



**COUNCIL OF
THE EUROPEAN UNION**

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ADDENDUM TO THE NOTE

from: General Secretariat
to: Council

No. Cion prop.: 15627/12 ENV 825 CODEC 2533 - COM(2012) 628 final

Subject: Proposal for a Directive of the European Parliament and of the Council amending Directive 2011/92/EU of the assessment of the effects of certain public and private projects on the environment
- Orientation debate
= Contributions from Member States

Delegations will find in Annex a contribution from PT to the orientation debate on the above-mentioned proposed Directive (EIA) at the Environment Council of 21 March 2013.

PORTUGAL

1. *Do Member States agree with the proposal to introduce an obligation for a joint or coordinated assessment of a project under one competent authority in all cases, where the obligation to assess its effects on the environment arises from various Union legislative instruments?*

The current Portuguese legislation already recognizes, in several licensing systems, a “licensing coordination entity”, which acts as the “single interlocutor” but not as “single competent authority”. We consider that the introduction of a “one-stop-shop” avoids the duplication of procedures and fosters synergies between different environmental legal instruments. Nevertheless, we consider that it would be useful to clarify the concept of “single competent authority”, in what refers to its scope and range.

2. *Do Member States consider that the scoping of the environmental impact assessment by the competent authority should be mandatory in all cases as foreseen in Article 5 of the proposal?*

Regarding this second question, Portugal agrees, in principle, with the mandatory character of the scoping phase. In fact, this issue has also been considered and debated in the context of the internal revision process of EIA that is currently taking place in Portugal. We consider that, although mandatory scoping is not the sole condition to guarantee the quality of the environmental report, it is a useful tool, especially in the case-by-case analysis, since it contributes to improve the assessment phases downstream. Mandatory scoping will strengthen the upstream phase of the process and will contribute to a better interaction between proponents and competent authorities.

We took note of the concerns expressed by some Member States regarding the possibility of such an option representing an additional administrative and financial burden. Therefore, we consider that the Commission’s proposal concerning the creation of a “scoping option”, instead of “scoping decision”, can be an interesting compromise.

3. *Are Member States satisfied that the development of a system of accreditation of persons entitled to draw up an environmental report is the best way to ensure the quality of such reports?*

Portugal recognizes the importance of establishing mechanisms that contribute to the improvement of the quality of data and studies developed within the EIA. Bearing in mind the concerns of some Member States, we consider that different internal realities must be taken into account. We believe that the publication of Commission guidelines on the implementation of expert systems would be useful, and we suggest that the replacement of “accredited experts” by “adequately trained experts” is taken into account.

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