climate. Therefore, BUSINESSEUROPE and EUROCHAMBRES request your support and urge you to ensure a balance between environmental and economic aspects when voting on the report in plenary.

Yours sincerely,



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